

EQUAL OPPORTUNITIES COMMISSION

A Study on Potential Model for Accreditation & Regulation of Interpreters and Translators in Ethnic Minority Languages in Hong Kong

STUDY BRIEF

BACKGROUND OF THE STUDY

Language Barrier in Access to Services by Ethnic Minorities in Hong Kong

Under the definition adopted by the Census and Statistics Department, ethnic minorities (EMs) refer to persons of non-Chinese ethnicity¹. According to the *2016 Population By-Census*, a total of 584,383 EMs were living in Hong Kong, making up 8% of the whole population. About 80% of EMs were Asians. The majority of them were Filipino and Indonesians, constituting 31.5% and 26.2% of the total EM population respectively. Most of them were foreign domestic helpers. South Asians, including Indians, Pakistanis, Nepalese, Bangladeshis and Sri-Lankans, occupied 14.5% of the EM population. Their number grew by 71.4% in ten years from 49,507 in 2006 to 84,875 in 2016².

2. *The Hong Kong Poverty Situation Report on Ethnic Minorities 2016* showed that the poverty rate among EMs has gone up to 19.4% in 2016 as compared to 15.8% in 2011. After taking into account Government subsidies and allowances, the rate was down to 14.5% but still higher than the rate for the general population (10.4%)³. South Asians and South East Asians were hit hardest by poverty. After policy intervention with recurrent cash subsidy, the poverty rate for South Asians was 23%. Pakistanis ranked the highest at 48.6%, followed by Indonesians at 33.2% and Thais at 22.4%⁴.

3. Concerning language characteristics, the usual spoken language of most poor South Asians was neither Chinese nor English. Only about one-sixth of

¹ Census & Statistics Department (2017), *2016 Population By-census Thematic Report: Ethnic Minorities*, p. 157.

² *Ibid.*, p. 19.

³ Census & Statistics Department (2018), *Hong Kong Poverty Situation Report on Ethnic Minorities 2016*, pp. xv & xvii.

⁴ *Ibid.*, p. 30.

poor South Asians (16.7%) usually spoke Chinese or English although, among various South Asian ethnicities, 80-90% claimed they could speak/read/write English and 40%-60% are able to converse in Chinese. 7-13% poor South Asians were not proficient in both Chinese and English⁵.

4. Language is a vital factor in the integration of EMs⁶. A study released by the Commission on Poverty on EMs' attitude towards public services also concluded that language and communication were the major barriers to the access to public service for poor EMs⁷. Over half of its respondents in poor South Asian households were not aware of services provided by support service centres for EMs. 15.5% respondents had difficulties accessing government services, and most of them attributed this to the absence of EM language translation services and problems in communicating with government staff.

5. Language barrier encountered by EMs is not confined to public services. Similar problem was identified in the *Study on Discrimination against Ethnic Minorities in the Provision of Goods, Services and Facilities, and Disposal and Management of Premises*, commissioned by the Equal Opportunities Commission (EOC)⁸. Among services in private sectors, discrimination against EMs was the most critical and intolerable especially in the property and financial sectors; and existed though in a lesser extent in sectors such as retailing, catering and transportation. In the study, it was observed that language barrier was a prominent issue creating dispute between goods/services providers and EMs.

Interpretation Service in Ethnic Minority Languages for Public Services in Hong Kong

6. Interpretation services in EM languages for public services are mainly provided by (i) the Hong Kong Christian Service Centre for Harmony and Enhancement of Ethnic Minority Residents (CHEER Centre); (ii) Hong Kong TransLingual Services (HKTS) & (iii) Court Language Section of the Judiciary⁹.

⁵ *Ibid.*, pp. 35-37.

⁶ The Zubin Foundation (2015), *Status of Ethnic Minorities in Hong Kong 1997-2014*, Chapter 2, p. 18.

⁷ Commission on Poverty (2018), *A Study on Ethnic Minorities' Awareness and Satisfaction towards Selected Public Services*, p. 11.

⁸ Equal Opportunities Commission (2016), *Study on Discrimination against Ethnic Minorities in the Provision of Goods, Services and Facilities, and Disposal and Management of Premises*, p. 11.

⁹ Association Concerning Sexual Violence Against Women (2017), *Review on Interpretation Services for Ethnic Minorities in Hong Kong*, p. 9.

7. The CHEER Centre is a Support Service Centre for EMs funded by the Home Affairs Department of the HKSAR Government. Unlike other Support Service Centres, the CHEER Centre also provides interpretation and translation services in seven EM languages¹⁰ for non-Chinese/English speaking EMs and organizations as well as Government Bureaux/Departments operating essential public services.¹¹ Telephone interpretation service is free of charge while simultaneous, on-site and escort interpretation service as well as translation and proof-reading services are mainly provided on request from and paid by the public service operators.

8. HKTS is a social enterprise established by the Hong Kong Sheng Kung Hui Lady MacLehose Centre. It provides charged service for interpretation and translation in 19 languages (18 EM languages plus sign language) and is the main service contractor with the Hospital Authority¹². EM patients could request hospital staff to book on-site interpretation service when making appointment. For non-scheduled cases, telephone interpretation service could be arranged by staff¹³.

9. The Court Language Section of the Judiciary also maintains a crew of part-time interpreters to provide interpretation service in 35 foreign languages in court proceedings¹⁴. The list is also shared to other Government Bureaux/Departments, such as the disciplinary forces, which will contact the interpreters directly for freelance services when necessary.

10. The interpreter/translator crews of all the above three service providers are composed to various extents by part-time and freelance practitioners. The CHEER Centre and HKTS hire both full-time and part-time interpreters while the Judiciary's crew works on part-time basis. Besides, there is currently no uniform standard in recruitment requirements, qualification accreditation, skill training and quality assurance among the service providers, leading to prominent practice and quality discrepancy¹⁵.

¹⁰ They are Bahasa Indonesia, Hindi, Nepali, Punjabi, Tagalog, Thai and Urdu.

¹¹ Retrieved from official website of CHEER Centre: www.hkcs.org/gcb/cheer/cheer-e.html

¹² Retrieved from official website of HKTS: www.hk-translingual.com

¹³ Legislative Council Paper No. CB(2)1119/16-17(01), para. 5.

¹⁴ Legislative Council Paper No. CB(4)994/15-16(03), para. 4.

¹⁵ Association Concerning Sexual Violence Against Women (2017), *Review on Interpretation Services for Ethnic Minorities in Hong Kong*, p. 5.

Role & Perspectives of the EOC

11. The EOC is a statutory body tasked with implementing the four existing anti-discrimination laws in Hong Kong, one of which is the Race Discrimination Ordinance (RDO), through complaint investigation and handling, legal assistance, research study, public education and training, and policy advocacy. Under the RDO, it is unlawful for service providers (whether for payment or not) to discriminate against any person on the ground of his/her race by refusing to provide the services, or provide the services to him/her in the like manner, terms and quality.

12. Given that language used by people is often associated with their race, unfair treatment based on language without justifiable reason(s) may constitute indirect discrimination against EMs. However, more as a best practice recommendation, the EOC advises the provision of both Chinese and English information at the least, and EM languages preferably, wherever essential and possible in order to remove language barrier and aid access to services for EMs.

Government Measures

13. The Constitutional and Mainland Affairs Bureau issued the Administrative Guidelines on Promotion of Racial Equality (the “Guidelines”) to relevant Government Bureaux/Departments and public authorities (hereafter referred as “relevant authorities”) in 2010. One of the Guidelines’ objectives is to ensure equal access by EMs to public services particularly those relevant to meeting the needs of EMs and facilitating their integration into society, such as medical, education, employment, community support services, etc. At present, 23 relevant authorities are covered by the Guidelines.¹⁶

14. Many relevant authorities pledged to provide interpretation services to EM service users, depending on their service nature. A few of them cover over 20 EM languages (including the Correctional Services Department, Hospital Authority, Hong Kong Police Force, etc.) while some refer to the CHEER Centre, which was commissioned by the Home Affairs Department to provide community interpretation services in seven EM languages, as the principal

¹⁶ Legislative Council Paper No. CB(2)723/17-18(01) , paras. 2-3.

service providers in their frontline operations (including Housing Department, Labour Department, Social Welfare Department, etc.)¹⁷.

15. Concerning print and online information in EM languages, many relevant authorities follow the practice of the Home Affairs Department to translate essential information in at least six EM languages, namely Bahasa Indonesia, Hindi, Nepali, Punjabi, Tagalog, Thai and Urdu.¹⁸ Apart from the translation service provided by the CHEER Centre and HKTS, relevant authorities also procure service by commercial translation companies.

INVITATION TO SUBMIT PROPOSALS

16. The current interpretation services in EM languages is very much considered a part-time and ad hoc “job” as against a “career” with long term prospects. Together with the largely non-standardized or informal practice among major service providers, there are concerns about whether the current crop of interpreters/translators can provide professional and accurate interpretation and translation when the subjects involve more technical and legal terms.

17. To address this issue, the EOC has been recommending the Government to set up a regulatory body to enhance the quality of interpreters and professionalize the service. **To explore the potential model for introducing an accreditation and regulation system for interpreters and translators in EM languages in Hong Kong**, the EOC invites research teams with expertise in this specific area to submit proposals for the present study.

Specific Objectives

18. Specific objectives of the study are as follows:

- (a) To provide a statistical profile of practicing interpreters and translators in EM languages for public services, including but not limited to community support services, medical services and legal services;

¹⁷ Retrieved from official webpage of the Administrative Guidelines on Promotion of Racial Equality: www.cmab.gov.hk/en/issues/equal_agpre_language.htm

¹⁸ Retrieved from official webpage of the Race Relations Unit under the Home Affairs Department: www.had.gov.hk/rru

- (b) To review overseas experiences in establishing an accreditation and regulation system, with particular focuses on major obstacles encountered and solutions adopted;
- (c) To identify options for a standardized accreditation mechanism for interpreters and translators in EM languages with reference to the current practice, overseas experiences and major stakeholders' views;
- (d) To examine potential regulation models, including but not limited to voluntary registration and licensing, with reference to the current practice, overseas experience and major stakeholders' views;
- (e) To provide options for a regulatory body with its functions, power and accountability delineated; and
- (f) To explore prospective pathways to introduce an accreditation and regulation system; and potential training needs for interpreters and translators to meet the requirements.

19. For EM languages with higher usage (such as Bahasa Indonesia, Hindi, Nepali, Tagalog, Thai, Urdu, etc.), study on the practitioners' profile and accreditation mechanism should be conducted for individual languages.

20. As the establishment of an accreditation and regulation system will certainly affect various stakeholder groups, including but not limited to practitioners, service operators, EM service users, public service providers, etc., their involvement in the study would be highly valued in our selection for a research team to conduct this study.

21. Interested research teams are welcome to cover other specific issues that would facilitate the research exercise. Such suggestions and the related design should be included in the research proposal and will be count towards the teams' score in the assessment exercise.

Deliverables

22. The research team is required to submit a final report and conduct oral presentations upon completion of the study. Based on the research objectives set out on Paragraph 18, the findings and recommendations should cover, but not limited to:

- (a) Statistical profile of practicing interpreters and translators in EM languages for public services (e.g. number of interpreters in different EM languages, sex, age, educational attainment, related experiences and their socio-demographic characteristics, etc.);
- (b) Review and comparison on overseas experiences in establishing an accreditation and regulation system; and
- (c) Outline of options and review of each practicability in the local context on the following:
 - Standardized accreditation mechanism
 - Regulation models
 - Regulatory body with details on functions, power and accountability
 - Pathways to introduce an accreditation and regulation system
 - Potential training needs for interpreters and translators to meet the requirements

Duration of the Study

23. It is expected that the research project will commence before the end of October 2018 and completed within a timeframe of 12 months.

Budget of the Study

24. The upper limit budgeted for the research project is capped at HK\$400,000.00. Any proposed budget exceeding this limit would only be considered with exceptional strong justifications. The amount of fee paid to the commissioned research team will be published in the EOC's website after completion of the research study.

Research Proposal

25. Research teams who are interested in taking up the research project are required to submit a Technical proposal and a Fee Proposal.

26. The Technical Proposal should include, but not limited to, the following:

- (a) An overview of the research team's perception and understanding of the subject matter of the study;

- (b) A detailed illustration of the approach employed in conducting the study and the analytical framework adopted in achieving the objectives of the study specified above;
- (c) An in-depth discussion of the research design and methods of data collection;
- (d) A description of the pilot survey conducted to verify testing instruments and procedures, the research ethics practices and the quality control measures used in both fieldwork and office editing;
- (e) A presentation of data processing and data analysis plans;
- (f) A proposed work schedule of the entire study according to the duration specified above;
- (g) A description of the research teams, including the qualifications and experiences of the principal investigator and other key research personnel; and
- (h) Any other information that might assist in the evaluation of the proposal.

27. The Fee Proposal should include a budget plan for the study with cost breakdown and method of payment.

Other Conditions

28. The research team (including members of the research team and, if any, all interviewers and facilitators) is required to fulfill the following conditions:

- (a) To discuss regularly with EOC staff in designing survey instruments which should be approved by the EOC;
- (b) To provide detailed plans of data analyses; and
- (c) To have a basic knowledge of equal opportunity issues and to conduct the study in a sensitive manner when dealing with equal opportunity issues.

Copyright

29. Copyright of the research report, data collected and information derived from the study shall remain the property of the EOC. Subject to the prior approval of the EOC, the research team might be allowed to use the data and information for the purposes of academic research and academic publication.

Presentation of the Results of the Study

30. The research team should present the results of the study according to the following:

- (a) A bilingual (Chinese and English) full report of the study, including if necessary a glossary of definition of terms and technical jargons, should be produced. The format of the report should be agreed by the EOC. The full report should include the following as its contents: research objectives, methodology, findings, discussions, recommendations and implications;
- (b) A validated and clean data file in a mutually agreed electronic format should be submitted to the EOC;
- (c) Oral presentations of the research results to the EOC and to the public should be made at a media or stakeholder briefing; and
- (d) Research progress is subject to monitoring by the EOC. It is imperative to submit quarterly progress reports or sooner if required by the EOC and/or present results orally as means of evaluation.

SUBMISSION OF PROPOSAL

31. The EOC will consider both the cost and quality of the research proposals concurrently in reviewing the proposals. Selection criteria can be found in the EOC's website.

32. Research teams who submitted proposals in July 2018 will be considered by EOC again in this round of invitation.

33. Submission in two envelopes

- (a) The Technical Proposal and the Fee Proposal should be submitted in two separately sealed envelopes;
- (b) Technical Proposal Envelope: One original and two duplicate copies of the Technical Proposal in bilingual (Chinese and English) format should be submitted in a sealed envelope;
- (c) Fee Proposal Envelope: One original and two duplicate copies of the Fee Proposal in bilingual (Chinese and English) format and one original copy of completed and signed form of “Warranty for Anti-Collusion” (Annex 1) in bilingual (Chinese and English) format should be submitted in a sealed envelope;
- (d) The two separately sealed envelopes containing the Technical Proposal and the Fee Proposal (with the completed form of “Warranty for Anti-Collusion”) should be put in one sealed envelope and submitted by hand or courier to the EOC Office (address as shown below) **before 5:00pm on 14 September 2018 (Friday)**. The envelope must be marked with the title of the research project and “Attention: Ms Lo (ext. 136) / Miss Lam (ext. 132)”.

Equal Opportunities Commission
16/F., 41 Heung Yip Road,
Wong Chuk Hang,
Hong Kong

34. Research team that has submitted a proposal may be required to give an oral presentation to Members of the EOC.

Equal Opportunities Commission
August 2018

To: Equal Opportunities Commission

Dear Sir/Madam,

Warranty for Anti-Collusion

- (1) By submitting a tender, the Research Team represents and warrants that in relation to the invitation to tender of “A Study on Potential Model for Accreditation & Regulation of Interpreters and Translators in Ethnic Minority Languages in Hong Kong”:
 - (a) it has not communicated and will not communicate to any person other than the Equal Opportunities Commission the amount of any tender price;
 - (b) it has not fixed and will not fix the amount of any tender price by arrangement with any person;
 - (c) it has not made and will not make any arrangement with any person as to whether it or that other person will or will not submit a tender; and
 - (d) it has not otherwise colluded and will not otherwise collude with any person in any manner whatsoever in the tendering process.

- (2) In the event that the Research Team is in breach of any of representations and/ or warranties in Clause (1) above, the Equal Opportunities Commission shall be entitled to, without compensation to any person or liability on the part of the Equal Opportunities Commission:
 - (a) reject the tender;
 - (b) if the Equal Opportunities Commission has accepted the tender, withdraw its acceptance of the tender; and
 - (c) if the Equal Opportunities Commission has entered into contract with the Research Team, terminate the contract.

- (3) The Research Team shall indemnify and keep indemnified the Equal Opportunities Commission against all losses, damage, costs or expenses arising out of or in relation to any breach of any of the representations and/ or warranties in Clause (1) above.

- (4) A breach by a Research Team of any of the representations and/or warranties in Clause (1) may prejudice its future standing as the Equal Opportunities Commission's supplier or service provider.
- (5) Clause (1) shall have no application to the Research Team's communications in strict confidence with its own insurers or brokers to obtain insurance quotation for computation of the tender price, or with its professional advisers, and consultants or sub-contractors to solicit their assistance in preparation of tender submission.
- (6) The rights of the Equal Opportunities Commission under Clauses (2) to (4) above are in addition to and without prejudice to any other rights or remedies available to it against the Research Team.

Signature of the Authorized Person
Representing the Research Team:

Name of the Authorized Person
(in Block Letters):

Organization Chop:

Date:
