

CHAPTER 3: THE EDUCATION OF ETHNIC MINORITIES

OVERVIEW

The Hong Kong government bears the responsibility to guarantee equal access to education without discrimination to all children. This is an international human rights obligation protected under a number of international treaties to which Hong Kong is a party, namely, the United Nations Convention on the Rights of the Child (CRC), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the Convention on the Rights of Persons with Disabilities (CRPD). At the domestic level, these rights are guaranteed through provisions in the Basic Law, the Hong Kong Bill of Rights Ordinance, and the Race and Disability Discrimination Ordinances (these obligations are further discussed in the Chapter on The Rights of Ethnic Minorities Under the Law: Equality and Non Discrimination, of this Report).

The commitment to ensure equality of access to education is particularly important for ethnic minority children in Hong Kong. As a group, they must overcome the primary barrier to equal access, that of language, which stands between them and the realization of a multitude of basic rights, including equal access to higher education and employment opportunities across various sectors and levels (including the civil service), and equal access to a range of public services, including healthcare.

To ensure that ethnic minorities can exercise their fundamental rights and enjoy their freedoms to the fullest extent guaranteed under Hong Kong's international obligations and the Basic Law, there must be an effective public education system that provides meaningful access to learning opportunities for ethnic minorities. This is so notwithstanding the existence of a burgeoning network of private international schools in Hong Kong, often described as a possible solution to address the challenges that impact educational opportunities and outcomes for ethnic minority children in Hong Kong at present.

These schools charge fees which are beyond the means of most ethnic minority families. Moreover, they are subject to a different governance framework and have a great deal of autonomy in the curriculum and goals. As such, their business-model and the curricula that are taught at these schools, incorporating various international accreditation oriented assessments, including the General Certificate of Examinations (GCSE) or GCE Advanced Levels (A Level) or the International Baccalaureate (IB) do not always prepare children for a future in Hong Kong. Moreover, the existence of private schools is to facilitate the exercise of choice for those who wish to and can afford to do so. It does not absolve the government of its obligation to provide an accessible and high quality public education system geared towards equipping young people with skills and attributes necessary for adult life in Hong Kong or elsewhere.

In a cosmopolitan age with increasingly diverse populations and increased migration into and out of Hong Kong, the emphasis of a robust education program must be on offering diverse and multicultural learning environments to build trust, understanding and friendship among different communities, and on delivering a curriculum to help minorities in the system master various skills in a manner that is accessible to them. It should also provide ample opportunity to interact with the dominant

population group in Hong Kong, so that the children may form bonds of trust and lifelong friendships.

Teaching groups with vastly differing learning backgrounds or support resources at home may, in some instances especially in the early years, require a different curriculum that is phased out gradually once the students using the special curriculum reach the outcomes tied to a particular stage of development that is comparable to their peers.

For example, it has been widely documented now that the use of mother-tongue for the purposes of instruction in certain subjects, including language, in the formative years boosts the abilities of ethnic minority students to reach outcome-oriented goals. This literature suggests that exposure to language in appropriate learning arrangements to facilitate the acquisition of key language attributes plays a critical role in the development of functional competencies across multiple languages.¹ These findings have important implications for education systems worldwide. In Hong Kong, this necessitates detailed planning of a curriculum that is designed and tailored to the learning pace and mediums of language instruction that are effective in language acquisition and this may be specific to how the Chinese language is taught. Through an evidence-based approach to planning and setting appropriate learning outcomes, ethnic minority children can benefit from the opportunity to learn the Chinese language in a meaningful manner so that they can exercise an effective functional competency in the Hong Kong context.

As the Chapter on Key Demographic Data depicts, the median age of ethnic minorities is generally lower than that of the whole population of Hong Kong. The groups representing the biggest gaps between the median age of ethnic minorities and that of the whole population of Hong Kong are the Pakistani, Nepalese and Indonesian population groups, with a difference of 17.5 years, 9.6 years and 8.7 years respectively, in 2011.²

Table 3.1 showing difference in median age between the whole population of Hong Kong and ethnic minority groups with the largest difference.

Number of Years of Difference Between Median Age of Hong Kong Population and Ethnic Group	Pakistani	Nepalese	Indonesian
	17.5	9.6	8.7

Source: Hong Kong Council of Social Service, Policy Bulletin: Issue Fifteen, Ethnic Minorities in Hong Kong' (Hong Kong Council of Social Service, 30 October 2013)

Despite a larger proportion of persons of school-going age among ethnic minority populations, the percentage of ethnic minority children attending school is generally lower than that of persons of school-going age in the overall population. This reinforces the significance of fulfilling the promise of equal access to education given its significant and potential impact on ethnic minority children in Hong Kong in the near future.

Presently, there are several key barriers to the enjoyment of equal rights to education by ethnic minority children in Hong Kong.

- (1) Lack of equal access to appropriate schools. Ethnic minority children often face restrictions in their choice of school at all levels of education.
- (2) Systemic discrimination in the school system. This is evidenced by the attitudes of the teaching and management staff of educational institutions

- (3) The *de facto* racial segregation of ethnic minority students from Chinese students in public schools, which continues in practice as a result of the now disbanded ‘designated schools’, which were originally set up to receive non-Chinese speaking students to teach them Chinese at a different pace. The learning outcomes from such programmes were not effective in enhancing the ability of ethnic minority students’ competence in Chinese.
- (4) The challenge of multicultural classrooms. This is evidenced by teachers’ lack of formal training in teaching a multi-ethnic student body, including strategies for classroom management, parental involvement and teaching non-native language learners in Chinese and English.
- (5) Lack of Chinese as a Second Language (“CSL”) curriculum. Teaching Chinese to ethnic minority children so that their learning outcomes are on par with their local counterparts by the time they graduate from secondary school is a crucial component of meeting the equal access challenge and ensuring a level playing field. While there is still no CSL curriculum, in 2014, the Government took steps to introduce a Chinese as a Second Language learning framework. However, it is too soon to tell whether the framework has improved learning outcomes for ethnic minorities and if so, to what extent. Having introduced broad exemptions for language in the Race Discrimination Bill before it was enacted into law, the Government lost an opportunity to conduct large-scale inquiries into and possibly, to instigate reforms in this area.³
- (6) For special education needs children who are ethnic minorities (EM SEN students”), there is a critical lack of English medium of instruction schools. This has exacerbated their developmental delay for a number of reasons but primarily, the additional burden of learning in Chinese in the only spaces available for EM SEN students in the public sector schools and the long wait for the very limited spaces in English medium of instruction schools catering to this group in the private sector has effectively left EM SEN students’ equal right to education grossly unmet.
- (7) The impact of the failure to provide an inclusive learning environment, free from discrimination, where teachers are trained in delivering teaching materials in an accessible and respectful manner that is sensitive to the needs of ethnic minority and EM SEN children, and a failed language instruction policy is multifarious and carries serious long-term ramifications.

The overarching effect of these barriers on ethnic minority communities cannot be overstated. Studies show these issues are deeply interconnected and self-reinforcing.⁴ Together, they frustrate ethnic minority children’s right to education. The right to education is a “multiplier right”⁵ – the non-fulfillment of this right often affects realization of other rights, such as the freedom of speech, freedom to work in one’s desired occupation⁶ and the ability to participate fully in community and public life.

A. EDUCATION STATISTICS – THE PROBLEM OF ACCESSIBILITY

A1. Pre-Primary Education

At the pre-primary level, ethnic minorities have lower school-attendance rates than the Chinese population. In particular, Pakistani and Nepalese children are almost two times less likely and Filipino children two and a half times less likely, to attend pre-school compared to Chinese children.

Table 3.2 School Attendance Rate Among Children Aged 3-5 by Ethnicity in Hong Kong in 2011

School Attendance Among Children Aged 3-5	
Ethnicity	% of children not in school
Chinese	8.5
Nepalese	14.6
Pakistani	16.1
Mixed (Chinese and other Asian)	17.1
Filipino ⁷	19.4

Source: Hong Kong Institute of Education.⁸

Furthermore, not only are ethnic minority children less likely to attend kindergarten, of those that do attend pre-schools, their choices are unduly restricted. According to a Survey on Kindergarten Education for Ethnic Minority Students in Hong Kong published by Hong Kong Unison in 2012 (the “Unison Kindergarten Survey 2012”), 70% of the surveyed kindergartens admitted a total of 1213 ethnic minority students in the 2011-2012 school year.⁹ However, while some schools admitted only one ethnic minority student, others had up to 124 ethnic minority students, i.e. 10% of the total number of ethnic minority students admitted by the sampled kindergartens.¹⁰

The table below shows a breakdown of the number of ethnic minority students by class:

Table 3.3 Average Number of Ethnic Minority Students per School by Class Level

Year	Total No. of Ethnic Minority Students	No. of Ethnic Minority Students per School on Average	Range: No. of Ethnic Minority Students in a School
K1	382	5.38	1-43
K2	447	6.30	1-53
K3	384	5.41	1-44
Total	1213	17.08	1-124

Source: Unison Kindergarten Survey 2012

The following table shows a breakdown of the 1,213 students enrolled in the surveyed schools, by ethnicity:

Table 3.4. Breakdown of the 1,213 students Enrolled in the Surveyed Schools, by Ethnicity

Ethnicity	Number of Students	% of Students
Pakistani	407	35.5%
Filipino	214	18.7%
Indian	191	16.7%
Nepalese	172	15.0%
Indonesian	56	4.9%
Thai	32	2.8%
European	14	1.2%
North American	9	0.8%
African	5	0.4%
South American	2	0.2%
Others	45	3.9%

Source: Unison Kindergarten Survey 2012

The Unison Kindergarten Survey 2012’s findings suggest that a large proportion of ethnic minority children who attend kindergarten do so at a few select kindergartens. The ethnic minority student population was concentrated in 8% of the surveyed kindergartens. In more than half of this 8%, concentrations of ethnic minority students exceeded 50%. Such racial segregation is a form of racial discrimination and a violation of the Race Discrimination Ordinance.

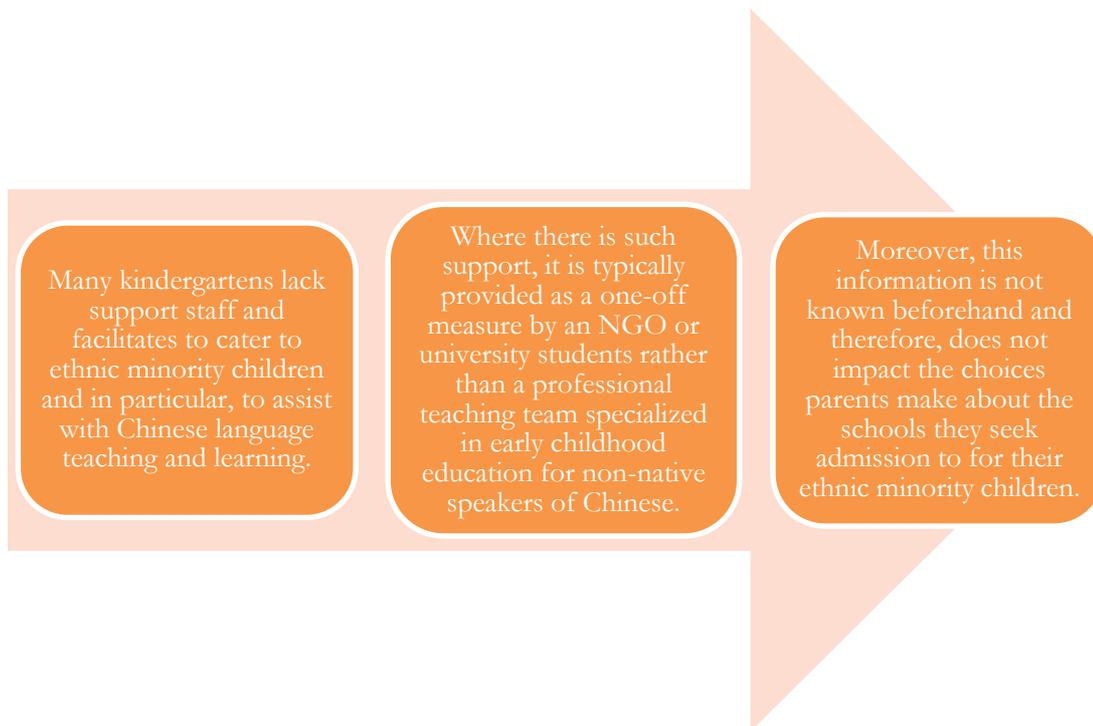
Whilst that survey did not specifically examine the cause underlying the overconcentration of ethnic minority children in specific kindergartens, a more recent study highlights the barriers to kindergarten accessibility faced by ethnic minority communities. In 2015, Hong Kong Unison’s “Research on Kindergarten Support and Attitude towards Ethnic Minority Students in Hong Kong” (the “Unison Kindergarten Support Report 2015”)¹¹ found that the following factors contributed to the concentration of ethnic minority children in select schools:



Many kindergartens' admission requirements overwhelmingly place ethnic minority children at disadvantage. For example, many needed to have Chinese speaking skills by age 3 and a preference was expressed for ethnically Chinese children.

Parents reported they had no choice but enroll their children in the schools with higher concentrations of ethnic minorities since they are the only places their children could enter.

Kindergartens were reluctant to even give an application form to non-Chinese parents



As a result, with few options to exercise, ethnic minority children enter select schools, which have an overrepresentation of these groups. For the same reasons, ethnic minority children also receive predominantly English education in kindergarten.¹²

These challenges also meant that some ethnic minority children were unable to attend kindergarten at all, affecting their development in social skills and language.¹³ The kindergartens which admitted ethnic minority students encountered various difficulties and challenges, including the students' varying Chinese abilities, language barriers in communicating with parents, and the lack of support from the Government for training teachers.¹⁴

A2. Primary Level

Official data from the 2011 Census shows that the school attendance rate of ethnic minority schoolchildren at the primary level (i.e. aged 6-11) is 100%, with attendance also at 100% for the population as a whole. Considering that the attendance rate for ethnic minorities was similarly high at the 2006 by-Census (99.5%), Hong Kong's compulsory primary education policy has been successfully implemented.

Table 3.5 School Attendance Rate of Ethnic Minorities and the Whole Population at Primary Level in 2006 and 2011

		School Attendance Rate of Ethnic Minorities		School Attendance Rate of the Whole Population	
		2006	2011	2006	2011
Primary Education	6-11	99.5%	100.0%	99.9%	100.0%

Source: 2006 Hong Kong Population Census Thematic Report: Ethnic Minorities, Table 5.1¹⁵

The 100% school attendance rate should not obscure the fact that ethnic minority schoolchildren continue to face difficulties in primary school admission, particularly regarding their choice of school. Many of the direct subsidy schools specified by the Education Bureau to be providing education for non-Chinese speaking students, did not in fact admit such students because most of their lessons are taught in Chinese.¹⁶

As stated above, ethnic minority parents have much difficulty in accessing relevant information. Official information concerning primary schools is only available online (although hard copies of this information are available, these are in Chinese only); moreover, information about a school's characteristics (school management, learning and teaching plan, students support, etc.) is available only in Chinese.¹⁷ Ethnic minority parents may lack technological skills or regular access to technology and therefore, may not be able to access the requisite information regarding schools, admissions policies, and other information to make an informed decision about which school to send their children to.

Table 3.6: Numbers of Primary Education Attendees and Numbers of Secondary Education Attendees by Ethnicity, 2013-15

	Indonesian	Filipino	Indian	Pakistan	Nepalese	Japanese	Thai	Korean	O.A	White	Others	Total
P1: 2013/14	18	194	147	481	246	16	18	7	16	118	94	1355
2014/15	21	216	143 ¹	521	299	26	23	11	42	109	58	1469
P2: 2013/14	12	211	163	515	220	19	20	5	3	98	86	1352
2014/15	22	208	154	506	253	14	20	9	53	118	69	1426
P3: 2013/14	17	211	168	490	206	12	25	5	10	62	88	1294
2014/15	12	224	159	522	222	18	19	4	23	90	62	1355
P4: 2013/14	10	194	138	457	250	9	22	4	6	55	83	1228
2014/15	18	210	171	505	204	12	27	5	34	65	59	1310
P5: 2013/14	13	228	155	498	212	7	29	2	3	53	78	1278
2014/15	10	199	139	469	249	7	22	6	29	55	61	1246
P6: 2013/14	6	237	191	480	212	6	27	2	4	42	47	1254
2014/15	15	228	157	506	207	6	32	2	20	55	54	1282
S1: 2013/14	11	238	185	506	194	12	14	8	18	29	106	1321
2014/15	12	266	220	559	249	10	21	12	46	42	70	1507
S2: 2013/14	3	253	236	494	239	12	29	6	6	25	83	1386
2014/15	11	248	187	474	194	12	17	8	35	33	78	1297
S3: 2013/14	8	247	202	469	232	10	9	8	7	24	74	1290
2014/15	6	254	232	505	229	10	34	8	25	32	75	1410
S4: 2013/14	5	258	206	416	208	15	17	10	3	30	82	1250
2014/15	9	241	200	448	240	13	11	7	24	31	55	1279
S5: 2013/14	6	210	181	272	169	11	14	10	8	21	56	958
2014/15	3	242	192	382	201	11	11	13	31	27	40	1153
S6: 2013/14	5	159	137	237	132	10	4	3	6	9	46	748
2014/15	6	197	165	239	156	10	13	9	20	15	36	866
S7²: 2013/14 2014/15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

¹ Red indicates drop of number of students from previous year.

² Data not available after 2011/12 due to change of education curriculum (with the new introduction of 334 progression).

A3. Secondary Level

The case is similar concerning official information about secondary school profiles and allocation.¹⁸ At the secondary level, ethnic minority students have lower school attendance rates and higher dropout rates compared to the population of Hong Kong students. In particular, Pakistani students are two and half times more likely whilst Nepalese students are more than three times as likely as Chinese students to leave school before Form 5.

Table 3.7 School Attendance Rate of Ethnic Minorities and the Whole Population at Secondary Level in 2006 and 2011

		School Attendance Rate of Ethnic Minorities	School Attendance Rate of the Whole Population
		2011	2011
Secondary Education	12-16	98.2%	98.6%
	17-18	76.2%	86.0%

Source: 2011 Hong Kong Population Census Thematic Report: Ethnic Minorities, Table 5.1¹⁹

Table 3.8 Pre-Form 5 Drop Out Rates Among Youths Aged 13-19 by Ethnicity in Hong Kong in 2011

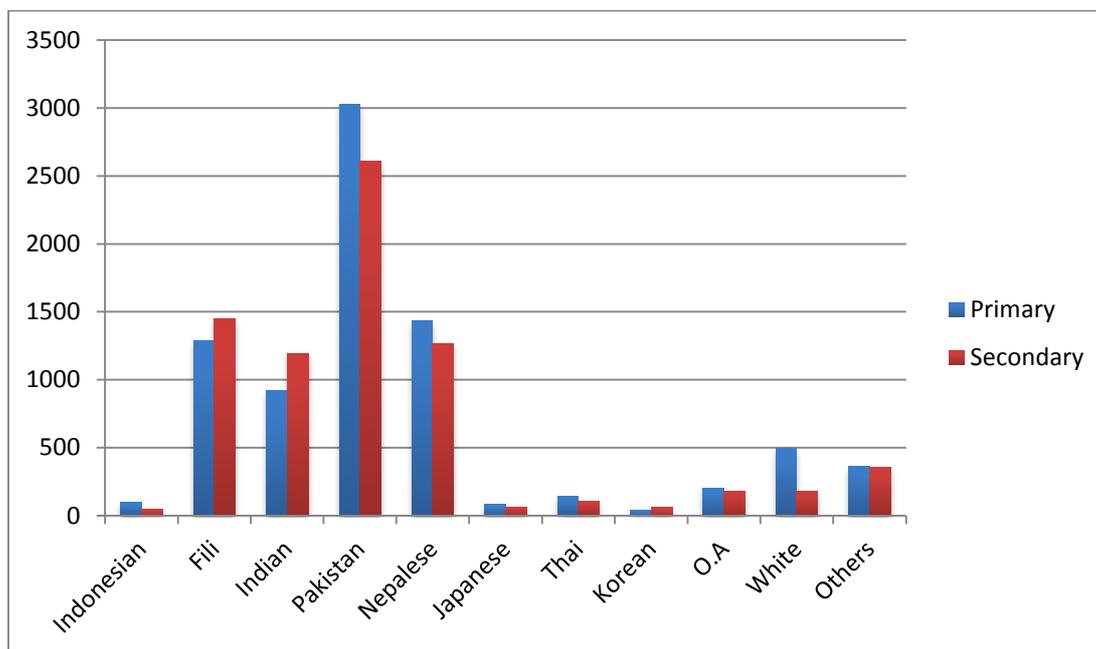
Leave School before Form 5 Among Youth Aged 13-19	
Ethnicity	% of dropouts
Chinese	6.4
Mixed (Chinese and other Asian)	9.6
Pakistani	15.6
Nepalese	20.6

Source: The Hong Kong Institute of Education²⁰

These figures are further affirmed for the Pakistani children whose student population seems to have nearly halved in the transition from Secondary 4 to Secondary 5, with the attrition of around 150 students in the 2013-2014 academic year and a further reduction of nearly 150 students from Secondary 5 to Secondary 6 in the 2014-2015 academic year; and the Nepalese children who saw a drop of 40 students from 2013-2014 and 2014-2015 from Secondary 5 to 6. Overall, the Pakistani student population halved and the Nepalese population dropped by nearly 100 students when comparing Secondary 1 school entry rates to Secondary 6 graduation rates in the 2014-2015 academic year.²¹

In general, it is also worth noting trends pertaining to the total number of primary and secondary school students by ethnic groups. As the population figures highlight, with the Pakistani, Nepalese and Filipino communities being the largest groups under the age of 15 years, these figures suitably show that the present distribution of current school going ethnic minorities is in accordance with those population trends.

Graph 3.1 Total Number of Students in Primary and Secondary School by Ethnicity in Hong Kong in the 2014-2015 Academic Year



Source: Director of Bureau, Secretary for Education, Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2015-16, Session 13

A4. Post-Secondary Level Education

The pattern of lower school attendance rates for ethnic minorities continues at the post-secondary level. Among those aged 17-24, a smaller proportion of ethnic minorities are receiving post-secondary education when compared to the population as a whole.²² The distinction appears to be significantly pronounced for Indonesian, Pakistani, Nepalese and Thai communities. These results are consistent across several independent statistical studies.

Table 3.9 below shows the percentage of the population aged 17-24 receiving education in Hong Kong.

Table 3.9 Percentage of the Population Between the Ages of 17 to 24 Receiving Education in Hong Kong

Age Group	Ethnic Minorities (Excluding Foreign Domestic Helpers) Receiving Education (%)			Total Population Receiving Education (%)		
	2001	2006	2011	2001	2006	2011
17-18	65.9	79.7	76.2	71.2	82.9	86.0
19-24	13.4	30.4	32.8	28.0	39.3	45.1

Source: HKCSS Ethnic Minorities in Hong Kong 2013²³

The difference is of around 10% in the 17-18 age group whereas there is a 12.2% difference for the age group 19-24 year olds, highlighting that the prospects for higher education among ethnic minorities decrease as they age.

Table 3.10 below shows the percentage of people who have received at least post-secondary education, broken down by ethnicity.

Table 3.10 Percentage of Population that has Received at Least Post-Secondary Education, Disaggregated by Ethnicity

Ethnicity	Percentage of people from within specific ethnic groups who received at least post-secondary level education	
	Incl. foreign domestic helpers	Excl. foreign domestic helpers
Japanese	79.4%	79.4%
Korean	75.8%	75.1%
White	73.9%	73.9%
Indian	52.5%	57.3%
Other Asian	46.3%	51.4%
Filipino	29.7%	54.2%
Chinese	23.9%	23.9%
Pakistani	17.1%	17.0%
Nepalese	16.1%	16.4%
Thai	10.8%	13.1%
Indonesian	7.0%	26.1%
Whole Population of Hong Kong	27.3%	27.7%

Source: 2011 Population Census Thematic Report: Ethnic Minorities, Table 5.2 for data including foreign domestic helpers; adjusted data excluding foreign domestic helpers published by the Hong Kong Council of Social Service²⁴

Table 3.11 below shows the percentage of youths studying at or who have graduated from university, by ethnicity.

Table 3.11 Percentage of Youths Aged 19-22 Studying or Completed University Education by Ethnicity in Hong Kong in 2011

University Education Among Youth Aged 19-22	
Ethnicity	Studying or Completed University Education (%)
Pakistani	4.3
Nepalese	7.7
Mixed (Chinese and other Asian)	22.1
Chinese	28.6

Source: Hong Kong Institute of Education²⁵

The discrepancy between the level of education received by ethnic minority youths and Hong Kong Chinese youths is supported by anecdotal evidence. One area well-documented by local NGOs concerns the rate of admission to degree courses at local universities. According to Fermi Wong, founder of Hong Kong Unison, only 1% of ethnic minority students are admitted into universities via the Joint University Programmes Admissions System (“JUPAS”) each year, while among Hong Kong Chinese students, rates of admission amount to more than 20%.²⁶ It should be noted that JUPAS does not keep a formal record of the ethnicity of students who apply to it, which makes data gathering and research in this field very difficult. Without relevant data, effective policies informed

by evidence and trends to target particular groups’ to fulfil their right of equal access to educational opportunities at all levels cannot be delivered. This explains one reason behind the failure of the education system to adequately cater to ethnic minority students’ needs. Policy making is not currently evidence-based.

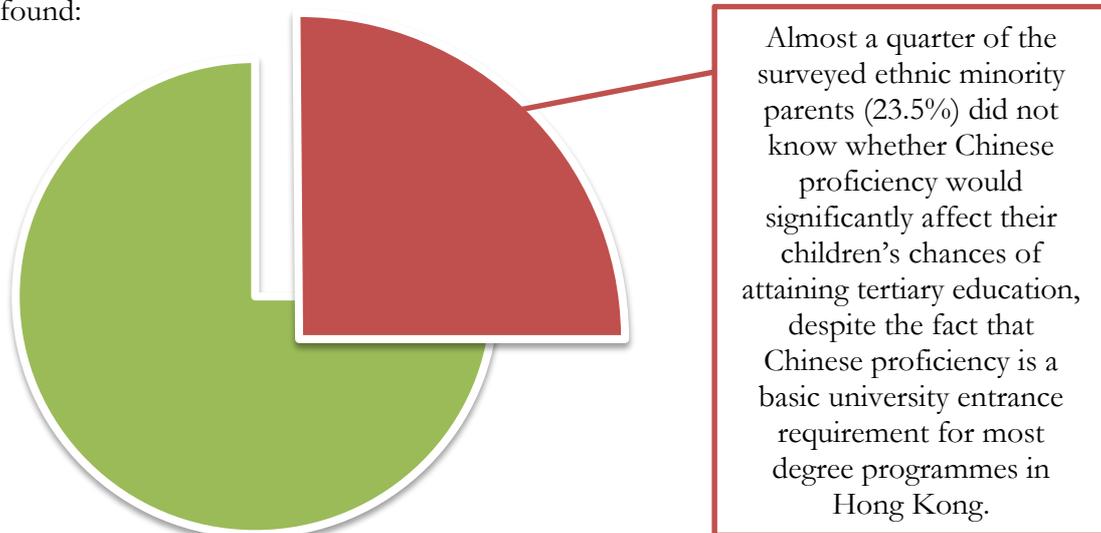
In 2013, it was reported that only 120 ethnic minority students were admitted to degree courses.²⁷ The rest could only resort to vocational training programmes, associate degree or other support programmes to receive further education. However, only 4 out of 160 vocational programmes provided by the Hong Kong Institute of Vocational Education are conducted in English.²⁸ Some of these courses, however, have certain compulsory Chinese courses. Other options, such as training courses run by the Vocational Training Council and the Employee Retraining Board are nearly all in Chinese. Project *Yi-jin*, a programme designed to help those who have not done well in school, is only available in Chinese. Ethnic minority students are therefore left with very few options once they fail to meet the minimum requirement for university (which, in many instances, is due to their being unable to meet the required grade in Chinese).²⁹

A5. Access to Information on Education

Oftentimes, barriers to accessing information about the education system in Hong Kong compound the challenges with respect to access to education itself. Without accurate and up-to-date information in a language they can understand, ethnic minority parents are poorly placed to make well-informed choices about the education of their children. Put differently, ethnic minorities may require assistance and support in accessing and processing relevant information to benefit from education opportunities equally. In some instances, this may be because ethnic minority parents will not have grown up in Hong Kong or experienced the education system here themselves, whilst, even for those who have been educated here, much has changed since the handover in terms of the education policy.

Therefore, clarity and equality of access to information about the education system is just as important as the delivery of the educational program itself.

In a 2010 Report on Parents Involvement for Children’s Educational Advancement (the “HKCSS Parental Involvement Report 2010”), the Hong Kong Council for Social Service surveyed both ethnic minority and Chinese parents of primary schoolchildren and found:

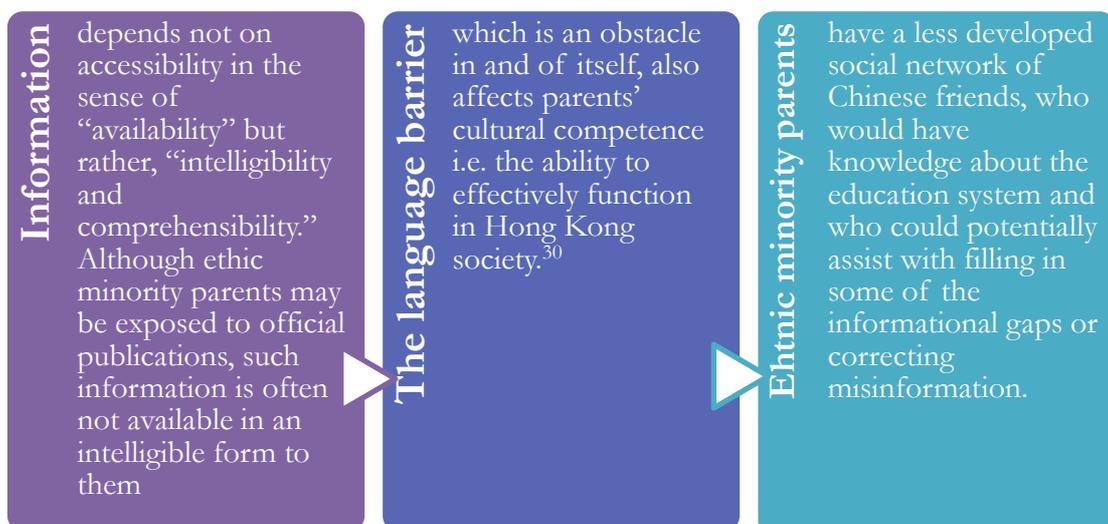


Ethnic minority parents...

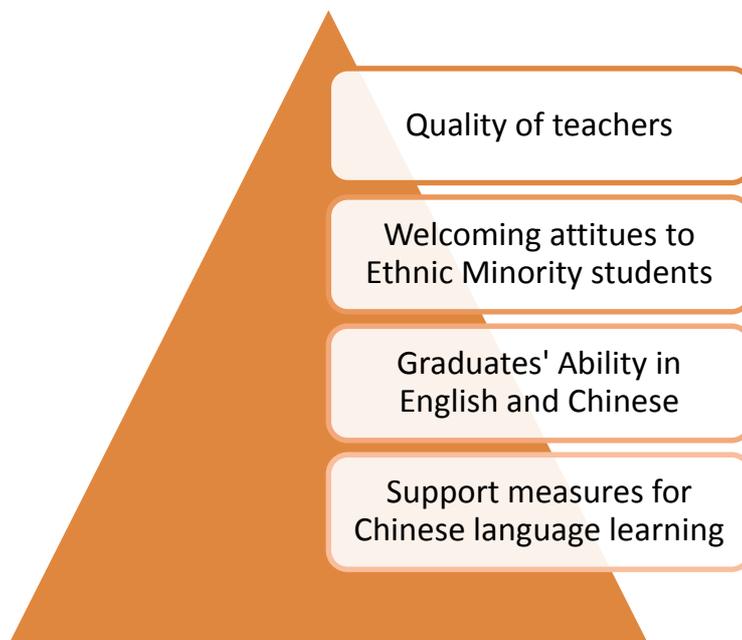
- had serious knowledge deficits about the overall structure of the Hong Kong education system. Approximately one third of the surveyed parents were unaware of the Direct Subsidy Scheme; two thirds did not know about the shift to the 3-3-4 system in 2009; and about half of them were unaware of the banding system and its significance.
- were much more likely than Chinese parents to believe that designated schools will be educationally beneficial to their children. This is in contrast to the findings of recent research on education of different groups (discussed below).
- express themselves to be confident about their knowledge of a particular stage of the Hong Kong education system *only after their children have experienced it* – the surveyed parents, most of whose children were in primary school, described themselves as knowledgeable about the kindergarten and primary school systems.
- Their self-reported knowledge scores regarding secondary and tertiary level education fell dramatically as the stage of education for the child progressed (they scored approximately 3.6 on a scale of 1 to 5 for pre-primary and primary education compared with 2.5 for secondary education and 1.54 for tertiary education).

Worse still, ethnic minority parents often regard themselves as having the same level of information accessibility and adequacy of knowledge as Chinese parents. That they are unaware of the extent of their knowledge gap in this area is equally, if not, even more worrying.

The HKCSS Parental Involvement Report 2010 presents the following observations on the underlying reasons for this:³⁰



Hong Kong Unison's June 2015 study on Ethnic Minority Parental Choice in Primary School Selection (the "Unison Parental Choice Survey 2015")³¹ also examined this issue of access to information about the Hong Kong education system and its opportunities for admission. The study found that ethnic minority parents who chose "racially segregated" schools (i.e. those with a large proportion of ethnic minority students) for their children were most concerned with four factors in the school experience, in the following order of importance / relevance:



However, the study also found that these parents were *most* dissatisfied with the actual experiences of their children in these four areas of priority. The study concluded that this mismatch between expectations and outcomes suggests that in reality, ethnic minority parents lack the relevant information to be able to make informed choices for their children's education. If this is correct, this also means that parents are generally disappointed with the entire education experience of their children at these schools, not only for Chinese language but in terms of their children's ability to pick up English to a desired level of competence and they express dissatisfaction with the quality of teachers at these schools.

A6. Access to Education for Special Education Needs (SEN) Students³²

The situation of EM SEN students is even more dire. Not only do they have to contend with the general difficulties outlined above, there is a critical shortage of school places and resources to cater to the special learning needs of EM SEN students across primary and secondary school sectors, in particular access to English Medium of Instruction ("EMI") schools. Placing EM SEN students in a Chinese learning environment can further delay their ability to communicate, compromise their development and result in a poor educational outcomes.

Although a learning support grant of between HK\$1 to HK\$1.5 million per school per annum has been put into place for primary and secondary schools in the public sector to support SEN students' needs since the 2013/14 school year, the Education Bureau recommends that non-Chinese speaking students select from only 10³³ schools offering

EMI out of 453 government and aided primary schools³⁴ overall. Most EM SEN students stand a very slim chance of admission in to these EMI. Moreover, none of the government or aided special schools, catering only to students with special needs, offer EMI. Therefore, EMI SEN students often have to settle for a Chinese medium of instruction (“CMI”) government or aided school. However, as the comparatively high dropout rate of such students illustrates, this environment is not conducive to advancing development and learning among EM SEN students and indeed, can contribute to developmental delays as the window of opportunity for learning in an appropriate environment for the most effective developmental results narrows.

International literature has consistently underscored the importance of a strong foundation and early start for SEN students to facilitate their learning progress as they transition through their developmental milestones. International experts on child development identify the ages between three and seven years as the critical window within which to target age-appropriate developmental milestones. Once this window is missed, children are delayed substantially in terms of developmental progress. Any such delays have particularly serious implications for children with special needs. The failure to engage children within these critical developmental stages is tantamount to setting them up to fail in the long-run, impacting their quality of life in the future and more crucially, their ability to realise and enjoy the remainder of their human rights on an equal basis with others similarly placed to them but without the special needs. Thus, long waits for an EMI place at a school equipped to teach SEN children is an issue of utmost urgency to ensure equitable outcomes in terms of all children’s right to education.

In the private sector, for children with moderate to high SEN needs, the wait is anywhere between one and more than five years to enter schools offering SEN places. This applies even at the most expensive schools which cost up to HK\$420,000 a year.

At the secondary school level, Direct Subsidy Schools and schools in the public sector appear to be more accommodating of EM SEN students in providing an EMI environment. On the other hand, among the international schools, there are fewer places for SEN students in the secondary school level than in the primary. Where such places are available, they tend to be reserved for students with mild disabilities.

As a result of the lack of English medium places in both the public and the private sector, the lengthy waiting time and the prohibitive costs of the private sector, many EM SEN students have no choice but to attend CMI schools which they seldom benefit from. This is particularly true for students with speech and language impairment. Placing them in a CMI school invariably sets them even further behind than they would be if suitably placed in an EMI school catering to SEN students.

This reality is evidenced by the 57% drop out rate among EM SEN students in public sector mainstream schools (as opposed to special schools) in the 2013-14 school year, disproportionately higher than the 5% drop out rate for all SEN students.³⁵ This reflects that EM SEN students are finding it challenging to transition from primary to secondary schools in the public sector. Moreover, 42% of EM SEN students in public schools are in special schools in 2013-14³⁶, a very high proportion compared to 19% for overall SEN students³⁷, further suggesting that EM SEN student needs are not being met in public mainstream schools.

Among SEN students who have speech and language impairments, the drop off rate is at a critical highpoint at 89%. This suggests that language is a significant factor for SEN students that impacts their ability to make academic progress and has serious

implications for EM SEN students given the lack of availability of EMI school places for them across both, the public and the private education sectors. These students are even less likely to go on to pursue higher education.

At Watchdog, an early intervention programme funded by the Social Welfare Department, 95% of its English-medium SEN students have speech and language delay. This highlights the challenge they face in communicating even in the language they are most familiar with. Requiring this group of children and those similarly situated to be placed in a CMI environment places EM SEN children at a serious disadvantage, severely diminishing their opportunities for development and resulting in poor educational outcomes. To say that the availability of places for SEN students in general and their accessibility to and suitability for EM SEN students fulfills the government's responsibility to provide equal access to quality education for all children, in light of the facts above, reflects a poor understanding of the rights of each child to education, regardless of their ethnicity, disability, origin and any other markers of difference from the norm.

A striking example of the rigidity of the system and its unabated harshness came to light in the case of the child prodigy Arjun Singh. Arjun was a gifted child who excelled at school. However, the teachers at his school were unable to keep up with him and he decided to withdraw. The difficulty they encountered was that they had no curriculum they could draw on to teach a gifted child in English. He tried to gain admission to advanced classes in other schools, all of whom refused. His mother, also a teacher, decided to homeschool him. The Education Bureau was unable to find him a school for two years and the then Chairman of the Equal Opportunities Commission was of the view that the mother should not have withdrawn him from school in the first place. He said there are many schools that can provide good education for him in English, if the parents could afford it. In the end, he was accepted to King's College in London for his studies and plans to do a PhD in physics, as none of the higher education institutions in Hong Kong were able to accept him due to his age.

The saga is a sad depiction of the situation. The lack of an English language curriculum for gifted children suggests that Hong Kong's public school system fails to envisage the possibility that a gifted child who is a non-Chinese speaking or ethnic minority. That our universities would miss the opportunity to include gifted child prodigies due to concerns of age also speaks volumes as to our preparedness to push boundaries, cultivate talent and to exercise discretion when circumstances can prove beneficial for society as a whole. Instead, the gifted children of Hong Kong end up in overseas universities pursuing their life dreams and contributing to and enriching their learning environments.

B. DISCRIMINATION

While Hong Kong professes commitment to equality of opportunities, discrimination regularly occurs in ethnic minority students' experiences of the education system in a range of contexts, including, as noted above, access to information to experiences in terms of admissions opportunities and learning support. In particular, the discrimination is most acutely evident in the remnants of the now disbanded 'designated schools' policy (discussed below) which mandated the segregation of ethnic minority students from Hong

Kong Chinese students in the public schools system. Schools with high concentrations of ethnic minority students continue despite the recent abandonment of the policy which set them up in the first place, constituting a form of *de facto* racial segregation. Discrimination towards ethnic minority students is unfortunately also rife in the perceptions of key stakeholders in the education system.

In the 2014/15 academic school year, 43% of all Hong Kong kindergartens did not have any ethnic minority students enrolled in them. Moreover, 5% of the kindergartens reportedly did not have any Chinese students in them.³⁸

In response to charges of *de facto* or indirect discrimination, the Government often states that the segregation is the result of the exercise of parental choice in the placement of their children in Hong Kong schools – they choose to send their children to these schools due to convenience, comfort of familiarity of friends and the environment or for other personal reasons. However, as the research findings detailed in the HKCSS Parental Involvement Report 2010 and Unison’s Parental Choice Survey Results 2015 discussed in Section A5 above show, this is not an accurate characterization of the ‘choice’ exercised by parents or a fitting description of the causes of segregation.

B1. The Prevalence of de facto Segregation

At the kindergarten level, *de facto* segregation is caused primarily by language factors, as identified by the Unison Kindergarten Support Report 2015. The kindergartens’ language policy contributed to such segregation.

The study’s key findings are summarized as follows:

- 62% of the kindergartens used Cantonese exclusively as the interview language. This effectively makes the Chinese language an admissions criteria since those children who cannot communicate in Chinese would be put at an immediate disadvantage in terms of their performance at the interview, where the instructor would use Chinese to determine the quality or suitability of the child for admission to their kindergarten.
- Of the 62%, less than half (45%) said they were willing to modify their regulations. However, despite the availability of this option, none of the 45% of kindergartens disclosed this information in their admissions guidelines nor did they volunteer this information until they were specifically asked. Without such information available in the public domain, ethnic minority parents would have no reason to consider these 45% of kindergartens as ones they could potentially approach.
- Only 10% of the surveyed kindergartens provided applicants with a choice for interviews to be conducted in Cantonese or English.
- 71% of the kindergartens in the survey sample participating in the Pre-primary Education Voucher Scheme only use Cantonese for their admission interviews whilst a mere 7% would offer bilingual entrance interviews.
- Much of the official material provided by the Education Bureau for parents is available only in Chinese. For example, the Quality Review Reports of individual kindergartens are only made available in Chinese.³⁹

- Likewise, information regarding school curriculum, pedagogy and learning assessments and tools of kindergartens in a document entitled ‘Profile of Kindergartens and Kindergarten-cum-Child Care Centres’ is available only in Chinese with respect to some of the kindergartens included in the guide.

Thus, language poses the biggest barrier to equal access to pre-primary education and not only facilitates but perpetuates racial segregation in the education sector. To assist families paying for private kindergarten tuition, the government has launched a Pre-Primary Education Voucher Scheme (PEVS) which kindergartens can opt to join, and which is heavily relied upon by ethnic minority families to fund kindergarten education. This language-induced segregation is made worse by the finding that kindergartens that are more financially accessible to ethnic minority parents were *less* likely to accommodate their language needs in the admissions process. Kindergarten education is not mandatory in Hong Kong, and so there are no publicly-funded kindergartens.

The net effect of these policies is that those in greatest need of government-subsidised resources to access pre-primary education are most likely to be shut out by the language barrier in accessing the majority of kindergartens signed onto the PEVS.

Turning to primary and secondary education, before 2004, the choice of schools for ethnic minority students was very limited: among 1,200 mainstream schools, only 7 primary schools and 3 secondary schools were willing to accept ethnic minority students,⁴⁰ and there were only 2 primary schools and 2 secondary schools in the public sector providing a non-Chinese curriculum, allowing students to learn English and exempting them from learning Chinese.⁴¹

The Primary One Admission (POA) system was reformed in 2004, allowing ethnic minority students to study in mainstream schools and to learn Chinese more comprehensively. Despite this change, however, the lack of support in local schools to make learning in the Chinese language or in the subject of Chinese itself more accessible to ethnic minority students meant that this policy was far from effective in allowing a free, meaningful or informed choice to parents and students on their preferred school. As a result of ‘choosing’ not to enroll at mainstream schools to prevent their confidence and future from being undermined, ethnic minority children continued to be isolated from mainstream education.

Indeed, ethnic minority students were actively discouraged from applying to or entering mainstream schools, either by the Education Bureau by way of informational material prepared for parents of ethnic minority children, which would invariably list out the “designated schools” (defined below) as the most suitable schools for them, or by the teachers at mainstream schools, who would dissuade parents from sending their children there by emphasizing how difficult it would be for them to keep up with the Chinese language curriculum. As a result, most ethnic minority students opted to study in the “designated schools,” which invariably had a higher proportion of ethnic minority students.

“Designated schools” officially came into existence in the school year 2006-2007 under the initiative of the Education Bureau. Under this policy, 10 primary schools and 5 secondary schools were designated to enhance learning and teaching for non-Chinese speaking students, particularly in the Chinese Language through intensive on-site support to these schools. Each “designated school” was provided with a special grant at a rate of \$0.3 Million per annum for a period of two school years to arrange programmes to support

the learning and teaching of their non-Chinese speaking students.⁴² In the school year 2012-2013, the number of such “designated schools” was increased to 31 (21 primary and 10 secondary schools with school-based support programmes specifically arranged for non-Chinese speaking (NCS) students).⁴³

The Education Bureau claims that the objective providing focused support to the “designated schools” is to:⁴⁴

“[...] facilitate schools’ accumulation of experiences and development of expertise in the learning and teaching of non-Chinese speaking students so that these schools may serve as the anchor point for sharing experiences with other schools which have also admitted non-Chinese speaking students through a support network formed for all NCS students in the local schools to benefit from the arrangement.”

It is highly doubtful whether this objective has been achieved at all. Instead of helping ethnic minority students integrate into society by facilitating their pursuit of education in the mainstream schools, the introduction of “designated schools” created an even bigger gap between Hong Kong Chinese students and ethnic minority students. Whilst the Education Bureau claims that the resulting segregation of ethnic minority students is a result of parental choice, the situation is more aptly depicted as a “forced decision” that is based on the lack of meaningful choices or for want of a better alternative.⁴⁵ Due to the lack of support and training for teachers to address the learning needs of ethnic minority students in mainstream schools, parents bear the burden of deciding whether to let their children fail in the mainstream schools or to enroll them in “designated schools” where they ultimately graduate with an average of primary 2 level Chinese skills.⁴⁶

The system of “designated schools” has long been criticized as a form of racial segregation contrary to ICERD and the RDO.⁴⁷

“The continued maintenance of racially segregated schooling is a direct violation of the best interest of the child principle and the lack of a Chinese as a Second Language curriculum grossly undermines the chances of ethnic minority children accessing university and employment opportunities, embedding many of them in a cycle of intergenerational poverty.”⁴⁸

It is not difficult to see that this system of segregation is harmful on two levels. First, from the perspective of ethnic minority students, it decreases the prospects for effective learning of the Chinese language since it limits, if not completely obliterates, any opportunities for ethnic minority students to practice Chinese with their peers. Second, for society as a whole, it reinforces barriers between groups and divides communities along racial lines and increases people’s ignorance of one another.⁴⁹ As Fermi Wong, founder and former Executive Director of Hong Kong Unison explains, “[Minority students] have been living and studying in a very narrow social circle and have become disconnected with the mainstream society. [This harms] social integration.”

Given the importance of the formative years of development in forming an understanding of different people and building friendships, the lack of diversity in

mainstream schools only serves to perpetuate ignorance and stereotypes among local students as to the background, culture and values of people of different ethnicity. This also robs children of a crucial opportunity to form appropriate impressions of this community and their rootedness and belonging to Hong Kong society as citizens worthy of equal respect and rights.

On 16 October 2013, in response to the Human Rights Committee's and the Committee on the Rights of the Child's criticisms of the current system and its alleged violation of international and local legislation, the Education Bureau decided to remove the label "designated schools" although the schools themselves remain with their original admissions and composition policies still intact. Instead, as a fix, the Education Bureau proposed that starting from the school year 2013-2104, it would provide subsidies not only to the "designated schools" but to all public sector schools and Direct Subsidy Scheme schools admitting 10 or more non-Chinese speaking students with a view to helping them master the Chinese Language in a progressive manner and obtain different Chinese qualifications.⁵⁰ Under the new funding policy, qualifying schools will receive HK\$300,000 to HK\$600,000 according to the number of ethnic minority students admitted.

However, merely changing the funding model for schools with a certain number of ethnic minority students does not address in substance the problems of the system, one of which is the high concentration of ethnic minority students in former "designated schools". For example, in at least 22 public schools, more than half of the students were ethnic minority students; and in at least 8 of them, the concentration of ethnic minority students was over 90%.⁵¹ This racially segregated schooling system fails ethnic minority students by limiting their opportunities to be exposed to and immersed in an environment which is conducive to learning Chinese and to afford them opportunities to learn together with local students. Moreover, since "designated schools" are left to develop their own curricula, the standards across schools tend to vary greatly.

Dr. York Chow, Chairperson of the EOC, describes the new funding policy as a "stop-gap" measure, commenting that⁵²:

"Rather than creating separate schools, what is solely needed is comprehensive and systemic support at mainstream schools for ethnic minority students to learn effectively alongside their local Chinese peers."

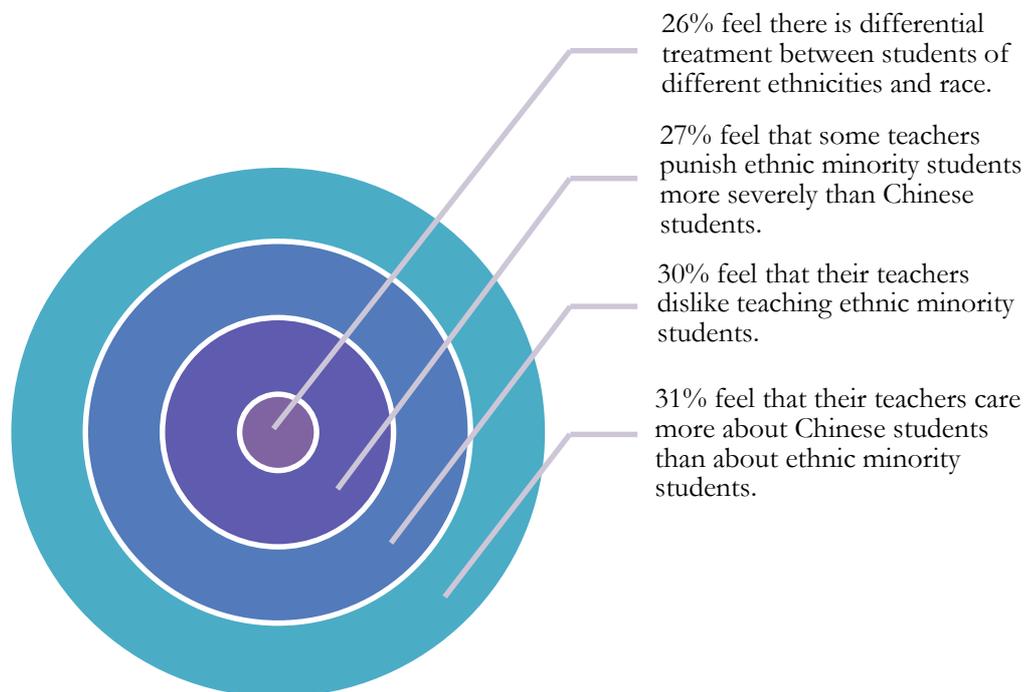
Dr. Tse Wing-ling of the EOC has likewise reiterated that the new funding policy does not address the core of the issue which boils down to implementing a suitable curriculum for ethnic minority students that makes Chinese language learning accessible to them. She explains that even if the funding policy encourages mainstream schools to admit more ethnic minority students, the problem faced by ethnic minorities students in terms of accessibility to the Chinese language curriculum will not be resolved if teachers do not know how to teach these students.⁵³ Thus, changes need to be made in terms of substantive and structural issues that contribute to the failings inherent in the system. Merely allocating funds does not serve any purpose without concrete development of teaching and learning material, institutional programmes of training for teachers and support staff and improvement in the diversity of the school environment. These specific improvements will facilitate meaningful change with a positive impact on the likelihood of enhancing the Chinese language skills of ethnic minority children.

B2. School and Parental Attitudes towards Ethnic Minority Students

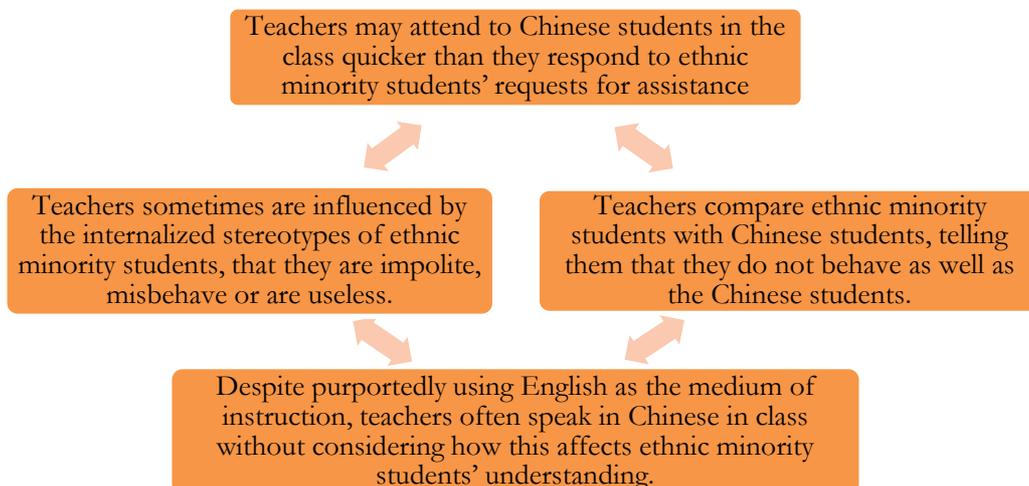
A second source of the discrimination experienced by ethnic minorities in their education experience stems from how they are viewed by schools and other parents. Often, such views are stereotypical and unflattering. We first review the literature establishing such negative stereotypes.

Negative Stereotypes and Attitudes

In Ku, Chan and Sandhu’s 2005 paper “A Research Report on the Education of South Asian Ethnic Minority Groups in Hong Kong”, ethnic minority students between Forms 4 and 7 were asked to complete questionnaires on, amongst other topics, their perceptions of their teachers’ attitudes towards them. Amongst the most pertinent findings are:



Several students, in follow-up interviews, also provided the following anecdotal experiences of adverse attitudes from their teachers:



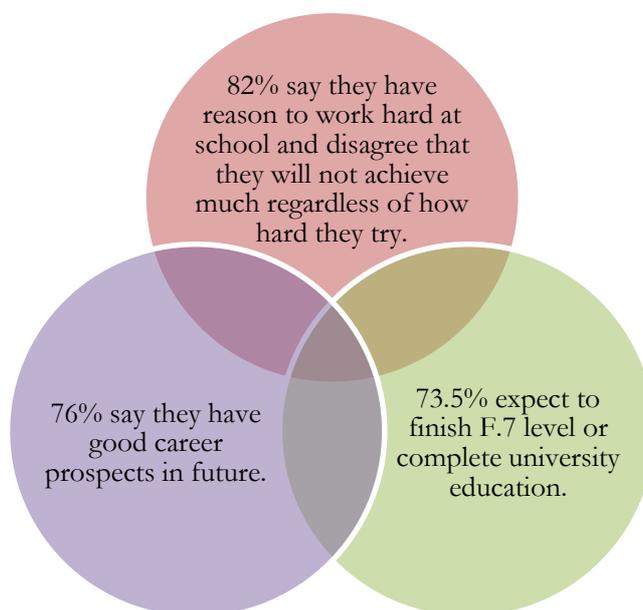
In Hue and Kennedy’s 2012 article entitled “Creation of Culturally Responsive Classrooms: Teachers’ Conceptualization of a New Rationale for Cultural Responsiveness and Management of Diversity in Hong Kong Secondary Schools”, a sample of HK teachers expressed their views towards ethnic minority students during interviews.

These teachers expressed concerns about the low motivation levels of ethnic minority students, in particular with respect to learning the Chinese language. Further, they found that ethnic minority parents had different expectations of their own role as parents in relation to their children’s education, noting that Pakistani and Indian parents saw their role as merely to “comply with the law” by sending their children to school, not to improve their child’s behaviour in the classroom or their learning habits at home. The teachers did note, however, that one main cause for the parents’ inaction was their inability to meaningfully participate in their children’s education as a result of their own low education levels.

Stereotypes Debunked

However, specific research into the learning culture and attitudes of ethnic minority families provide evidence that the aforementioned stereotypes held by teachers are baseless and do not bear out as research findings reveal.

Ku, Chan and Sandhu’s 2005 paper made observations on the academic aspirations and work ethic of ethnic minority students. The results show that ethnic minority students have high hopes for themselves:



These findings are hardly consistent with the notion that ethnic minority students are lacking in motivation and lazy in general.

Another relevant study is the HKCSS Parental Involvement Report 2010, which looked into the “widely held belief” that ethnic minority parents’ lack of knowledge and information is primarily due to their lax attitudes towards their children’s educational advancement. This study concluded that the stereotype is not supported by the data.

The study first found that there was no statistically significant difference between the time spent by ethnic minority parents and that spent by Chinese parents in helping

their children do homework every day. While more Chinese parents (88.9%) than ethnic minority parents (74.6%) said they helped their children do homework, more ethnic minority parents said they did so every day (55%) than Chinese parents (42.1%).

Second, the study found that ethnic minority and Chinese parents were involved in school activities to a similar degree, although ethnic minority parents were more actively involved in pre-arranged and highly-regulated activities such as attending parent-teacher meetings while Chinese parents were more likely to engage in proactive school activities such as volunteering.

Third, the study found that while ethnic minority parents were less confident than Chinese parents that their children would attain tertiary education, they actually had more frequent discussions with their children concerning their post-high school plans than Chinese parents.

In conclusion, the HKCSS Parental Involvement Report 2010 suggested that its findings debunked the myth of the uninterested and uninvolved ethnic minority parent. In fact, it found “the Chinese parents and the EM parents have similar level of expectation. In some ways, the latter show more concern and has more involvement”. Any difference in knowledge was due largely to the gap in cultural knowledge between these two groups of parents.

A third study – a Hong Kong Christian Service survey conducted in 2011⁵⁴ among primary and secondary school students – showed the high academic aspirations of ethnic minority students. 52.6% of the respondents stated that entering university was their future goal. About 80% of both primary school and secondary schools students agreed that mastering good Chinese language skills was an important element to further education and career development. When asked if they were hopeful about career prospects, 36.1% of the respondents indicated that they were “highly hopeful”, whereas the majority (54.3%) was “moderately/ quite hopeful.” Again, such high academic aspirations and hopeful expectations for their future are inconsistent with the traditional stereotype of the unmotivated and disinterested ethnic minority student.

Finally, a 2012 article entitled “The No Loser Principle in Hong Kong Educational Reform” surveyed both Chinese and ethnic minority students regarding their attitudes to school work. The survey found that ethnic minority students have very positive attitudes to work and value hard work highly – across most questions they consistently scored higher than their Chinese classmates.

C. THE CHALLENGE OF BUILDING A MULTICULTURAL SCHOOL

Yet another challenge in policy making for and effective pedagogical approaches to ethnic minority education is the difficulties faced by local schools in creating multicultural school environments. These difficulties are found both in and out of the classroom – these span a range of issues, including classroom management methodologies, teacher training, accommodation for religious and cultural practices and parental communication.

C1. Lack of Defined Policy for Formative Years of Schooling

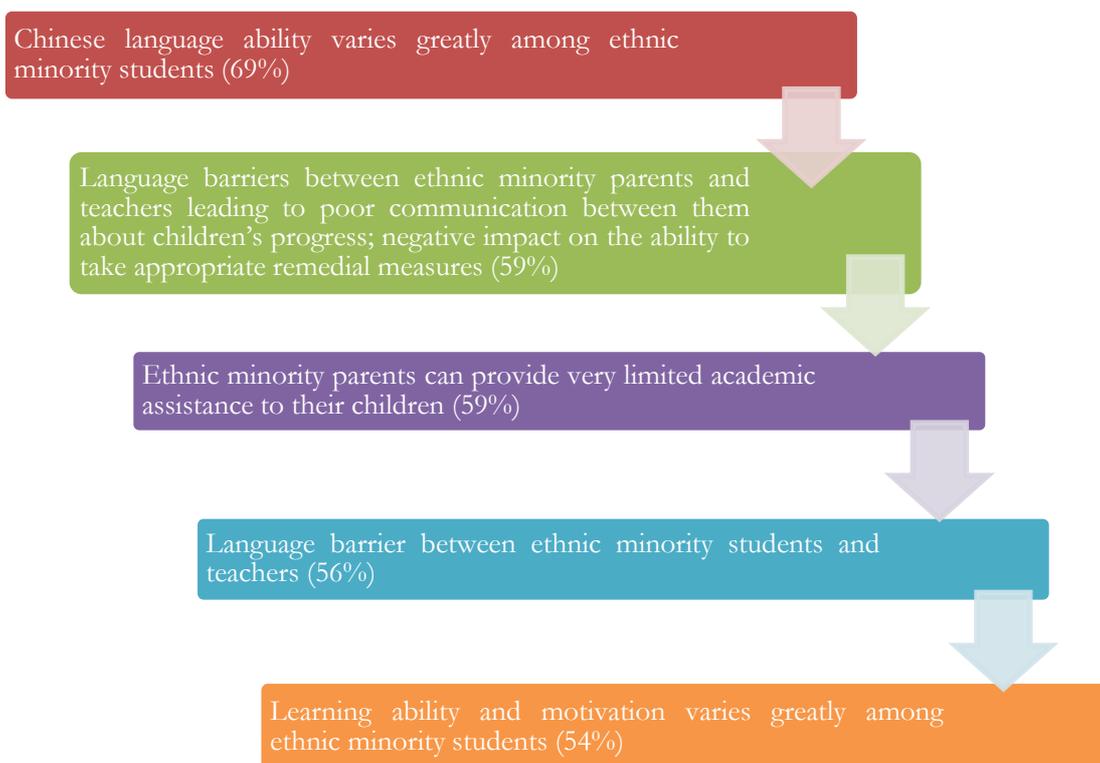
Recent studies have shown that for a solid foundation to be laid in any language, exposure to the language must begin in the formative years of life for children. In these early years, children are able to master two to three different languages simultaneously.⁵⁵ Research suggests that Chinese kindergarten education is crucial in preparing ethnic minority

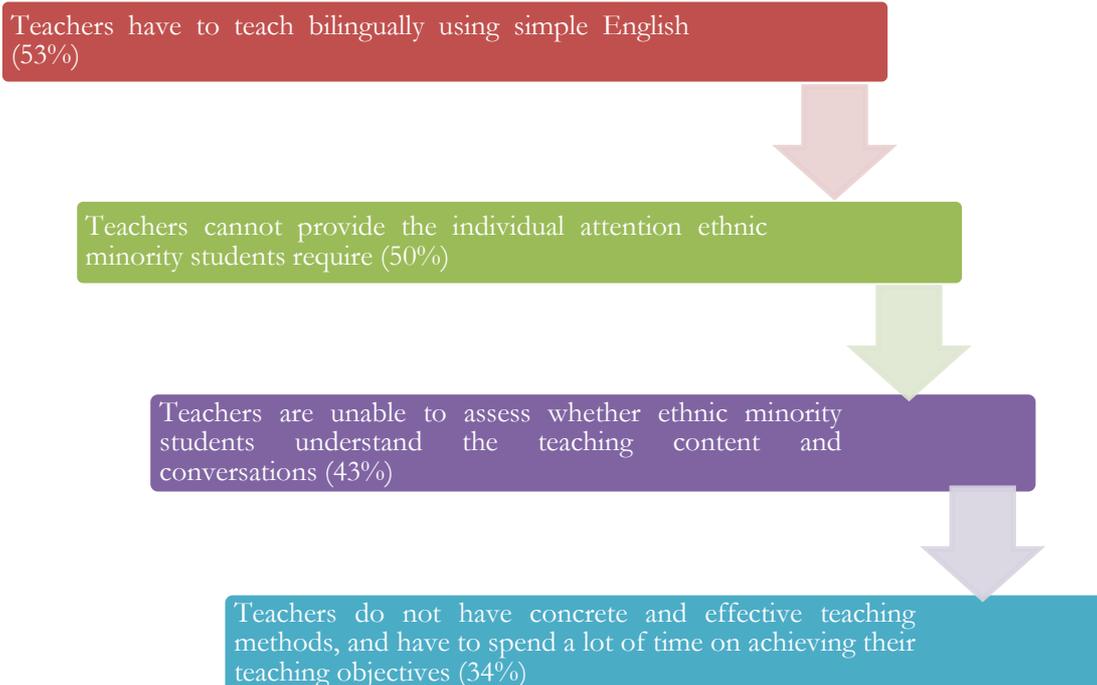
students for schooling in CMI schools.⁵⁶ However, the EOC’s report suggests that some ethnic minority students did not go to kindergarten at all and the body urged the HKSAR Government to consider implementing free and compulsory education from the kindergarten level.⁵⁷ Moreover, as the aforementioned research findings from Unison’s Kindergarten Reports 2012 and 2015 show, gaining admission into kindergartens teaching in Chinese is next to impossible for ethnic minority children.

In the school year 2011-12, there were a total of 11,570 non-Chinese speaking students studying in 544 kindergartens. There was however no policy to create a structured system for ethnic minority students to learn Chinese from a young age⁵⁸, for example, to cater for ethnic minorities whose mother tongues are not Chinese.⁵⁹ As Hong Kong Unison, a local NGO dedicated to frontline and advocacy work on issues relating to ethnic minorities, particularly children, has observed, “the kindergarten curricula are not subject-based” and there is no effective monitoring of the Chinese language learning of ethnic minority children as they progress through the system. The poor foundation in Chinese language learning and its negative impact on the chances of ethnic minority children being able to pick up the language at primary and secondary levels present a further obstacle to parents’ decisions to send their children to mainstream schools as opposed to what were referred to, until 2013, as “designated schools” (i.e. schools in which a higher proportion of ethnic minority students are admitted as compared to other local schools) or private international or English School Foundation (ESF) schools. These gaps only continue to widen as the children progress from kindergarten to primary school, and from primary school to secondary school.

C2. Insufficient Institutional Support From Government and Schools

The Unison Kindergarten Report 2012 also highlights the major difficulties faced by the surveyed kindergartens in teaching ethnic minority students, including the following:





Yet, the measures taken by these schools to counter these difficulties are very limited. Nearly half (41%) of the schools indicated that no supporting measures are in place to assist ethnic minority children – they simply receive the same support as Chinese students. Only 23% incorporate inclusive activities in teaching ethnic minority students and only 17% provide specially designed learning materials to ethnic minority students.

In terms of staffing, only 12% of the schools were found to employ ethnic minority staff as teachers / teaching assistants. Alarming, only 2% of the surveyed schools stated that their teachers received professional training in teaching ethnic minority students. One of the respondents stated that their staff received only one hour of Chinese-language teaching training. The majority of the surveyed kindergartens indicated that the support they received from the government was inadequate, thereby limiting the measures they could take to improve the situation.

Similarly, in Professor K.T. Hau's 2008 study on the adaptation process of ethnic minority students in government and aided CMI schools, he highlighted a number of factors affecting the effectiveness of ethnic minority students in learning the Chinese language in CMI schools:

- limited experience of the CMI schools in teaching ethnic minority students
- 77% of the ethnic minority students were in schools with less than 10 other ethnic minority students in the same school
- only 5% of the ethnic minority students used Cantonese at home
- less parental support: compared to the local Chinese students, parents of ethnic minority students were less educated: 41% fathers and 26% mothers of ethnic minority students had secondary education (versus 65% fathers and 60% mothers for Chinese students)

- ethnic minority students were very much weaker in Chinese and slightly weaker in Mathematics than their Chinese counterparts at the point of Primary 1 admission

Furthermore, in the HKCSS Policy Bulletin 2013, in the course of interviewing ethnic minority students and parents who had experience with government and aided schools, the authors pointed out that one (out of four) major problem that they encountered was the lack of resources and accountability at such school.⁶⁰

Before the new policy was implemented from the 2013-2014 school year, the lack of funding and support from government often meant that teachers could not adequately cater for ethnic minorities, whose background and Chinese language ability would vary greatly when compared to local students. Despite to the policy to allocate funding to schools with a certain proportion of ethnic minority students, the problem centred on the inability of the government to monitor the exact manner in which these funds were utilized. Some schools utilized the funding by employing teaching assistants who are ethnic minorities, while others did not even allocate the funds to programmes for ethnic minority students, instead diverting them to other activities and provisions. Either way, such unaccountability leads to ineffective and inefficient utilization of funds. As a consequence, teachers often fail to address the needs of ethnic minority students in a large class. Therefore, the matter is hardly an issue of budgetary commitment. Rather, it is a failure to conceive of and devise suitable policies that are targeted and a failure to conduct impact assessment of outcomes to fine tune an outcome-based approach to allocating resources for education.

C3. Teacher training for in-class diversity management

Another challenge in creating multicultural classrooms is that of equipping frontline teachers to deal with diversity in the classroom. At present, teacher training and refresher courses do not generally require teachers to be properly prepared to adapt teaching strategies and classroom management skills to students with diverse backgrounds.

At the outset, it is important to point out that such targeted training is necessary and that it is not prudent to assume that any qualified teacher can effectively operate in a multicultural classroom. This can be seen in the results of the 2008 HKIED study entitled “Comparing Hong Kong Teachers’ Sense of Efficacy for Teaching Chinese and Non-Chinese Students”. The study asked teachers to rate their efficacy in teaching Chinese and non-Chinese students. The results indicated statistically significant score differences across all but one item in the two categories of “Classroom Management” and “Instructional Strategies”, indicating that teachers were far more confident in teaching Chinese students. The study further found in follow-up interviews that this difference was due to differences in the learning behaviour of Chinese and non-Chinese students, and that “teachers generally find it hard to deal with such differences”.

Indeed, there is some considerable literature on the differences in learning styles between ethnic minority and Chinese students. It has been repeated in several studies that Chinese students tend to be “conceptual learners” who learn well without touching real objects or engaging in experiments, while ethnic minority students tend to be “experiential” or “non-conceptual learners”.⁶¹ Other studies suggest that ethnic minority students learn better in a group environment more so than Chinese students.⁶² As conceptual learners naturally benefit more from a teacher-centred learning experience such

as lecturing while experiential learners benefit more from student-centred experiential learning, it can be readily seen that a multicultural classroom calls for a balanced mixture of the two teaching styles. At the moment, teacher training does not adequately address this differential in learning styles and experiences.

Aside from the matter of teaching styles, diversity training is also needed to enable teachers to handle non-learning-related diversities which nonetheless require classroom management. For example, ethnic minority students often have different gender roles and conceptions, body language, ways of expressing themselves and religious/cultural customs from Chinese students.⁶³ One teacher related a story of how an ethnic minority student was *taught by his father* that he had to fight back whenever he was bullied by others.⁶⁴ Disciplining this student naturally requires a more nuanced approach than the usual “fighting is wrong” approach that the teacher used for Chinese students. There is also the need for awareness and understanding about the complex identities that many ethnic minority children have come to acquire.

The government itself has in fact recognized the need for this kind of diversity training. The Education Bureau had operated a pilot training program for kindergarten teachers teaching non-Chinese speakers. However, only 26 kindergartens joined the program in the 2013/2014 school year, and the program was slated to end by 2015.⁶⁵

The HKCSS Policy Bulletin 2013 provides an overview of the need to provide diversity training to teachers from students’ perspectives. The study found that teachers from government and aided schools have not received appropriate training on concepts such as diversity and inclusion, resulting in inappropriate treatment of ethnic minority students. For instance, some ethnic minority students have shared that their teachers show bias or favouritism towards Chinese students. The frequency of ethnic minority students receiving punishment is also reportedly much higher than that of local students. Even where the same mistake is committed, the penalties applied to ethnic minority students appear to be more severe. Students also point out that some teachers make negative remarks regarding ethnic minority students in front of the whole class, labeling them as “lazy” and “useless”, and say that “they will not have a career.”⁶⁶ Such statements feed and perpetuate negative stereotypes about ethnic minorities among local students, undermining the confidence of the children concerned and also hampering prospects for social integration by fueling feelings of inferiority among ethnic minority students.

The 2013 paper “Building a Connected Classroom: Teachers’ Narratives about Managing the Cultural Diversity of Ethnic Minority Students in Hong Kong Secondary Schools” approaches the issue of teacher training from the teachers’ own perspectives. It found that Hong Kong teachers generally adapted their teaching to the characteristics of their students by familiarizing themselves with the students’ abilities and backgrounds, but noted that teachers largely adopted teaching strategies depending on the class composition and student ability. In other words, there was *ad hoc* class-by-class adaptation. The study reported that teachers understood the drawbacks of this approach and suggested formal curricula modification and relevant teacher training to standardize the adaptations from class to class.

The study also reported the different attitudes that teachers have towards formative versus summative assessments (i.e. in-term assignments vs. end-of-term exams) – teachers felt that formative assessments could be tailor-made to class composition, but felt powerless to similarly modify summative assessments, especially if public examinations were involved. This may suggest the need for further curricula modification.

One possible way forward is highlighted in the 2013 paper “Creating Culturally Responsive Environments: Ethnic Minority Teachers’ Constructs of Cultural Diversity in Hong Kong Secondary Schools”. This paper explores the advantages that *ethnic minority teachers* have in managing multicultural classrooms, finding that ethnic minority teachers can use their own diverse cultural backgrounds and experiences of being an ethnic minority in Hong Kong to create empathy with ethnic minority students. In particular, their backgrounds enabled them to help ethnic minority students establish their sense of identity, e.g. by discussing how to handle everyday “minor acts of racism”. The paper also found that ethnic minority teachers were more willing to adjust existing teaching curricula to the needs of their students.

C4. Sensitivity towards Cultural and Religious Needs

Multiculturalism in the classrooms necessitates that teachers and schools display understanding of and sensitivity towards the religious and cultural needs of ethnic minorities.

Ku, Chan and Sandhu’s 2005 paper reports generally positive feedback from students about the extent to which religious and cultural practices are respected by schools, with substantial majorities (approximately 60%) reporting that their schools allow them to wear religious dress and symbols and grow beards. However, when probed deeper, the respondents’ views suggested that the school environment does not really foster inclusivity in matters of religious and cultural values and practice. In particular, there is anecdotal evidence of dietary, prayer and dressing needs not being met. It also found that statistically, 26.9% of the students who reported that it was “difficult” to make friends with local Chinese cited religion and culture as the reason.

The tendency of religious and cultural insensitivity is further evidenced in the findings of the study reported in the HKCSS Policy Bulletin 2013, which paints a less positive overall picture. The main findings of these two studies are presented below.

Both studies found that prayer needs remain unmet, especially for Muslim students who express the wish to be able to pray at school 5 times a day as required by their religion. The HKCSS Policy Bulletin 2013 notes that schools generally fail to arrange quiet venues for such prayer. Ku, Chan and Sandhu’s 2005 paper, meanwhile, finds that of the 42% of students who report that a quiet place is available, all but one of the Pakistani students in the sample come from the same school, which suggests that quiet prayer places are not available in other schools. Some schools did not respond to students’ petitions for prayer facilities.

Second, both studies found that schools often neglect the dietary needs of their students. The HKCSS Policy Bulletin 2013 found that Muslim ethnic minority students often do not get to order Halal food at school, resulting in extra expenses and inconvenience for parents who have to deliver food to their children. Ku, Chan and Sandhu’s 2005 paper found that only 8% of the surveyed students report the availability of Halal food at school, while Muslim and vegetarian students said that even if the food itself is something they can eat (e.g. potatoes), the method of preparing the food (usually with animal fats) makes it impossible for them to eat the prepared meals.

Third, both studies found that schools often display an overall lack of sensitivity to religion and culture. Both studies find instances of Muslim students being requested to sing Christmas carols and perform onstage for school Christmas events. The HKCSS Policy Bulletin 2013 further found that schools fail to take into account the fact that ethnic

minorities have different festivities from those celebrated in the Chinese tradition. Not only are the ethnic minority students forbidden from taking a holiday with their family during traditional festivals celebrated in their hometown, they are also not allowed to wear religious accessories on such occasions. Ku, Chan and Sandhu's paper also found instances of teachers misunderstanding religions by wrongly assuming that all adherents of a faith must endorse the same set of religious practices and putting pressure on students to conform to the mainstream practices.

Further religious and cultural differences were reported in the 2012 paper titled "Creation of Culturally Responsive Classrooms". Teachers reported religious devotion as one reason why ethnic minority students were distinct from Chinese students – in particular, Muslim and Sikh students had to attend classes on holy texts after school at the local mosques or temples, even if that meant neglecting their homework. Teachers also reported difficulties in helping ethnic minority parents understand why it was inappropriate to encourage their children's absence from school for celebrating religious or cultural festivals not in the school calendar.

One final aspect in which religion and culture can be better promoted in schools is the provision of education regarding the native religion and culture of ethnic minority students. Both Ku, Chan and Sandhu's 2005 paper and the 2013 paper "Building a Connected Classroom: Teachers' Narratives about Managing the Cultural Diversity of Ethnic Minority Students in Hong Kong Secondary Schools" report that ethnic minority students want their studies to include more references to and explanations on their cultural and religious backgrounds, for example to festivals related to their religious faith. Ku, Chan and Sandhu's paper also found a substantial minority of students (47%) were interested in learning their mother tongues as a separate subject at school.

C5. Parental Involvement Strategies

It should also be noted that this information dissemination process is crucial not only for parent-school information flows but also for parent-government information flows. This is to ensure that all parents have access to quality information when making decisions relating not just to their children's welfare within one school but also to decisions going beyond a single school, for example when deciding which school to apply for or whether to enroll in ethnic minority support classes offered by the government.

In this respect, the Hong Kong education system fails to provide such equal access to information. Ethnic minority parents are continually at a disadvantage when it comes to information access and opportunities for participation within the school system.

Regardless of their background, all parents need to be afforded equal opportunity to participate in school activities. This entails a system of information dissemination to all parents that takes into account the how parents of diverse backgrounds have different language abilities, educational levels, and favoured media channels.

The HKCSS Parental Involvement Report 2010 documented the existence of knowledge gaps between ethnic minority and Chinese parents (see section A4 above). In surveying the possible causes of these knowledge gaps, the study made several findings about how ethnic minority parents face barriers to active involvement in the education system. Aside from language difficulties, the study also documents the importance of social circles in the transmission of tacit knowledge (e.g. insider perspectives on the school environment) and finds that ethnic minority parents are disadvantaged compared to Chinese parents in this aspect as well. The study also finds a positive correlation between

the number of Hong Kong Chinese friends an ethnic minority parent has and his degree of knowledge.

Further, the study finds similar overall involvement rates between ethnic minority and Chinese parents in school activities but notes that the two groups of parents seem to be more heavily involved in different activities. Ethnic minority parents seem to be more involved in “reactive” activities i.e. pre-arranged and highly-regulated activities, with expected forms of interaction such as regular contacts with teachers and attending Parent-Teacher Association meetings. Chinese parents by contrast mainly served as school volunteers and attended school information sessions, which are more open-ended and proactive in nature. The study theorised that such proactive activities required a higher level of cultural competence which may be more difficult for ethnic minority parents to achieve.

At least four separate studies⁶⁷ have found that parents of ethnic minority students report a lack of communication between parents and teachers due to difficulties such as language barriers: some ethnic minority parents do not understand Chinese and on the other hand, some teachers are reluctant to communicate in English. The studies note that in particular, parent-teacher association meetings are often conducted in Chinese, making it impossible for ethnic minority parents to participate meaningfully and understand fully the content of the discussions pertaining to the performance of their children. The studies also find that notices distributed by the schools are often written in Chinese without English translations. The failure to understand school notices means that the ethnic minority parents sometimes miss important announcements such as calls for applications for financial aid or other important school-related matters that could impact the interests of their children. In fact, some parents have said that the lack of general support for them and the inaccessibility of the school teachers due to these communication barriers often leaves them with little choice but to send their children to “designated schools.”

Finally, both the HKCSS Parental Involvement Report 2010 and Oxfam’s 2014 study “Survey on the Chinese Learning Challenges South Asian Ethnic Minority Kindergarten Students from Low-Income Families Face” found that ethnic minority parents rarely rely on official governmental sources of information. The HKCSS study found that a mere 9.3% of ethnic minority parents rely on government offices and 5% on government websites as a source of information. The Oxfam survey reported similarly low rates – with 11.4% of parents relying on government offices and 19.1% on websites.

These difficulties faced by ethnic minority parents appear to be well-known to teachers and other school staff. In the 2013 paper “Building a Connected Classroom: Teachers’ Narratives about Managing the Cultural Diversity of Ethnic Minority Students in Hong Kong Secondary Schools”, the surveyed teachers said they noted differences in the degree and method of involvement of parents of different ethnicity in their children’s education. They noted many of the challenges discussed in this section and described how they adopt initiatives to increase access for ethnic minority parents, such as by holding school activities on weekends with translator support or in community centres (and not on-campus). These initiatives appear to be adopted on an *ad hoc* basis and not as the result of any systematic policy.

D. MAJOR OBSTACLE: LEARNING THE CHINESE LANGUAGE

Language barriers hinder the overall learning experience of ethnic minority children at school, especially when other subjects apart from language are taught in Chinese. Without a solid grasp of Chinese, it will naturally be difficult for ethnic minority students to acquire knowledge in other areas with Chinese as the medium of instruction (“CMI”). For this reason, many ethnic minority children (or their parents) tend to prefer schools with English as the medium of instruction (“EMI schools”). The difficulty in EMI schools, on the other hand, is the lack of a ‘Chinese as a Second Language’ (“CSL”) curriculum allowing ethnic minorities to learn Chinese on a competitive basis with their local counterparts and earn a qualification in Chinese which is recognized by academic institutions or employers as adequate, allowing ethnic minorities to meet the minimum requirement for university entrance and meet the daily demands at work in Hong Kong.

At the kindergarten level, most schools admitted no or a few ethnic minority students.⁶⁸ The majority of kindergartens conduct the admission screening interview in Cantonese, which is an impossible task for a 3-year-old who does not come from a Chinese family.⁶⁹ The consequence is that many ethnic minority students simply did not go to kindergarten at all, thus affecting their development in social skills and language.⁷⁰

For those ethnic minority children who have a kindergarten education, this is mainly in English.⁷¹ Most kindergartens which admit ethnic minority students encounter difficulties given the students’ varying Chinese abilities, language and communication barriers experienced between parents and schools, and the lack of support from the Government to train teachers.⁷² The majority of kindergartens do not offer any assistance to ethnic minority students in learning Chinese.⁷³

D.1 Primary and Secondary Education

The majority of ethnic minority students are interested in learning Chinese at school for future studies, employment and everyday life.⁷⁴ However, there is currently no professionally trained teacher for non-Chinese speaking students to support their language learning needs.⁷⁵ Most teachers lack expertise in teaching Chinese as a foreign language, hence adversely affecting the quality of teaching.⁷⁶ The existing Chinese curriculum does not cater for the special learning needs of the non-Chinese speaking ethnic minorities.

Louisa Castro, a liberal studies teacher at a “designated school” says her students cannot even write their schools’ names in Chinese after six years’ of Chinese language classes. Although Castro herself can speak fluent English, Cantonese and Mandarin but she has very limited proficiency in written Chinese.⁷⁷

The fact that ethnic minorities students have a generally much lower standard in reading and writing than speaking echoes with the fact that written Chinese and spoken Cantonese require two separate systems of learning. Hong Kong Christian Service (HKCS) conducted a survey on a group of 1262 parents about pre-primary school education. 91.1% of the respondents agreed that the learning of written Chinese requires special teaching methods and materials; whereas 56.2% of them thought that translating oral Cantonese into written Chinese is a difficult process; and over 40% of the parents felt difficult for their children to learn Chinese well in “Bi-literacy and Tri-lingualism” environment.⁷⁸ If even native Chinese students experience difficulties, then the ethnic minority students would face much greater hardship.

There are no appropriate Chinese textbooks in the market targeted at ethnic minority students, and consequently schools have to come up with their own teaching materials.⁷⁹ Although the Education Bureau issued a “Supplementary Guide to the Chinese Language Curriculum for NCS students” back in November 2008,⁸⁰ the quality of the teaching materials developed varies substantially. In 2014/15, the Education Bureau issued a “Chinese Language Curriculum Second Language Learning Framework”, intended to help Non-Chinese Speaking (NCS) students overcome difficulties in learning Chinese as a second language, with the ultimate aim of enabling them to sit for the HKDSE exam.⁸¹ While the Government’s change in mentality should be welcomed, there has not been any comprehensive “Chinese as a Second Language” policy.⁸² Further, there is no such framework for kindergarten-level education.⁸³

D2. Teaching Chinese as a Second Language

For over a decade, Hong Kong Unison and other concern groups have been urging the Government to consider adopting the CSL Policy. Professor K. W. Chan pointed out that the resistance of the Government towards adopting the CSL Policy creates significant difficulties for ethnic minority students in learning the Chinese language. In his words,⁸⁴

*“At present, non-Chinese speaking students have to study the Chinese Language under the same curriculum as the local students do. Yet, it is impossible to expect that the former will be able to catch up with the level of local students! Unlike the local students, Chinese is not the mother tongue of the ethnic minority students, and therefore the latter often face significant challenge in their learning process. Besides, Chinese is not a language that is easy to master. **To enable ethnic minority students to learn Chinese effectively, the curriculum must be tailored to what they can realistically master and not force upon them an impossible standard.** For instance, it will probably make much more sense to do away with the Chinese literature and Chinese culture elements in the curriculum for ethnic minority students – what they need is the basic ability to read and write, and apply the language skills on a daily basis.” (translated)*

The system is not only unfair as between ethnic minority students and their Chinese counterparts – unfairness stems also from the fact that the more affluent ethnic minority students who can afford the more expensive fees of international schools could simply get away with not taking GCSE Chinese. For instance, they may take other language subjects in the IB or GCSE, or even if they do take GCSE Chinese, they can be unaffected by its inherent disadvantages in applying to JUPAS by pursuing tertiary education overseas. On the other hand, the less fortunate groups are stuck in the ‘handicapped’ system. There is no reason why a child’s basic right to education should be curtailed by his financial means.

In March and September 2013, an ethnic minority representative drew the matter to the attention of the United Nations Human Rights Committee (“UNHRC”) and Committee on the Rights of the Child (“UNCRC”) respectively. In both Committees’ Concluding Observations on Hong Kong’s compliance with their treaty obligations under the ICCPR and the CRC, members expressed concern over the impact of isolation and exclusion of ethnic minority children from mainstream schools on the proper development of children as well as their chances of accessing higher education opportunities and finding suitable employment due to their poor Chinese language skills.

The UNCRC Rapporteur, Maria Herczog, urged the Government to (1) ensure that all children will have access to quality education in schools and have adequate Chinese language skills, and (2) find good solutions and pay heed to the many successful examples of educational arrangements for minority children in jurisdictions around the world.

UNCRC Rapporteur
Maria Herczog has urged
the Government to

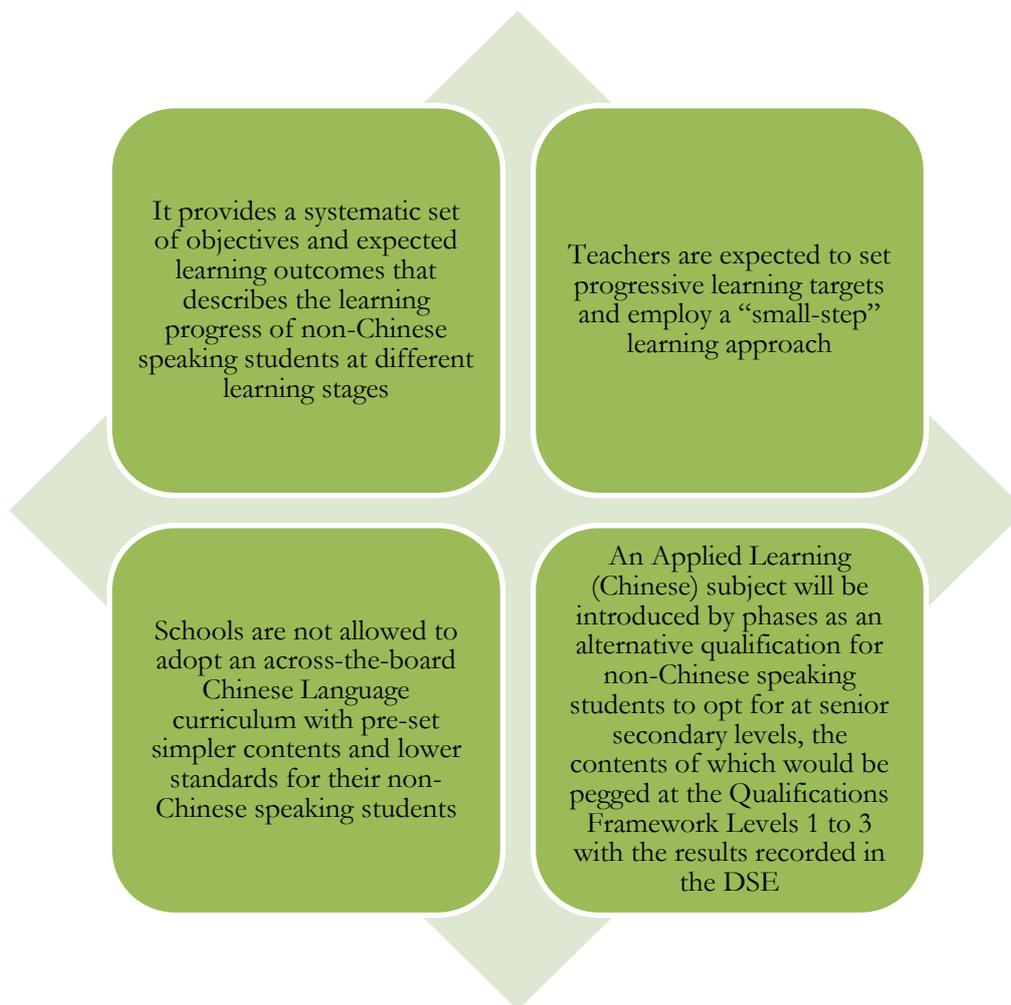
- ensure that all children will have access to quality education in schools and have adequate Chinese language skills, and
- find good solutions and pay heed to the many successful examples of educational arrangements for minority children in jurisdictions around the world.⁸⁵

In fact, in many countries such as the United States, United Kingdom, Canada, and Australia, an ‘English as a Second Language’ curriculum (“ESL”) is routinely offered to non-native students to maintain a fairer competitive platform and most importantly, to equip them with the skills and vocabulary to enable their gradual progress in the mastery of the language so that they are well positioned to catch up with their local counterparts by the time they reach their senior secondary schooling years. These governments additionally ensure that ESL qualifications are accepted and recognized by academic institutions and employers in order to facilitate the long-term integration of minorities into society and community life. In light of the widespread nature of such ESL curricula being developed and used effectively to achieve harmonization of a plural community, it is difficult to comprehend the Hong Kong Government’s resistance to an equivalent proposal to develop a CSL curriculum and be a global pioneer in such an effort.

The failure to tailor educational curricula to make them accessible to ethnic minority students so that they can graduate with skills on par with their local counterpart may constitute indirect discrimination by undermining their right to equal education and their future prospects for higher education, employment and integration in Hong Kong. Furthermore, current policies which encourage or leave parents with little option but to send their children to “designated schools” leading to racial segregation in the local schooling system violate principles of equality and non-discrimination and may constitute breaches of the Hong Kong government’s obligations under the CERD, the HKBL and the RDO. Substantive equal treatment and standards of non-discrimination require the government to take steps and implement measures to address the education gap to ensure parity of treatment in terms of comparable outcomes for ethnic minority children and their local counterparts going through the local education system.

As discussed above, the Chief Executive of the HKSAR in his 2014 Policy Address made a commitment to change the existing system. Starting from the academic year 2014-15, the Education Bureau introduced in all schools the “Chinese Language Curriculum Second Language Learning Framework” (“Learning Framework”) with a view to bridging ethnic minority students over to mainstream Chinese Language classes.

The Learning Framework introduces measures regarding curriculum development, training and resources for teachers as well as monitoring and evaluation. Major features of the Learning Framework includes:-⁸⁶



Complementary support measures will be set up to enhance teachers’ professional development in teaching Chinese as a second language, enhance funding support to schools to provide intensive learning of Chinese (increased to about \$200 million) and provide enhanced professional support for schools.

Lack of Recognized Alternative Qualification in Light of Inadequacies of the Chinese Language Curriculum for Ethnic Minority Students

The systemic problems that plague ethnic minority students culminate in failure at the end of their secondary schooling career, when students have to sit the Hong Kong Diploma of Secondary Education (the “DSE”) public examination. The curriculum for the Chinese Language subject in the DSE examination is designed to be difficult, even by on the standards of local students who are native Chinese speakers. This makes it extremely difficult for ethnic minority students to sit the public examination on an equal basis with their local counterparts, who themselves struggle with the subject. Ethnic minority students fear failure or poor grades in this subject which would ultimately compromise

their transcript and impact future employment prospects. In light of the difficulties in catching up with Chinese language education, ethnic minority students often opt for alternative qualifications in the Chinese Language, such as the General Certificate of Secondary Education in Chinese (“GCSE Chinese”). In 2012, only about 20% of ethnic minority students took the HKDSE Chinese exam. The GCSE Chinese standards, however, roughly match that of Primary 3 in Hong Kong, and tertiary institutions and employers doubt ethnic minority students’ fluency in Chinese.⁸⁷ Even getting grade ‘A’ in GCSE Chinese is not comparable to a pass in the HKDSE Chinese counterpart.⁸⁸

Yet, the practicality of this alternative as a viable one has repeatedly been called into question, for the following reasons:

(1) Low Standard of GCSE Chinese Language course compared to Chinese Language Curriculum offered in local schools

The GCSE Chinese course level is the rough equivalent of the Primary 2 level Chinese curriculum in Hong Kong.⁸⁹ Thus, typically, an ethnic minority student who performs satisfactorily on the GCSE Chinese examination is still only presenting themselves as competent to the level of Primary 2 Chinese. Furthermore, since the content of the GCSE Chinese course is designed by an international institution, it is not reflective of the substance and skills and does not meet the market demand in Hong Kong. This results in students not being equipped with the requisite vocabulary for daily usage (at work or for social purposes) as may be expected of them in Hong Kong. For instance, an ethnic minority student who had been educated in Hong Kong since kindergarten and had obtained a Level 3 pass in GCSE Chinese Language after studying at one of the “designated schools” reportedly had to terminate his internship with a fast food chain in Hong Kong due to language barriers. He found it extremely difficult to catch up with the orders of customers, which included colloquial phrases such as “no ice” or “more milk.” It was not until then that he realized that what he had learned in school and his after-class tuition was inadequate to enable him to cope with daily demands of spoken Chinese in the local setting.⁹⁰

(2) Lack of Recognition of GCSE Chinese Language Qualification as a comparable alternative to DSE Chinese Language Qualification

Because of the comparatively low standard of the GCSE Chinese Language subject, its recognition and acceptance by schools, tertiary education institutions and employers in Hong Kong remain questionable at best and in poor priority at worst. Although the eight UGC-funded Universities in Hong Kong have agreed to accept alternative qualifications such as the GCSE grades under “specified circumstances” since 2008 when considering university applicants, instances of applicants bearing a GCSE Chinese qualification being accepted on the basis that they are competent in Chinese remain rare.⁹¹ This puts ethnic minority students at a serious disadvantage when competing with their local counterparts for university or employment placements and renders the GCSE Chinese Language course an ineffective alternative that does not help equalize their positions at all.

(3) Late Release of GCSE Results

Due to the difference in timing of the release of the examination results, which for GCSEs is late August whereas for the DSE examination is July, many ethnic minority students are rejected by local tertiary education institutions when they apply under the Joint Universities Placement and Admissions Scheme (“JUPAS”) for failure to produce proof of proficiency in Chinese Language in time. This is because, since the JUPAS announces its results by early August, it requires students to submit non-DSE qualifications before April⁹². This timeline greatly reduces their chances of admission.

This is no doubt a significant reason for the low percentage of ethnic minorities being able to pursue tertiary education in Hong Kong. If on the one hand, tertiary institutions have agreed to accept GCSE Chinese grades as an alternative qualification for applications for entry, but on the other hand, refuse to wait for the release of such results, it reflects a non-committal attitude and one that perpetuates the disadvantage and lack of equal access to educational opportunities faced by ethnic minority students.

Although not all university programmes require Chinese for admission, ethnic minorities predominantly enroll in the JUPAS system, which makes it a requirement that they study Chinese. In the circumstances, their performance in the subject ends up counting towards their ‘total points’ for university admission.

(4) Eligibility to Sit the GCSE Chinese Language Examination

Not all students can opt to take the GCSE Chinese Language Examination as an alternative to the DSE Chinese Language Examination. Ethnic minority students who have studied in mainstream government schools teaching the local curriculum for six years or more are debarred from taking the GCSE Chinese examination.⁹³ The logic behind this rule is that, having had the benefit of learning Chinese in an immersive environment, such students should have acquired the necessary level of competence in Chinese and therefore, should not be allowed to sit the ‘easier’ GCSE Chinese Language exam and should compete on an equal footing with other students taking the DSE Chinese Examination.

However, these students who are “forced” to take the DSE often fail in the examination because effective learning in an environment which practices language immersion strategies requires a Chinese as a second language learning framework to complement such immersion tactics. Even in an immersive environment, ethnic minority students, being non-native speakers, cannot be expected to pick up the language and vocabulary at the same rate as their local counterparts.⁹⁴

We therefore see a dilemma faced by ethnic minority students: they either choose to study in local schools in hopes of learning Chinese in a more effective manner and risk failing the DSE examination, or they resort to enrolment in the schools that continue to operate with a high concentration of ethnic minority students despite the now disbanded “designated schools” policy. Here they are deprived of the opportunity to learn and practice Chinese effectively due to the lack of training in teaching Chinese as a second language given to teachers and a generally lower standard of Chinese level that is taught in these schools. The other alternative, of course, is if they have the resources to afford attending international or English School Foundation schools, they may do so. However, given the situation of most ethnic minority families as depicted in the Chapters on Poverty and Social Welfare, and The Employment of Ethnic Minorities, this appears to be a non-option.

Some ethnic minority students choose to study French instead of Chinese to help their enrolment at local universities.⁹⁵ The downside is that French is almost useless in Hong Kong, and not knowing Chinese hinders their employment.

The defects of the current education system invariably increase the hurdle of university entrance for ethnic minorities. All UGC-funded institutions, whether they use EMI or CMI, adopt a common approach to the acceptance of alternative Chinese-language qualifications for local minority students. Those applying through JUPAS, who have followed a local curriculum and wish to apply for a non-local Chinese qualifications to be accepted, have to show either:

- that they have been educated in Hong Kong for less than 6 years, or
- that they have been taught an adapted and simplified Chinese language curriculum

Otherwise they will be required to show the same Chinese qualifications as local Chinese students.⁹⁶

Given that Hong Kong is a predominantly Chinese-speaking city, the absence of a coherent and effective Chinese as a Second Language education policy for ethnic minorities creates a huge obstacle for them to participate meaningfully in society, not only leaving them unable communicate well, but also depriving them of access to information, services and equal opportunities across a range of spheres, including education, employment, government services and social participation.⁹⁷

Since the adoption of the ‘mother-tongue teaching policy’ in 1997, the majority of local primary and secondary schools adopted Chinese as the principal medium of instruction (earning the label, “CMI schools”). In 2013, only 112 out of 400 secondary schools adopted English as the principal medium of instruction (earning them the label “EMI schools”), whilst the rest operated as CMI schools. Considering the fact that EMI schools are more competitive and have higher entry requirements which invariably require competence in a certain level of Chinese, ethnic minority students are often only able to gain admission to CMI schools rather than EMI schools. Outside of the government-subsidized schools (also referred to as “mainstream” schools), private or international schools often adopt English as the principal medium of instruction. Yet such schools are also often inaccessible to ethnic minority students as they charge school fees which most ethnic minority students cannot afford.

In CMI schools, ethnic minority students tend to find their classroom experiences incomprehensible most of the time. The obstacles they encounter in learning Chinese invariably have a negative impact on their performance in other subjects, which are also taught in Chinese at CMI schools.⁹⁸ This perpetuates a cycle of poor performance at school, which contributes to the steady decline of their grades. This frequently fuels a gradual loss of self-confidence and tendency to self-blame as students internalize the negative critique dispensed by teachers, who accuse ethnic minority children of being difficult, unmotivated, lazy and unintelligent. This, in turn, has an adverse effect on the development of the children and particularly, on their key learning abilities.

Due to such systemic defects, ethnic minority students often find that no matter how hard they study, they still fall behind their ethnic Chinese peers. Unfortunately, with the prospects of excelling academically being far from their reach unless they can supplement their school-based learning with extra support classes, a luxury in itself given the expenses entailed, many students lose interest and give up.⁹⁹ In some cases, ethnic minority students drop out before completing secondary education, to join the labour force and avoid being an economic burden on their family given their poor prospects for graduation or further education.¹⁰⁰ Some teachers have even said that they may give up on ethnic minority students in the Chinese subject because the chance of their obtaining a pass is extremely slim.¹⁰¹

According to the 2011 report published by the Equal Opportunities Commission (“EOC”) entitled “Education for all: Report on Working Group on Education for Ethnic Minorities,” low proficiency in the Chinese language was proven to be a major obstacle to ethnic minority students’ advancement in education.

Although ethnic minority students may, based on their Chinese qualifications in GCSE, IGCSE or GCE, be considered under the Joint University Programmes Admission System (JUPAS) and admission to sub-degree programmes,¹⁰² the lower weightiness given to these qualifications in practice means that only about 1% of ethnic minority students are admitted into universities each year, compared to about 20% Hong Kong Chinese students.¹⁰³ Many university programmes are conducted in Chinese or require Chinese for admission.¹⁰⁴ Since 2008/09, universities may exercise discretion in considering whether a lower Chinese proficiency level suffices for admission.¹⁰⁵ Despite this discretion, there is no noticeable increase in the proportion of ethnic minority students receiving tertiary education.¹⁰⁶

As mentioned above, ethnic minorities students encounter great difficulty in meeting the minimum standard in Chinese in order to move upward to receive tertiary education and thereby get a career with better prospects and higher incomes, the education system creates a vicious circle of poverty that hinders social mobility of the minorities.¹⁰⁷

As the statistics in the Chapters on Employment of Ethnic Minorities and Poverty and Social Welfare in this Report show, this singular indicator offers key insights into the primary reasons for the underrepresentation of ethnic minorities across a range of spheres, for example, tertiary education,¹⁰⁸ civil service¹⁰⁹ and income levels¹¹⁰. This also foreshadows the overrepresentation of ethnic minorities in certain categories and groups, for example, those living below the poverty line,¹¹¹ with certain health conditions,¹¹² and are concentrated in particular industrial or manual labour.¹¹³

D4. Chinese Language Curriculum Second Language Learning Framework – Next Steps

As noted, we see some progress in the shape of the “Chinese Language Curriculum Second Language Learning Framework” – the first step the Government is taking to restructure the education system to cater for the special needs of ethnic minorities.

That said, we cannot be overly optimistic about the proposal just yet. Whilst it is appreciated that the ultimate goal is to ensure that non-Chinese speaking students will be able to eventually learn the Chinese Language on par with their Chinese-speaking counterparts, the Learning Framework appears to be overly aggressive. By immediately imposing a “level-playing field”, for instance, by prohibiting schools from administering a Chinese curriculum with simpler contents to non-Chinese speaking students, it is questionable whether such a rigid approach is compatible with the desire to make the Chinese language learning gradually equally accessible to such students. Moreover, it remains to be seen whether the more deep-rooted problems such of cultural insensitivity and racial segregation can be eradicated under the new policy and if parents simply ‘opt’ to continue sending their children to the old designated schools because they lack confidence in the effectiveness of the new measures and would not want their children to be guinea pigs.

Two exceptional government schools have stepped up support for bilingual learning by offering a combined English-Chinese curriculum, such as providing language assistance through projects, debate, sports and field trips; and teaching arts, design, home economics, music and physical education in both English and Chinese.¹¹⁴ Where there are examples of successful models for enhancing the educational prospects of ethnic minorities, the Government should take heed.

It is hoped that the Government will approach the challenges faced by ethnic minority students with a more holistic view. As Professor Kennedy emphasizes, the obstacle lies not only on the “language” front. There should also be effective monitoring and continuous evaluation in the trial process to allow improvements to be made and to ensure that ethnic minority students are truly benefiting from and are able to adapt to the new curriculum. Competency in the Chinese Language is but the first step for ethnic minority students.

E. SYSTEMIC FAILURES IN GOVERNMENT POLICYMAKING IN RELATION TO INCLUSIVE LEARNING ENVIRONMENTS

The challenges faced by ethnic minority students described in the preceding sections are exacerbated by systemic failures of official government policymaking. Major areas of concern include the lack of any discussion related to an official policy for multicultural classrooms and the piecemeal nature of assistance programs for ethnic minority students.

E1. Multiculturalism in the School Environment

Academics have theorised how liberal-democratic societies require both antidiscrimination policy (to minimise adverse reactions to cultural diversity) and multiculturalism policy (to promote positive displays of cultural diversity). Hong Kong’s policy context, however,

seems to mainly focus on the antidiscrimination aspect and neglects the multiculturalism aspect¹¹⁵.

The prevailing policy towards handling cultural diversity in the classroom appears to be “equality for all”, notwithstanding a wealth of frontline teachers’ experience suggesting that this is not conducive to creating an effective learning environment. In multiple studies conducted by Professors Hue and Kennedy, frontline teachers have suggested that the current “Confucian” understanding of multiculturalism, with fairness and non-favouritism at its core, may have to give way to a more outcome-oriented approach based on substantive equality.¹¹⁶

Frontline teachers also noted that bringing the distinct backgrounds of ethnic minority students into the open, instead of ignoring them, may improve the learning environment as a whole. In the paper “Creating Culturally Responsive Environments: Ethnic Minority Teachers’ Constructs of Cultural Diversity in Hong Kong Secondary Schools”, teachers who themselves had an ethnic minority background noted that they would use their own cross-cultural experiences in Hong Kong to help their ethnic minority students come to terms with their backgrounds and minor acts of racism, so as to develop their students’ sense of identity.

Recent studies have hinted at the substantive benefits of celebrating diversity in the classroom, which highlights the need for social dialogue and policy discussion on how to harness such benefits. First, students benefit academically from classroom diversity. In a study conducted by Professor K.T. Hau in 2008, it was found that most ethnic minority students who studied in mainstream CMI schools benefited from mainstream schooling in terms of their improvement in academic scores.¹¹⁷ Professor Hau’s study suggests that the presence of a larger group of Chinese students provides a more conducive environment for learning the Chinese language, with trickle-down effects to other subjects taught in Chinese. This academic improvement has also been noted in the HKCSS Policy Bulletin 2013.

Second, non-minority students also benefit from a diverse classroom. While there is a lack of research on this specific point in the Hong Kong context, overseas studies at the university level have demonstrated the positive learning outcomes for non-minority students in ethnically diverse learning environments.¹¹⁸ Notable benefits include more complex and flexible thinking developed from exchanges of ideas between non-minority and minority students, more effective group-based problem-solving and perhaps most importantly, a diminished likelihood of stereotyping leading to higher levels of cultural competence.¹¹⁹

Teachers themselves also report benefiting from diversity in the classrooms. In the paper entitled “Building a Connected Classroom: Teachers’ Narratives About Managing the Cultural Diversity of Ethnic Minority Students in Hong Kong Secondary Schools”, Chinese teachers reported having to visit ethnic minority students’ communities in their attempts to connect with parents. They generally reported a significant improvement in their attitudes towards their ethnic minority students after understanding the difficulties they face and getting to know their parents.

E2. The Impact of ‘designated schools’ on Racial Segregation: A Critical Failure of Education Policy

Since 2004, all non-Chinese speaking students are eligible to study in government-subsidized schools. These are the government aided schools using Chinese as the

medium of instruction (“CMI schools”).¹²⁰ However, most ethnic minority students still go to the “designated schools”.¹²¹ These are the primary schools “designated” to receive extra funding to provide language support for linguistic minorities.

Since mainstream schools offer little language support and parents are worried about social isolation, racism and bullying to their children at school, most parents choose the ‘designated schools’.¹²² There has been a gradual trend of decreasing number of non-Chinese speaking students attending the mainstream schools. They opted for the ‘designated schools’ instead.¹²³ As a result, there is a greater proportion of ethnic minority students in ‘designated schools’ than in mainstream schools. The student population of ethnic minorities at some of these schools even reaches 80-90%.¹²⁴ They therefore lack opportunities to contact and interact with local students and have greater obstacles in integrating into local Chinese community.

Professor Kennedy points out that there are broader policy issues that are under-addressed. He argues that the Government has focused too narrowly on the issue of language alone by labeling ethnic minority students as “non-Chinese speaking students.” Such a label gives the false impression that “language deficit is the only characteristic that defines them.”¹²⁵ He observes that early LegCo debates originally employed the term “ethnic minorities”; it was not until around 2009 that the focus has shifted to non-Chinese speaking students. This change, he says, is not only one of linguistics, but “signifies an attitude to difference and probably an objective of not highlighting differences in Hong Kong society.”¹²⁶

What ethnic minority students need is not only a solid foundation in the Chinese language – to be fully integrated into the community there needs to be a holistic framework molding Hong Kong into a more inclusive and harmonious society, where the needs of ethnic minority students (and not just their needs in terms of language abilities) can be fully understood and looked after.

Public education certainly plays an important role in promoting acceptance and racial harmony. Research has shown that challenges to ethnic minority students not only stem from the failure of the education system but from the discriminatory attitude of Chinese parents as well. The Equal Opportunities Commission reported that Chinese parents have a tendency of not sending their children to schools with a high intake of ethnic minority students. This is affirmed, for example, by the findings in Chapter 1 of this Report on Perceptions and Self-Perceptions. For instance, where the intake of ethnic minority students into a particular school increased, it was not uncommon to see that Chinese parents would avoid sending their children there or even change schools for the children already enrolled, rendering the school unable to provide an environment conducive to learning the Chinese language.¹²⁷

E3. Piecemeal Assistance Programs

The Education Bureau has introduced some measures to address the language needs of ethnic minority students. The problem however, is that those measures do not address the real issues that lie at the heart of the matter.

For example, whilst the new funding policy (discussed in C1 above) will provide the targeted schools with more financial assistance to address difficulties faced by ethnic minority students, a number of important issues are overlooked, for example:

- lack of an effective integration policy – ethnic minority students remain segregated from local students;¹²⁸
- lack of an efficient system to monitor how the funds are used;
- lack of structured training to teachers on teaching Chinese as a second language;
- lack of awareness and sensitivity towards diversity and inclusion principles on the part of the relevant schools and teaching staff.

Another ineffective measure is test-taking financial assistance. From September 2011 to September 2013, the Government implemented a subsidy plan which purports to subsidize low-income students, ethnic minorities who are no longer students and “new arrivals” in taking public language examinations, such as the GCSE, GCE and IETLS. However, as it turned out, the number of applicants was much lower than expected, accounting for only 30% of the expected figure with a total of HK\$310,000 spent in subsidies. Among the pool of applicants, only less than 10% were ethnic minorities. Clearly, this measure, whilst useful to some extent, does not address the crux of the issue: what ethnic minorities need the most is not a subsidy to take alternative examinations but a system in which they can compete fairly with their local counterparts having had an equal opportunity to fully master the linguistic and substantive skills across courses in the education curricula.

F. INTERNATIONAL LAW RELATING TO *DE FACTO* SEGREGATION AND DIFFERENTIAL TREATMENT OF MINORITIES IN THE EDUCATION SETTING

This section explores the legal approaches adopted in various jurisdictions concerning the equality of education of ethnic minorities.¹²⁹

The European Court handled several cases in recent years regarding the discrimination of Roma children in their enjoyment of the right to education. These children attended classes separate from mainstream education, and they suffered from the lack of social mobility and network.

In *Horváth and Kiss v Hungary*,¹³⁰ two Hungarian nationals of Roma origin were diagnosed as having mental disabilities. They studied in remedial schools created for children with mental disabilities. Half of the students in these schools were Roma, even though Roma represented just 9% of the overall number of primary school students. A meagre 0.5% of students with special needs could take part in integrated mainstream secondary education, thus limiting their access to higher education and employment. Academics have expressed that the systemic misdiagnosis of Roma children as mentally disabled is in fact a tool to segregate them from non-Roma children. The applicants claimed that their education in a remedial school amounted to discrimination based on their Roma origin. They alleged that their diagnostic assessments were not individualised and culturally biased, and that they had become stigmatised after having been placed in schools with a limited curriculum.

The European Court held that discrimination based on ethnic origin is a kind of racial discrimination, which is particularly invidious and requiring special vigilance. As a result of the turbulent history of the Roma, they were an especially

vulnerable minority, warranting special consideration to their needs and lifestyle. The State would need to implement positive measures to assist applicants in the school curriculum. An apparently neutral, general policy with disproportionately prejudicial effects on certain ethnic groups may be indirectly discriminatory, unless it is justified by a legitimate aim and the means taken are appropriate, necessary and proportionate. Here, the Court was satisfied that the government's policy exerted a disproportionately prejudicial effect on the Roma, and that the government failed to justify the policy. Although the government desired to provide a solution for children with special educational needs, this resulted in racial segregation. The State has specific positive obligations to avoid perpetuating past discrimination.

The applicants in *Oršuš v Croatia*¹³¹ have spent substantial periods attending separate classes comprising only Roma pupils, with a more limited curriculum than other students. Statistics showed that about 16% of Roma children aged 15 completed primary education, compared to 91% of the general population. The drop-out rate of Roma pupils was 9 times higher. Psychological studies showed that segregated education caused Roma children to have lower self-esteem and identity problems. Various human rights reports expressed concern that Roma children lacked access to education equal to that enjoyed by other children, and that segregated education increased the risk of marginalising Roma children. The government responded that pupils of Roma origin were grouped together not because of their ethnic origin, but because they were not proficient in Croatian, even though Roma pupils received the same quality of education.

The European Court found that the different treatment for Roma children was unjustified. The State has an obligation to take positive measures to help these children quickly acquire fluency in Croatian, by means of special language lessons, so that they could be integrated into mixed classes. To counter the high drop-out rate of Roma children, the Croatian authorities need to assist students with difficulties in the school curriculum.

In *DH v Czech Republic*,¹³² special schools have been established for children with special needs. The applicants were placed in special schools with their parents' consent. They alleged that their intellectual capacity was not reliably tested, and that their parents were not adequately informed of the consequences of their placement in special schools. The practice also resulted in *de facto* racial segregation between special schools for Roma children and ordinary primary schools for the general population. Human rights reports criticised that Roma children were over-represented in special schools and their education rarely went beyond primary school level.

Based on the statistical data submitted by the applicants, the European Court formed the view that the number of Roma children in special schools was disproportionately high. While accepting the government's motivation to help children with special educational needs, the assessments were controversial and biased. Parents of Roma children were not aware of the consequences of sending them to special schools. The differential treatment was again unjustified.

KEY OBSERVATIONS

1. Higher number of ethnic minority students are not in school between 3-5years of age.
2. Higher rates of dropout from school between ages 13 and 17 among some ethnic minority groups.
3. Overrepresentation of ethnic minority children in select schools leading to *de facto* racial segregation.
4. Lack of Chinese language acquisition – proficiency levels on graduation remain at Primary 2 or Primary 3 levels. Inadequate to access higher education nor vocational training opportunities.
5. Shockingly low rate of university attendance among ethnic minorities compared with Hong Kong Chinese counterparts.

RECOMMENDATIONS

One should note that these recommendations are, to a certain extent, dependent on one another. For example, the move towards a more flexible curriculum which incorporates instructional programs and practices reflecting ethnic minorities' cultural heritages, experiences, and perspectives requires better parent-school communication such that the parents' cultural knowledge can be incorporated into the curriculum. Furthermore, the execution of such a curriculum is highly dependent upon proper teacher training and school support.

This requires that two critical changes be brought about in the present education system. The first is the need to help change the tide of ethnic minority students ending up in the formerly designated schools to help bring an end the *de facto* segregation of ethnic minority students from their local counterparts. Second, the current Chinese as a Second Language Learning Framework must be reviewed for its impact on uplifting the progress of ethnic minorities in the learning of Chinese. The EDB is undertaking its survey of the impact of the framework one year on. The findings on the impact and success of the measures introduced must be made public and discussed with all concerned stakeholders. Where found to be lacking, the curriculum must be refined and necessary support measures, most notably teacher training and re-training measures, must be put into place to assist teachers and schools in achieving enhanced learning outcomes for ethnic minorities.

On access to information:

1. The government should re-evaluate the media channels it uses and the form that the messages take to provide education-related information to ethnic minority communities, taking into account their cultural and religious needs.
2. In particular, the government should provide standardised translations of informational materials into Hindi, Nepali and Urdu.
3. The government should introduce policies to improve the linguistic abilities and social integration of ethnic minority parents (e.g. via more accessible language classes and networking opportunities).

On religious and cultural diversity training for teachers:

1. Schools should be encouraged and provided with funding to hire more ethnic minority teachers and teaching assistants.
2. There should be refresher courses for human rights and cultural sensitivity for teaching staff.
3. Schools should be encouraged to implement outreach policies for teachers and staff.

On curriculum reform:

1. Elements of ethnic minority culture/history should be incorporated into standardised, optional modules to create curriculum flexibility.
2. A heavier focus should be placed on formative assessments as opposed to summative assessments.
3. The EDB should introduce multiculturalism as a formal subject or incorporate it into the existing Liberal Studies curriculum.

4. Mother-tongue and native culture classes for ethnic minority students should be provided to strengthen ethnic identities to build confidence among ethnic minority students and to concretise their sense of belonging and identity to Hong Kong and to their native communities.

On language policy:

1. Greater transparency in the evaluation of the Chinese Language Curriculum Second Language Learning Framework and appropriate modifications in light of failings.
2. At the kindergarten level, the government should increase funding to hire more teachers specifically to deliver Chinese language curricula in an accessible manner.
3. Set up a Teaching and Learning Collaborative Commons to facilitate the sharing of teaching and learning experiences and materials in relation to ethnic minority students.

¹ Anwei Fang and Bob Adamson (eds.), *Trilingualism in Education in China: Models and Challenges* (Springer, 2015).

² Hong Kong Council of Social Service, 'Policy Bulletin: Issue Fifteen, Ethnic Minorities in Hong Kong' (*Hong Kong Council of Social Service*, 30 October 2013).

³ Kerry Kennedy, Ming Tak Hue and Kwok Tung Tsui, 'Comparing Hong Kong Teachers' Sense of Efficacy For Teaching Chinese and Non-Chinese Students' (*The Hong Kong Institute of Education*, February 2008).

<[http://www.ied.edu.hk/diversityproject/Outputs%20and%20downloads/Doc/Cf%20PPTR%20Comparing%20HK%20T%20Sense%20of%20Efficacy%20\(final\).pdf](http://www.ied.edu.hk/diversityproject/Outputs%20and%20downloads/Doc/Cf%20PPTR%20Comparing%20HK%20T%20Sense%20of%20Efficacy%20(final).pdf)> accessed 19 September 2015, which cites Kelly Loper, 'The education, training and language provisions in Hong Kong's race discrimination bill. Presentation made at the Conference on Promoting Racial Harmony? Hong Kong's Race Discrimination Bill in International and Comparative Perspective' (Centre for Comparative and Public Law, 2007) <<http://hku.hk/ccpl/pub/conferences/documents/ppt-KelleyLoper.pdf>> accessed 11 February 2008. Although the exemptions in relation to language were eventually not enacted, this was the result of an oversight of the supporters of the Government's proposed exemption, who erroneously voted down the language exemption when the bill was in its final reading in the Legislative Council.

⁴ Ming Tak Hue and Kerry Kennedy, *Creating Culturally Responsive Environments* (National Institute of Education 2013) 275, which cites H B Ku, K W Chan and K K Sandhu, *A Research Report on the Employment of South Asian Ethnic Minority Groups in Hong Kong* (Centre for Social Policy Studies 2006).

⁵ Sandra Fredman, *Human Rights Transformed* (Oxford University Press 2008) 216.

⁶ Sarah Carmichael, *Language Rights in Education: a Study of Hong Kong's Linguistic Minorities* (Centre for Comparative and Public Law 2009).

⁷ Perhaps due to the under representation or even lack of representation of this ethnic group, there is no data on this group in subsequent categories in relation to this issue.

⁸ The Hong Kong Institute of Education, 'Study on Educational Inequality and Child Poverty among Ethnic Minorities in Hong Kong' (*The Hong Kong Institute of Education*, 29 October 2013). <<http://www.ied.edu.hk/media/news.php?id=20131029>> accessed 19 September 2015.

⁹ Hong Kong Unison, 'Report: Survey on Kindergarten Education for Ethnic Minority Students in Hong Kong' (*Unison Hong Kong*, April 2012). <<http://www.unison.org.hk/DocumentDownload/Researches/R201204%20Kindergarten%20Survey%20Report.pdf>> accessed 19 September 2015.

¹⁰ *ibid.*

¹¹ Hong Kong Unison, 'Research on Kindergarten Support and Attitude towards Ethnic Minority Students in Hong Kong' (*Unison Hong Kong*, July 2015).

¹² Kit-Tai Hau, *Tracking the Adaptation and Development of Non-Chinese Speaking Children (NCS) in Mainstream Schools* (Education Bureau, 11 November 2008) <http://www.edb.gov.hk/attachment/en/student-parents/ncs-students/support-to-school/xe_summary%20eng.pdf> accessed 19 September 2015, 1.

- ¹³ Equal Opportunities Commission, 'Education for All: Report on the Working Group on Education for Ethnic Minorities' (*Equal Opportunities Commission*, 17 September 2011) <<http://www.eoc.org.hk/eoc/Upload/UserFiles/File/EducationReportE.pdf>> ("EOC Education Report 2011"), 11.
- ¹⁴ Hong Kong Unison (n 11) 27-28.
- ¹⁵ 2011 Hong Kong Population Census Thematic Report: Ethnic Minorities, Table 5.1.
- ¹⁶ South China Morning Post (22 April 2014), *Parents in Hong Kong struggling with rising cost of English-language education*.
- ¹⁷ Hong Kong Unison (7 June 2015), Research on Ethnic Minority Parental Choice in Primary School Selection: Executive Summary ("Unison Primary School Research 2015"); Unison Kindergarten Research 2015, pp.11-12.
- ¹⁸ Loper (2004), p.9.
- ¹⁹ Census and Statistics Department, 'Thematic Report: Ethnic Minorities' (*Census 2011*, December 2012), Table 5.1.
- ²⁰ The Hong Kong Institute of Education (n 8).
- ²¹ Director of Bureau, Secretary for Education, 'Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2015-16, Session 13' (*Education Bureau*, 2015), pp. 224-230, <<http://www.edb.gov.hk/attachment/en/about-edb/press/legco/others/EDB-2-e1.pdf>> accessed 19 August 2015.
- ²² Hong Kong Council of Social Service, (n 2).
- ²³ Table reproduced from HKCSS Bulletin No. 15, Hong Kong Council of Social Service, "Ethnic Minorities in Hong Kong" (2013).
- ²⁴ Census and Statistics Department, 'Thematic Report: Ethnic Minorities' (December 2012), Table 5.2, for data including foreign domestic helpers; adjusted data excluding foreign domestic helpers was published by the Hong Kong Council of Social Service in its Bulletin No. 15, Hong Kong Ethnic Minorities 2013.
- ²⁵ The Hong Kong Institute of Education (n 8).
- ²⁶ Dennis Chong and others, 'Relieved Ishaq a major star within a minority' *South China Morning Post* (Hong Kong, 21 July 2012) <<http://www.scmp.com/article/1007316/relieved-ishaq-major-star-within-minority>> accessed 19 September 2015.
- ²⁷ York Chow, "Ghetto treatment blocks advance of Hong Kong's ethnic minority students" *South China Morning Post* (Hong Kong, 26 September 2013) <<http://www.scmp.com/comment/insight-opinion/article/1317614/ghetto-treatment-blocks-advance-hong-kongs-ethnic-minority>> accessed 19 September 2015.
- ²⁸ Dennis Chong and others (n 26).
- ²⁹ Carmichael (n 6).
- ³⁰ Cultural competence is defined in the report as, "the ability to comprehend and to apply a set of culturally specific knowledge, skills, attitude and judgments that one needs to accomplish certain tasks or achieve certain ends."
- ³¹ Hong Kong Unison, 'Research on Ethnic Minority Parental Choice in Primary School Selection: Executive Summary' (*Legislative Council*, 8 June 2015) <<http://www.legco.gov.hk/yr14-15/english/panels/ed/papers/ed20150608cb4-1131-1-e.pdf>> accessed 19 September 2015, ("Unison Primary School Research 2015").
- ³² This section benefited from the contribution of Trisha Tran, a Hong Kong ethnic minority mother with an EM SEN child. In 2014, Trisha set up the Concerned Parents and Friends of SEN Children group.
- ³³ Education Bureau, Primary One Allocation Guidance Notes 2015, Appendix 3.
- ³⁴ Table 1, Number of Primary Schools by District and by Sector, 2013/14 School Year, Session 20 EDB, Director of Education, Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2013-14, p. 375, Appendix 1(b), available at, http://www.legco.gov.hk/yr12-13/english/fc/fc/w_q/edb-e.pdf, accessed 23 August 2015.
- ³⁵ Jason Lam, Education Bureau, Letter dated 23 October 2014, addressed to Concerned Parents and Friends of SEN Children, on file with author ("Letter to Concerned Parents and Friends of SEN Children"). See also, Number of students with SEN studying in public sector ordinary primary and secondary schools by major SEN types from the 2009-2010 to 2013-2014 school years, Controlling Officer's Reply Serial No. EDB356 for the special meeting of the Finance Committee to examine the Estimates of Expenditure 2014-2015, Appendix 1, on file with author ("Number of students with SEN studying in public sector ordinary primary and secondary schools by major SEN types").
- ³⁶ Letter to Concerned Parents and Friends of SEN Children, p. 2.
- ³⁷ Number of students with SEN studying in public sector ordinary primary and secondary schools by major SEN types.

- ³⁸ Director of Bureau, Secretary for Education, 'Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2015-16, Session 13' (*Education Bureau*, 2015) <<http://www.edb.gov.hk/attachment/en/about-edb/press/legco/others/EDB-2-e1.pdf>> accessed 19 August 2015.
- ³⁹ Education Bureau, '質素評核報告 (以區域劃分)' (*Education Bureau*, 1 April 2015) <<http://www.edb.gov.hk/tc/edu-system/preprimary-kindergarten/quality-assurance-framework/qr/qr-report/index.html>> accessed 19 September 2015.
- ⁴⁰ Hong Kong Unison, "Catalogue of resources for teachers on teaching ethnic minority related topics of Liberal Studies" (*Hong Kong Unison*, 2014) <http://www.unison.org.hk/DocumentDownload/LS%20Resources%20Kit_Jun,14.pdf> accessed 19 September 2015.
- ⁴¹ Kerry Kennedy et. al., 'Educational Provision for Ethnic Minority Students in Hong Kong: Meeting the Challenges of the Proposed Racial Discrimination Bill, a Public Policy Research Project (HKIEd8001-PPR-2), First Interim Report' (*The Hong Kong Institute of Education*, 2011) <http://www.ied.edu.hk/diversityproject/Outputs%20and%20downloads/Doc/First%20Interim%20Report_final.pdf> accessed 19 September 2015. See also H Ku, K Chan and K K Sandhu, *A Research Report on the Education of South Asian Ethnic Minority Groups in Hong Kong* (Centre for Social Policy Studies 2005) 6.
- ⁴² Home Affairs Department, 'Meeting Minutes of the Committee on the Promotion of Racial Harmony' (*Home Affairs Department*, 24 April 2007). <<http://www.had.gov.hk/rru/english/aboutus/files/minutes20070424.doc>> accessed 19 September 2015.
- ⁴³ See full list of "designated schools": Hong Kong Unison, 'Controlling Officer's Reply to Initial Written Question' (*Hong Kong Unison*, 26 March 2013) <http://www.unison.org.hk/DocumentDownload/Designated_School_percent_EN.pdf> accessed 19 September 2015.
- ⁴⁴ Education Bureau, 'Legislative Council Panel on Education Progress of Support Measures for Non-Chinese Speaking Students (2011), LC Paper No. CB(2)1213/10-11(01), p.7. Available at: <<http://www.legco.gov.hk/yr10-11/english/panels/ed/papers/ed0314cb2-1213-1-e.pdf>> accessed 19 September 2015.
- ⁴⁵ Hong Kong Unison and Society for Cultural Integration, 'Joint Submissions of Hong Kong Unison and Society for Cultural Integration to the Panel on Constitutional Affairs on the hearing of the United Nations Committee on the Rights of the Child on the second report of the HKSAR in light of the Convention on the Rights of Child, LC Paper No. CB(2) 268/13-14(07)' (*Legislative Council*, 18 November 2013) <<http://www.legco.gov.hk/yr13-14/chinese/panels/ca/papers/ca1118cb2-268-7-ec.pdf>> accessed 19 September 2015.
- ⁴⁶ This is based on a comparison of the material used in the teaching of Secondary 6 students at designated schools and those used in the mainstream schools to teach Hong Kong Chinese students.
- ⁴⁷ Puja Kapai, Deputation, hearing of the United Nations Human Rights the third report of the HKSAR in light of the Covenant on Civil and Political Rights (March 2013) and Puja Kapai, Deputation, hearing of the United Nations Committee on the Rights of the Child on the second report of the HKSAR in light of the Convention on the Rights of Child (September 2013).
- ⁴⁸ *Ibid.*
- ⁴⁹ Centre for Civil Society and Governance, the University of Hong Kong and Policy 21 Limited, *Study on Racial Encounters and Discrimination Experienced by South Asians* (Equal Opportunities Commission 2012).
- ⁵⁰ Hong Kong SAR Government, 'LCQ3: Support to underprivileged children' (*Information Services Department*, 16 October 2013) <<http://www.info.gov.hk/gia/general/201310/16/P201310160344.htm>> accessed 19 September 2015.
- ⁵¹ Data from Education Bureau obtained by Hong Kong Unison, on file with author.
- ⁵² Chow (n 27).
- ⁵³ Ming Pao, '關愛資助考語文反應淡105萬撥款' *Ming Pao* (Hong Kong, 21 July 2013) <http://life.mingpao.com/cfm/dailynews3b.cfm?File=20130721/nalgm/gma1_er.txt> accessed 19 September 2015.
- ⁵⁴ Hong Kong Christian Service, "Survey on Ethnic Minority Education and Career Support" (2011), Issue No 340 Dec 2011.
- ⁵⁵ Noam Chomsky, 'Noam Chomsky On Why Kids Learn Languages Easily' (*Forbes*, 24 October 2005) <http://www.forbes.com/2005/10/19/chomsky-noam-language-learning-comm05-cx_de_1024chomsky.html> accessed 19 September 2015.
- ⁵⁶ Hau (n 12).
- ⁵⁷ Equal Opportunities Commission (n 13), §11.

⁵⁸ Although in recent years, higher education institutions have been encouraged to accept alternative Chinese language qualifications or passes in a different language for students coming through the JUPAS (Joint University Programmes Admission System), these alternative qualifications hardly seem to be applied since the majority of ethnic minority students applying for university admission continue to be rejected.

⁵⁹ Hong Kong Unison, 'Hong Kong Unison's Submissions on the Second Report of HKSAR on the International Covenant on Economic, Social and Cultural Rights (Part Two) for the Pre-sessional Hearing in May 2013' (*United Nations Human Rights*, May 2013).
<http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/HKG/INT_CESCR_NGO_HKG_14055_E.pdf> accessed 19 September 2015, §1.1.2.

⁶⁰ Hong Kong Council of Social Service (n 2).

⁶¹ Hue and Kennedy (n 4) 10; Ming-Tak Hue and Kerry Kennedy, *Building a connected classroom: Teachers' narratives about managing the cultural diversity of ethnic minority students in Hong Kong secondary schools* (NAPCE 2013); Ming-Tak Hue and Kerry Kennedy, *The challenge of promoting ethnic minority education and cultural diversity in Hong Kong schools: From policy to practice* (Revista Española de Educación Comparada 2014) Challenge of promoting EM Education and Cultural Diversity in HK Schools

⁶² Kerry Kennedy, 'The 'No Loser' principle in Hong Kong's education reform: Does it apply to ethnic minority students?' 11 *Hong Kong Teachers' Centre Journal* 1.

⁶³ Hue and Kennedy, *Building a connected classroom* (n 61).

⁶⁴ Kennedy, Hue and Tsui (n 3).

⁶⁵ Oxfam Hong Kong, 'Survey on the Chinese Learning Challenges South Asian Ethnic Minority Kindergarten Students from Low-Income Families Face' (*Oxfam Hong Kong*, December 2014) <http://www.oxfam.org.hk/filemgr/2639/Oxfam_Surveyon_Dec2.pdf> accessed 19 September 2015, s 4.1.

⁶⁶ These are the anecdotal experiences relayed by ethnic minority parents to the author and to Hong Kong Unison in its case-based advocacy work as well as its service provision in trying to assist ethnic minority children through their afterschool support classes and in bridging gaps between schools and parents.

⁶⁷ Ku, Chan and Sandhu (n 41) 66; Hong Kong Unison, 'Research on Kindergarten Support and Attitude towards Ethnic Minority Students in Hong Kong' (*Hong Kong Unison*, May 2015). <<http://www.unison.org.hk/DocumentDownload/Researches/R201505%20Research%20on%20KG%20support%20and%20attitude.pdf>> accessed 19 September 2015; Hong Kong Unison, Hong Kong Council of Social Service, 'Policy Bulletin: Issue Fifteen, Ethnic Minorities in Hong Kong' (*Hong Kong Council of Social Service*, 30 October 2013) <<http://www.hkcss.org.hk/uploadFileMgmt/pb15.pdf>>.

⁶⁸ Hong Kong Unison (May 2015), *Research on Kindergarten Support and Attitude towards Ethnic Minority Students in Hong Kong* ("Unison Kindergarten Research 2015"), p.8.

⁶⁹ *Ibid*, pp.8-9; Sing Tao Daily (14 May 2015), 幼稚園中文面試少數族裔難入學.

⁷⁰ Equal Opportunities Commission (March 2011), *Education for All: Report on the Working Group on Education for Ethnic Minorities* ("EOC Education Report 2011"), 13.

⁷¹ Kit-Tai Hau (11 November 2008), *Tracking the Adaptation and Development of Non-Chinese Speaking Children (NCS) in Mainstream Schools*, p.1.

⁷² Unison Kindergarten Report 2012, 27-28.

⁷³ Apple Daily (29 December 2014), 缺中文支援 少數族裔童升學受阻.

⁷⁴ Unison EM Research 2005.

⁷⁵ *ibid*.

⁷⁶ EOC Education Report 2011, n 13.

⁷⁷ Li Yao, 'Struggling to understand' *China Daily* (Hong Kong, 8 November 2013) <http://www.chinadailyasia.com/news/2013-11/08/content_15097477_2.html> accessed 19 September 2015.

⁷⁸ Hong Kong Christian Service, 'Over 40% of parents feel difficult for their children to learn languages well in the "Bi-literacy and Tri-lingualism" environment' (translated from Chinese; original: 香港基督教服務處) (*Hong Kong Christian Service*, 26 November 2011) <<http://www.hkcs.org/commu/press/2011press/press20111126.html>> accessed 19 September 2015.

⁷⁹ HKCSS Policy Bulletin 2013, p.18.

⁸⁰ Hong Kong Unison (February 2014), *Summary on Support for Ethnic Minorities in Learning the Chinese Language as Announced in the 2014 Policy Address* ("Unison Summary on 2014 Policy Address"), p.1; EDB Measures 2013.

⁸¹ Education Bureau Policy (27 January 2014), 33.

⁸² Hong Kong Unison (16 January 2014), *Press release: Hong Kong Unison urges the Secretary for Education to clarify in his press conference certain issues about the “Chinese as a Second Language” policy*; Hong Kong Unison (21 February 2014), *Press release: Hong Kong Unison meets with Mr Eddie Ng and Mrs Cherry Tse to discuss details in the implementation of the Chinese language support for ethnic minority students*; Sing Tao Daily (29 July 2013), 校長促設中文第二語言課程.

⁸³ Hong Kong Economic Journal (信報) (14 January 2015), 【施政報告】樂施會：未提少數族裔學前教育支援感失望.

⁸⁴ Website of the Hong Kong Council of Social Service <<http://www.hkcss.org.hk/c/>>

⁸⁵ Hong Kong Unison, ‘Committee on Child Rights Bears Down on Hong Kong Government for Answers on Discrimination in Education for Ethnic Minority Children’ (*Hong Kong Unison*, 27 September 2013) <<https://www.facebook.com/HongKongUnison/photos/a.418223401543792.101934.416316298401169/646717778694352/>> accessed 19 September 2015.

⁸⁶ Education Bureau, ‘Enhanced Chinese Learning and Teaching for non-Chinese Speaking Students’ (2014) Circular No. 8/2013’ (*Education Bureau*, 5 June 2014). <http://www.edb.gov.hk/attachment/en/student-parents/ncs-students/new/CM_2014%2006%2005_E.pdf> accessed 19 September 2015.

⁸⁷ HKCSS Policy Bulletin 2013, p.18; The Standard (29 July 2013), *Reform call as students stumble at language bar*. See also, Rizwan Ullah, *A critical review on the provision of Chinese language education for NCSS in Hong Kong* (University of Hong Kong 2012).

⁸⁸ Headline News (頭條日報) (29 July 2013), 少數族裔中文「水皮」升學難.

⁸⁹ Hong Kong Unison (n 40), §5.

⁹⁰ Hong Kong Council of Social Service (n 2).

⁹¹ Hong Kong Council of Social Service (n 2).

⁹² Joint Universities Programmes Admissions System <<http://www.jupas.edu.hk/en/application-procedures/application-information/alternative-qualifications-in-chinese-language-acl-for-ncs-applicants-only/>> accessed 23 August 2015.

⁹³ Acceptance of alternative qualification(s) in Chinese Language for admission to undergraduate programmes of the University Grants Committee (UGC)-funded Institutions and undergraduate programmes under the Study Subsidy Scheme for Designated Professions/Sectors. Available on the website of the Education Bureau: Education Bureau, ‘Acceptance of alternative qualifications in Chinese Language for admission to the University Grants Committee (UGC)-funded Institutions and undergraduate programmes under the Study Subsidy Scheme for Designated Professions/Sectors’ (*Education Bureau*) <http://www.edb.gov.hk/attachment/en/student-parents/ncs-students/about-ncs-students/Jupas201415/20140911_ArrangementDetails_ENG.pdf> accessed on 30 June 2015.

⁹⁴ Hong Kong Council of Social Service (n 2).

⁹⁵ Bawm (2008), [6.3].

⁹⁶ Acceptance of alternative qualification(s) in Chinese Language for admission to undergraduate programmes of the University Grants Committee (UGC)-funded Institutions and undergraduate programmes under the Study Subsidy Scheme for Designated Professions/Sectors. Available on the website of the Education Bureau: Education Bureau, ‘Acceptance of alternative qualifications in Chinese Language for admission to the University Grants Committee (UGC)-funded Institutions and undergraduate programmes under the Study Subsidy Scheme for Designated Professions/Sectors’ (*Education Bureau*, 2008) <http://www.edb.gov.hk/attachment/en/student-parents/ncs-students/about-ncs-students/Jupas201415/20140911_ArrangementDetails_ENG.pdf> accessed on 30 June 2015 and note 11, 19-20.

⁹⁷ Hong Kong Unison (n 59).

⁹⁸ S. Fisher, “Ethnic Minority Children in Mainstream Primary Schools – A Case of Indirect Discrimination?” (2011)

⁹⁹ Hong Kong Council of Social Service, ‘解開少數族裔 極窮困之謎 - 教育’ (*Hong Kong Council of Social Service*, 13 January 2014) <http://www.hkcss.org.hk/cont_detail.asp?type_id=3&content_id=1462> accessed 19 September 2015.

¹⁰⁰ Equal Opportunities Commission (n 13), §13.

¹⁰¹ Hong Kong Council of Social Service (n 2).

¹⁰² Education Bureau (August 2013), *Education Support Measures for Non-Chinese Speaking Students (2013/14 School Year)* (“EDB Measures 2013”).

¹⁰³ South China Morning Post (21 July 2012), *Relieved Ishaq a major star within a minority*.

¹⁰⁴ Loper (2004), p.7; 東網新聞 (15 July 2015), 職業教育中文為主 少數族裔批礙升學阻求職.

¹⁰⁵ EOC Education Report 2011, [13].

¹⁰⁶ Equal Opportunities Commission (December 2011), *Education for Ethnic Minorities Children: Meeting of Legislative Council Panel on Education on 12 December 2011 – Submissions from the Equal Opportunities Commission*.

¹⁰⁷ Oxfam Hong Kong, 'Second-language education policies abroad and in Hong Kong' (*Legislative Council*, April 2014) <<http://www.legco.gov.hk/yr13-14/english/panels/ed/papers/ed0414cb4-558-1-e.pdf>> accessed 19 September 2015.

¹⁰⁸ See Table 4.2 above.

¹⁰⁹ See Chapter 4 of this Report.

¹¹⁰ See Chapter 4 of this Report.

¹¹¹ See generally Chapter 5 of this Report.

¹¹² See generally Chapter 7 of this Report.

¹¹³ See Chapter 4 of this Report.

¹¹⁴ South China Morning Post (26 January 2015), *Bilingual classes in Hong Kong public schools suit Chinese and non-Chinese alike*.

¹¹⁵ Kennedy, Hue and Tsui (n 3).

¹¹⁶ Hue and Kennedy, *Building a connected classroom* (n 61); Hue and Kennedy, *The challenge of promoting ethnic minority education* (n 61).

¹¹⁷ Hau (n 12).

¹¹⁸ Liz Jackson, Learning about the other: Cultural Difference and American Education, (2007) *International Journal of Interdisciplinary Social Sciences*, 477-485.

¹¹⁹ *Ibid.*

¹²⁰ Carmichael (n 6).

¹²¹ Legislative Council, *Examination of Estimates of Expenditure 2013-14, no. EDB150* (Legislative Council 2014).

¹²² *Ibid.* (n10), p.27.

¹²³ *Ibid.* (n9), p.17.

¹²⁴ *Ibid.* (n9), p.15.

¹²⁵ Kennedy (n 62) 6.

¹²⁶ *ibid.*

¹²⁷ Equal Opportunities Commission, "Report on the Working Group on Education for Ethnic Minorities (n 13), §13.

¹²⁸ Carmichael (n 6).

¹²⁹ This section was drafted with the assistance of Victor Lui, a student of the Faculty of Law, The University of Hong Kong.

¹³⁰ *Case of Horváth and Kiss v Hungary* (Application no. 11146/11) (European Court of Human Rights, Chamber Second Section, 29 January 2013).

¹³¹ *Case of Oršuš and Ors v Croatia* (Application no. 15766/03) (European Court of Human Rights, Grand Chamber, 16 March 2010).

¹³² *Case of DH and Ors v The Czech Republic* (Application no. 57325/00) (European Court of Human Rights, Grand Chamber, 13 November 2007).