



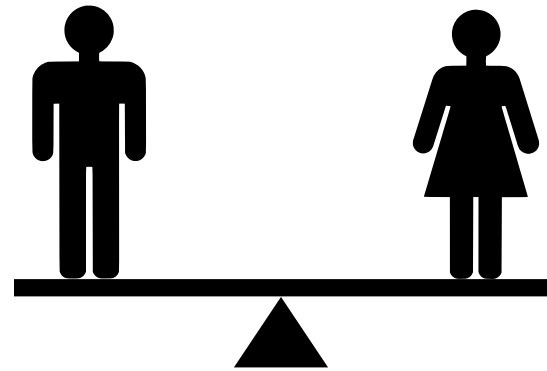
平等機會委員會
EQUAL OPPORTUNITIES COMMISSION

EQUAL OPPORTUNITIES IN KINDERGARTEN ADMISSIONS

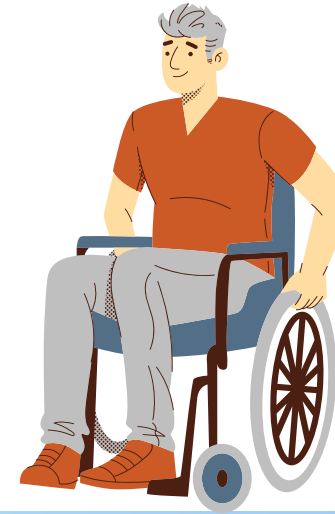


THE 4 ORDINANCES

Sex Discrimination Ordinance



Disability Discrimination Ordinance



Family Status Discrimination Ordinance

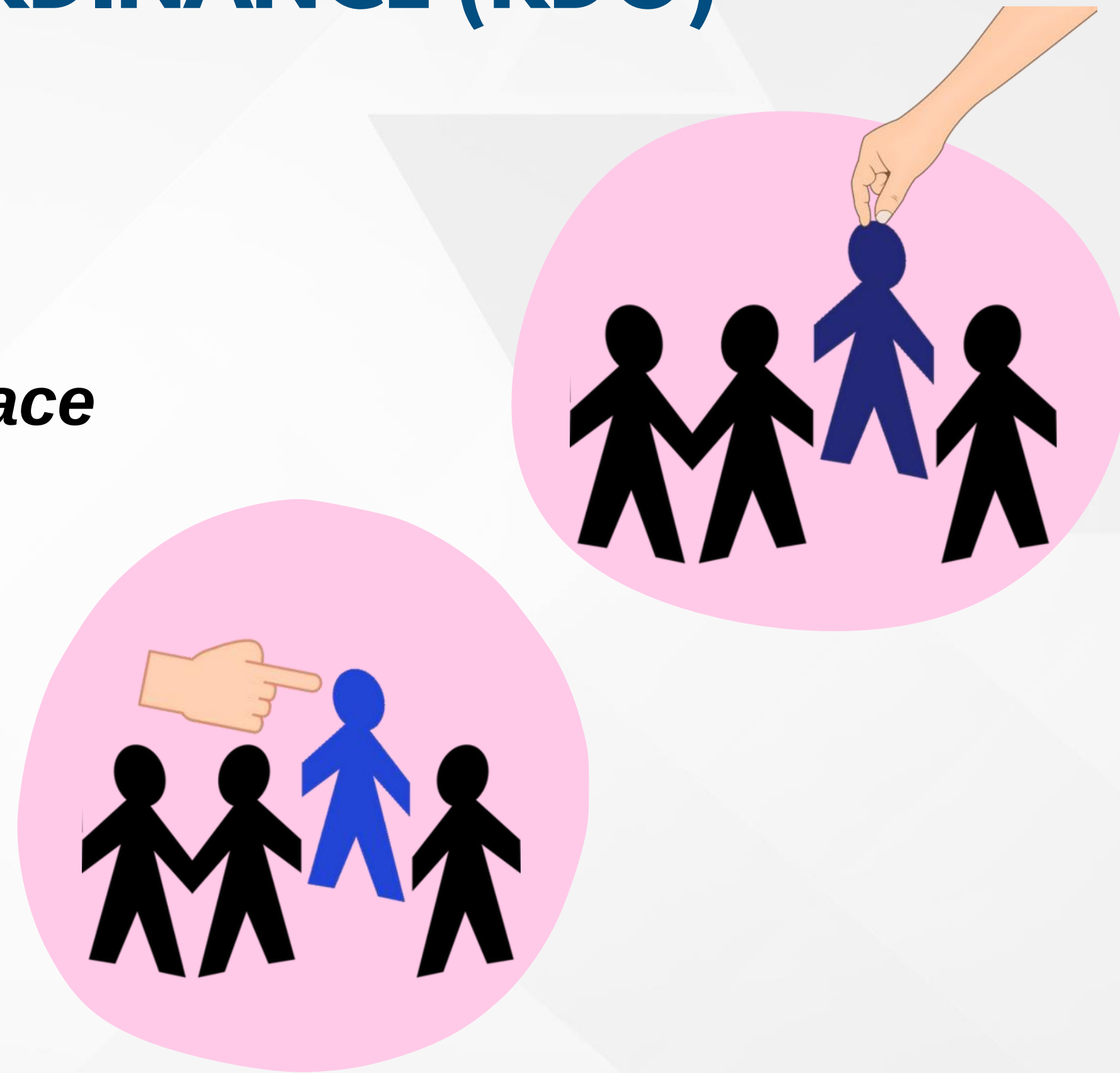


Race Discrimination Ordinance



RACE DISCRIMINATION ORDINANCE (RDO)

Discrimination on the ground of a *person's race* or *his/her imputed race* is unlawful under the RDO



Educational establishments, ***including kindergartens***, are covered under the RDO

According to the RDO, race includes: race, colour, descent, national or ethnic origin of the person

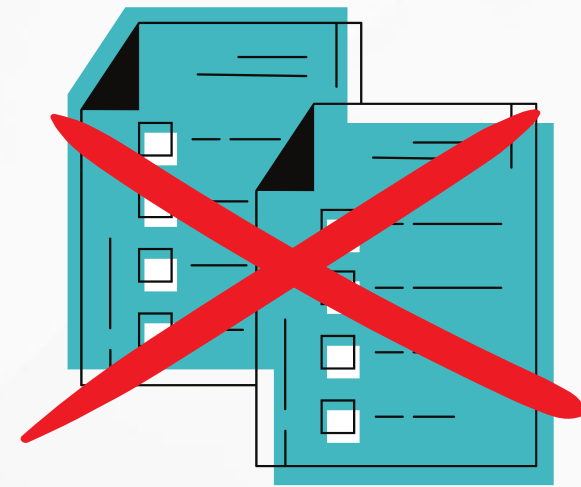
*Under the RDO, religion & language are not considered a definition of race but prohibitions in these areas may lead to ***indirect discrimination*** in some conditions.



DIRECT DISCRIMINATION

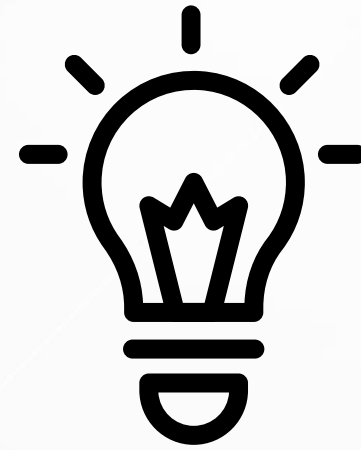
It is unlawful for schools to discriminate against a person on the ground of race or imputed race including:

1. Terms of Admission



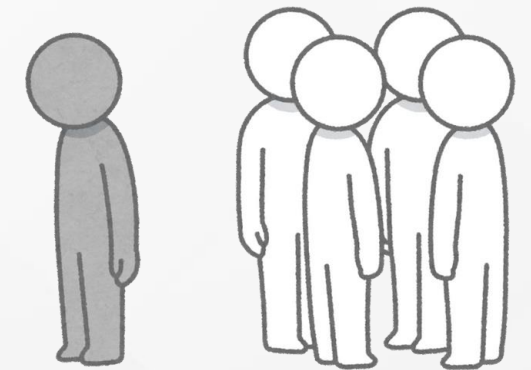
2. Refusing to accept an application

3. Limiting access to any benefits, facilities or services



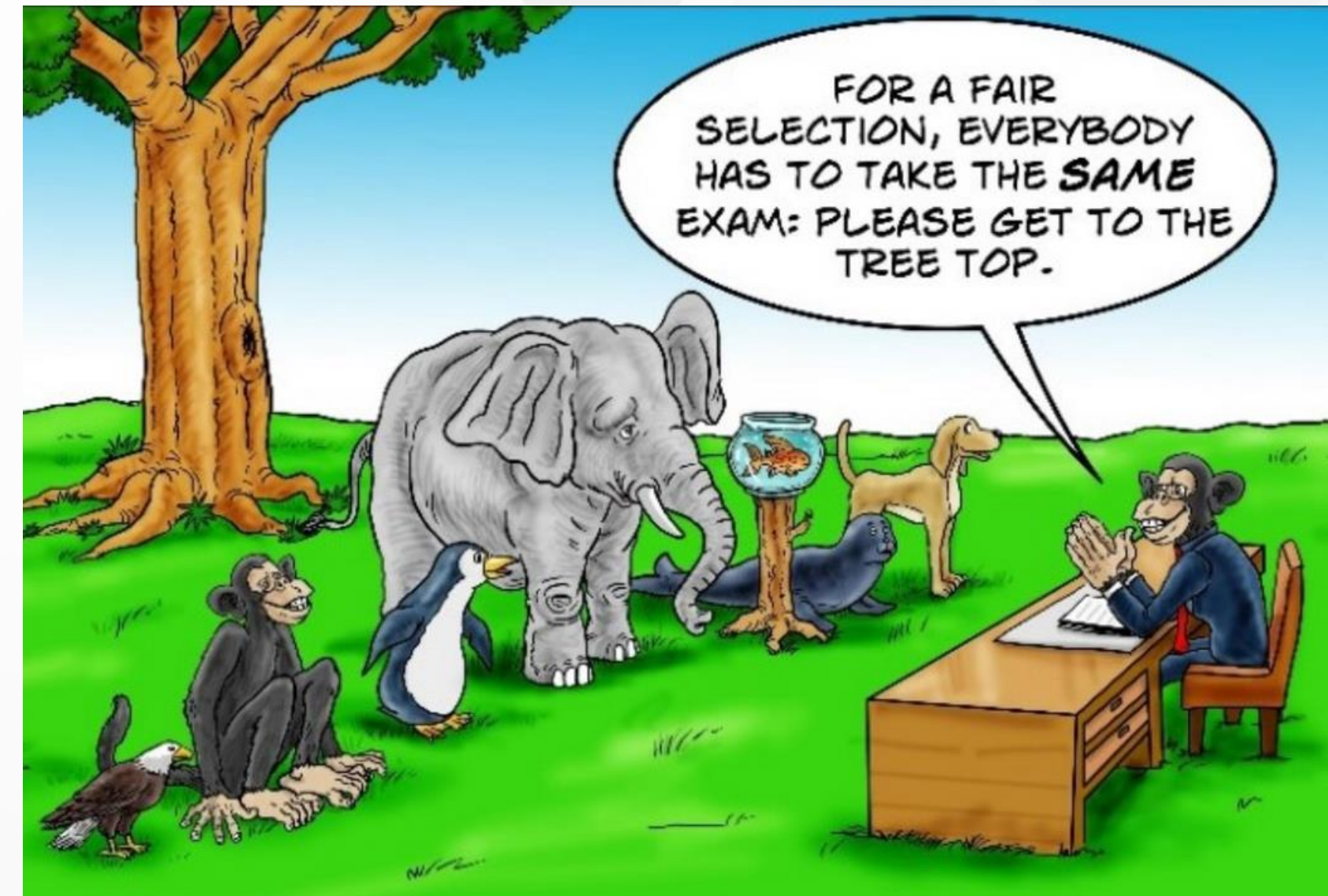
4. Expelling a student or subjecting him or her to any other disadvantage

5. Segregating a student from other students



INDIRECT DISCRIMINATION

- **Uniform requirement or condition for all; but considerably smaller proportion of people from a racial group can meet it**
- **Requirement cannot be justified on non-racial grounds**
- **People from a racial group may be disadvantaged**



INDIRECT DISCRIMINATION

- **A non-Chinese couple approach a school to get the school application form & the school receptionist asks whether the couple know any Cantonese.**
- **When the couple says they do not know any Cantonese, the receptionist does not give them the application form.**
- **The school shall assess the applicants' but not their parents' language capability for admissions / provision of application form.**

**Uniform requirement /
condition**

**Unfair result to
people of a particular
racial group**

**Requirement or
condition not
justifiable**

INDIRECT DISCRIMINATION

EXAMPLES

Language

- Language requirement in admission interviews
- School correspondence with parents in Chinese only

If **Chinese** is the **ONLY** language used, it may **disadvantage** non-Chinese speaking students/parents more than Chinese speaking students/parents.



Religion

- Uniform
- Religious practices & school rules

Applicable to certain races whose identities are closely linked to their religion (Example: Sikhs, Muslims, Jews, etc.)



WHAT IS RACIAL HARASSMENT?

Racial Harassment is **unwelcome, abusive, insulting, or offensive behaviour** because of a person's race or his/her imputed race which makes the aggrieved person feel **threatened, humiliated or embarrassed**; includes harassment due to an *associate's race.

**Associate includes a spouse, a person who is living with the other person on a genuine domestic basis, a relative, a carer, etc.*

RACIAL HARASSMENT

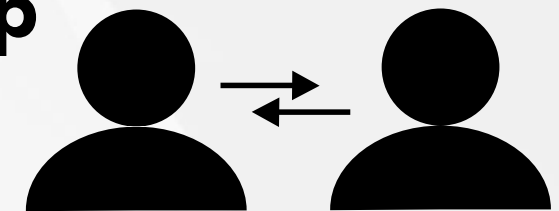
Name calling

- **racially derogatory terms**



Racially offensive language

- **while communicating with people from a different group**



Bullying

- **on the basis of another person's race or imputed race**



Making racial jokes/fun

- **accent, appearance, traditional food**

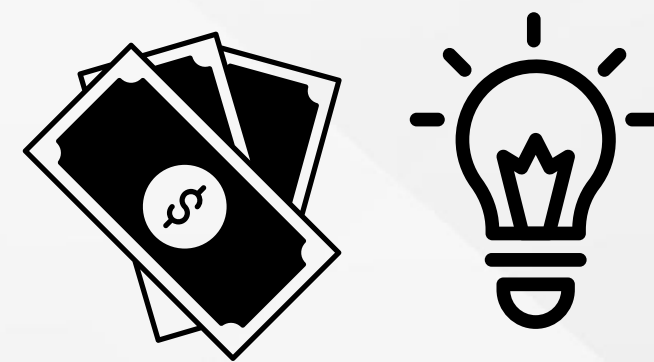


FAQ FROM PARENTS

Kindergartens (KGs) turn us away saying they do not have **adequate resources** for learning support of non-Chinese speaking (NCS) students.



Clarify with the KG how they are using the additional funding from the Government for NCS students' support before deciding. Not having adequate resources is **not considered a reasonable ground** for refusing applications of NCS students.

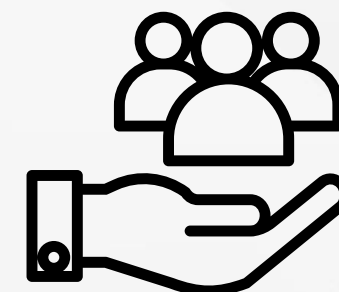


FAQ FROM PARENTS

Schools do not provide **bilingual information**, so we cannot keep in touch with what is going on in the school.

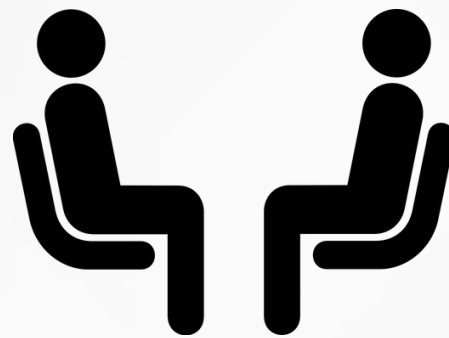


Talk to the teacher to see if there is a way of informing you about important notices. The Government has increased funding for schools to support NCS students & parents. You can also seek help from **Support Service Centres for Ethnic Minorities**.



FAQS FROM PARENTS

The kindergarten conducted the
**interview for my child in
Cantonese**



- We have advised KGs to **use other means to assess applicants.**
- Conducting interviews **ONLY in Chinese** may be **indirect discrimination** against non-Chinese children.
- You may bring a **complaint to EOC.**
- Request kindergarten to **engage an interpreter** when necessary: (HK Christian Service – CHEER Centre 3106 3104)

ROLE OF PARENTS AND GUARDIANS

Religious practices and uniform

- Participate in consultations with the school to help them formulate culturally sensitive policies with regard to uniforms and observance of religious practices that may require accommodation.

Equal opportunity provisions for non-Chinese speaking students

- Learn more about the RDO & get involved with the school to develop policies that foster a racially friendly environment.



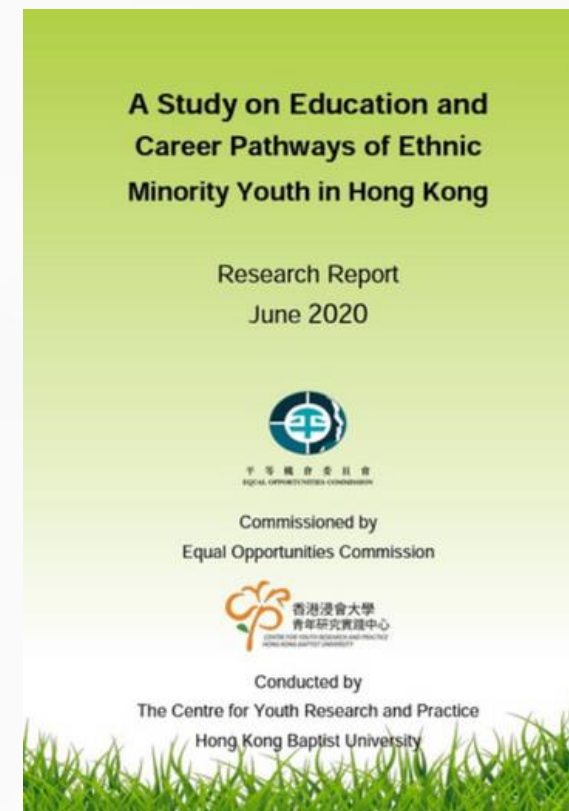
LODGING A COMPLAINT WITH THE EOC

- Must be **made in writing** by filling out the online complaint form or by fax, mail, or in person.
- Must be **made by the aggrieved person** or **his/her representative**
- Must be **made within one year** of the incident
- **Call us** for an enquiry at **2511 8211**

Note:

If you prefer making a complaint in your native language, we can also provide language assistance upon request.

EOC RESOURCES ON THE EDUCATION OF EMs



CONTACT

ADDRESS: 16/F, 41 HEUNG YIP ROAD, WONG
CHUK HANG, HK

Tel: (852) 2511 8211

Fax: (852) 2511 8142

Website: www.eoc.org.hk

THANK YOU!

DISCLAIMER

*Information in this presentation does not represent a formal interpretation of the law.
Please seek professional advice for any legal action.*