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## Dialogue. Racial Discrimination | Hong Kong-born Indian lawyer Kajal Aswani: racial inclusion has a long way to go

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"30 years ago in Hong Kong, people would find it strange - why would an Indian speak Chinese? But now things have changed." Kajal Aswani, an Indian lawyer born and raised in Hong Kong, told HK01 her inspirational personal experiences in fluent Cantonese. Practicing law for nearly 18 years, Kajal has bravely overcome racial prejudice, doubts, language barriers and other difficulties in her career to gain a firm foothold in the legal industry and has rich experience in handling disputes. She is now a partner of the family and divorce practice team at Gall Solicitors. However, most ethnic minorities are not as fortunate as Kajal and they are being treated as "the others", despite the fact that Hong Kong is view as a multicultural city. There is still a lot of room for improvement for true racial inclusion.

### Chinese Education Neglection

Hong Kong prides itself as a "diverse and inclusive" international metropolis, but people from ethnic minority groups are often being discriminated against, especially South Asian people. According to the 2016 population by-census, 88.9% of the population use Cantonese as their usual language - which has resulted in others who are not native Chinese speakers encounter obstacles in daily life experiences, access to public services, and rights at work. I believe that many Hong Kongers do not regard this as a problem, and even think that since they have settled in Hong Kong, they should learn the language of Hong Kong. One of the problems is that the Hong Kong government has not provided enough Chinese education for ethnic minorities from the beginning of their studies. According to the "2016 Hong Kong Poverty Situation Report on Ethnic Minorities", the proportion of South Asian adults who can read and write Chinese is relatively low; only less than 10% of Indians can read and write Chinese.

Recalling her school days, when Kajal was in P.1-P.4 of primary school, ethnic minorities would attend classes with Chinese students, and the ratio of the two was about 1 to 9. Kajal and her classmates communicated in Chinese but the medium of instructions were English. During Chinese lessons, Kajal and her other ethnic minorities classmates were told that they did not need to learn Chinese and therefore they would be asked to do their homework during Chinese lessons instead of

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learning Chinese along with her Chinese classmates. By the time Kajal was in fifth and sixth grades, the school grouped ethnic minority students from different classes into one separate class and taught the class in French instead and there was no Chinese education.

Kajal said her parents did not question the system back then, but looking back now, Kajal said: "The school didn't pay attention to (our) Chinese education at all."

Kajal was a top student in her secondary school and all her classmates were ethnic minority students. In 1995, when Kajal had the chance to promote to Form 6, she was told that the medium of instructions will change to Chinese meaning that she would find difficult learning the subjects in Chinese and it will become even be harder to therefore graduate from secondary school. This forced Kajal and many of her classmates to either change school or enter the workforce. At 17-years-old, Kajal gave up her studies and entered the workforce. She worked as an accountant in a small trading company. She recalled at the time, nearly of her classmates embarked on a similar path and some moved overseas. There was however one classmate, who was promoted to Form 6 and took up the challenge to study regardless of the change of medium of instructions. Soon, she found it difficult as she could not read and write Chinese and therefore, she gave up within three months of being promoted to Form 6.

Regarding the issue of Chinese education for ethnic minorities, the Hong Kong government has done something, but it is not enough.

On the one hand, the Education Bureau has implemented the "dual-track mode" since 2014 and introduced "Applied Learning Chinese (for non-Chinese speaking students)", which aims to help non-Chinese speaking students lay the foundation for the application of Chinese in the workplace. The qualifications are equivalent to the DSE Chinese language examination. However, Leung Wai Mun, an assistant professor of the Department of Chinese and Bilingual Studies at the Hong Kong Polytechnic University, once pointed out to "HK01" that the "dual-track mode" is only targeting students from Form 4 to Form 6, and the current primary school Internal Assessments require non-Chinese speaking students to be assessed by sitting the same exam papers for Chinese students. This is inevitably an injustice and discouragement for students. She suggested that adjustments should also be made to the Chinese curriculum in junior secondary school and/or even primary school.

On the other hand, the Education Bureau or schools themselves rarely train teachers in their ability to teach non-Chinese students, resulting in a lack of skills and experience for language teachers to teach ethnic minorities according to their language proficiency, and often lack ways in dealing with non-Chinese students with weaker Chinese foundation. Although the "Hong Kong Poverty Situation Report on Ethnic Minorities 2016 " shows that more than 70% of children of Indian and Pakistani families can read and write Chinese, while nearly 50% of children of Nepalese descent are able to read and write, that is, under the government policy update, the Chinese literacy ability of the new generation of ethnic minority children is significantly better than that of adults, but students who were not covered by the policy in the early years are still caught in a vicious cycle of difficulty in furthering their education and job hunting due to low Chinese proficiency and the problem with inter-generational poverty.

Moreover, even as the new generation of ethnic minority children begin to break through the Chinese language barriers in the education system, they still face the problem of low enrolment rates. According to data provided by the Legislative

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Council, only 10% of South Asians aged 18 to 22 are pursuing a degree in Hong Kong, well below the rate of 23% of the overall population. I wonder how many stories like Kajal's would there be?

## Difficulty in job hunting

After completing Form 5, Kajal managed to land a job through her relatives' referral as she considered that as a woman, she should also be able to develop a career. She gradually broke away from the traditional concepts such as "male breadwinners and female homemakers", and the common misconception that women should get married and have children and be good wives and mothers. She yearned for countless possibilities which prompted her to start legal studies by enrolling in a part-time legal diploma course offered by the School of Professional and Continuing Education, The University of Hong Kong in 1999. At the same time, she worked at a large magic-circle UK law firm providing administrative services and started applying for law schools in the United Kingdom.

After discussion, Kajal's parents respected her wish to study further and rewrite her own destiny. They freed her from the expectations required of women in their society. In September 2000, Kajal used her savings to study at the University of Sheffield in the United Kingdom. She returned to Hong Kong with a Bachelor of Laws degree after three years. She continued her studies at the City University of Hong Kong where she completed the Postgraduate Certificate in Laws (PCLL for short).

Such an inspirational profile is uncommon among Indian female at the time. Even after successfully completing her studies, Kajal did not to secure any job at first, not even an interview. Her applications were rejected because of her inability to read and write Chinese. She was once told that law firms tend to hire top students who graduate from universities such as the University of Cambridge who are bilingual and/or trilingual and therefore the competition was very high. Later on, Kajal received an opportunity for an interview at a top local law firm, thanks to her course instructor's referral who saw huge potential in Kajal. . Kajal finally secured a training contract.

As a trainee, Kajal said that trainees are often required to do translation work. Although she could not read and write Chinese, instead of undertaking Chinese translation exercise, Kajal would participate in meetings to take notes, communicate with clients, and proofread English documents. As Hong Kong follows the common law system established during the British colonial period, and English is widely used during Court proceedings, she was able to work as a lawyer despite her lack of Chinese language skills.

In all walks of life, many ethnic minorities job seekers are rejected because of their limited Chinese language skills. Kajal once wrote an article in the newspaper, about the difficulties people face at workplace due to the lack of Chinese reading and writing skills, even if they can communicate in Cantonese. Some of them end up doing manual labour because of that and others are unable to pursue professional careers.

Leung Yuk-ming, an associate professor at the Department of Cultural Studies of Lingnan University in Hong Kong, who has studied related issues, pointed out to "HK01" earlier that language ability is indeed the fundamental problem with job-hunting, but this can easily become an excuse, a "legitimate" reason for employers to refuse employment for some eligible ethnic minorities. In fact, occupations in medical care, engineering, and sales for example do not need a high level of Chinese proficiency, but employers still question the Chinese literacy level of ethnic minorities, and

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there is a deep-rooted racial discrimination behind it.

## **The road to racial inclusion is long and difficult**

Today, Kajal has built a happy family. Unlike her female peers who followed the traditional path of marriage at an early age and gave up their careers, she insisted on pursuing her dreams and finding her own path. However, there are still many fellow Indians and other ethnic minorities who find it difficult to get out of this vicious cycle due to discrimination in the society, traditional concepts, language barriers etc.

It is undeniable that in recent years, through group initiatives and media reports, the plight of ethnic minorities has gradually come to the public's attention. The racial harmony policy has indeed improved, but there is still much room for improvement. Kajal believes that her fellow professionals from all walks of life have faced some degree of workplace discrimination. Ethnic minorities should not be excluded simply because of language barriers. Instead, they should be treated equally. The qualifications and skills sets of job seekers from all ethnicities should be measured by the same set of standards.

Based on her own personal experience, Kajal understands that in order not to be considered as "others and to achieve success in your professional career in Hong Kong, ethnic minorities in particular must double up their efforts, including polishing up their skills in networking. Hence in 2006, Kajal established the Indian Lawyers Group (later renamed the South Asian Lawyers Group) with three other South Asian professionals. In addition to promoting members' exchanges and mutual support, she mainly assists South Asian youths in the industry to broaden their horizons and make connections within the legal industry, offer guidance, and set them up with mentors. The association currently has more than 150 members.

Since the launch of the "The Racial Diversity and Inclusion Charter for Employers" by the Equal Opportunities Commission (EOC) in December 2018, which has now been signed by 200 organisations, including multinational corporations, local consortiums, SMEs, sports organisations, educational groups, NGOs, etc., EOC pledges to support the promotion of ethnic diversity and inclusion in the workplace. However, the government must take the initiative to be responsible and play its role in promoting racial inclusion. Kajal appeals, "the Government should not treat us with different standards." - In terms of language education, people who are born and raised in Hong Kong, regardless of their ethnicity, should be able to enjoy the basic right to learn Chinese from an early age, so that it will not affect their chances for academic and professional development in the future. In terms of cultural inclusion, the Government should take notice of the important festivals of ethnic minorities such as Diwali and Ramadan (New Year celebrations for Hindu and Muslims respectively) and promote cultural awareness, and change its attitudes starting with small gestures, like wishing the South Asian communities on television during their new year celebrations to promote public awareness.

Kajal always gives gifts and treats her colleagues to special Indian snacks during Diwali (Indian New Year) to deepen the cultural understanding between her colleagues. However, it is hard to change the society with the power of only one person. The Government should think about ways on how to make Hong Kong a truly diverse and inclusive international city.