

Unlawful Act of Inciting Hatred through the Internet

The Internet and social media have become popular platforms for self-expression, but care should be taken to guard against any action which may cause racial hatred or discord.

The Complaint

Lana, a national of a Southeast Asian country, came across racially derogatory and demeaning remarks, such as “swine” and “meaner than dogs”, targeted at people of her national origin while surfing a discussion forum on a website.

Lana felt humiliated and lodged a complaint of race discrimination against the website company with the EOC, as the company had allowed its members to post the remarks which could incite hatred towards people of her race.

What the EOC did

The EOC case officer investigated into the matter and sent a letter to the website company informing it about the complaint.

Under Section 45 of the Race Discrimination Ordinance (RDO) on the subject of vilification, it is unlawful for a person (in this case the writer who wrote and posted the derogatory remarks), by any activity in public, to incite hatred towards, serious contempt for, or severe ridicule of, another person or members of a class of persons on the ground of the race of the person or members of the class of persons.

Under Section 48 of the RDO, the website company could be seen as aiding the unlawful act if it allowed its members to post such remarks.

The company replied that its forum master was unaware of the derogatory remarks. The website company, however, immediately removed the comments from the discussion forum. The case was quickly settled as the company agreed, shortly after a discussion with the EOC, to post a notice reminding users and members that it is against the RDO to post racially derogatory remarks. It also reminded its members that the company would delete any such message and deactivate the accounts of members who post unlawful discriminatory remarks.

✦ Points to Note:

- Although the Internet offers anonymity in expressing one's opinion, verbal and written comments which vilify a person on the basis of his/her race may still be unlawful. Aside from such comments, vilification covers any "activity in public", including any form of communication to the public (such as broadcasting, screening and playing of recorded materials); any conduct observable by the public (such as gestures, flags, signs, or emblems); or the distribution or dissemination of any matter to the public.
- Racially vilifying remarks are often the product of prejudicial thinking about different races. Ethnic minorities constituted about 8% of Hong Kong's population as at end-2016. Unfamiliarity with other people's customs, cultures and languages may give rise to biases and stereotypes of different groups. The EOC encourages the community to learn more about the traditions and cultures of other ethnic groups, so as to promote mutual understanding and racial integration.
- Any racist incitement involving threat of physical harm to persons or their properties or premises is considered serious vilification and is liable to a fine of a maximum of HK\$100,000 and imprisonment for a maximum of two years.