

# The rule of law versus the real law

By Georgina Bray

“We are so scared that someday a fire will happen when we live there. We live there because it only costs about 1500 to rent. The other places cost 2000 or more. We cannot afford it.”

The 2014 budget revealed that millions of dollars were set-aside by the Hong Kong Government to give humanitarian assistance to asylum seekers and refugees with services such as temporary accommodation, food, and clothing. These basic necessities are apart of the universal living standard, to which every individual is entitled. The concept promotes an ethical and imperative approach to the needs of individuals aiming to attain the highest standard of life possible. The greatest question here is; if the refugee populations are receiving such generous government assistance how are the majority of these individuals still living in squalor on payments that are 25% below the poverty line?

## *Housing*

At the heart of Hong Kong's legal system lies the principle that no one, including the Chief Executive, can do an act, which would constitute a legal wrong. The term 'legal wrong' is a very loose one in Hong Kong; the government would consider a refugee parent under enormous economic strain working to provide basic needs for his family 'legally wrong'. They do however consider thousands of individuals living in squalor in areas that are deemed “unsafe for pigs” completely permissible, in fact they are glorified for their acts of “humanity”. [After visiting the 'refugee slums'](#), as the residents so kindly describe their homes, I can say without any restraint that there is nothing humane about the living conditions for refugees and asylum seekers in Hong Kong.

The International Social Service (ISS-HK) operates as a government facility that is required to assist refugees and asylum seekers in Hong Kong with housing allowances. The mere \$1500 a month gets directly deposited into the accounts of various 'slum lords' on the outskirts of Hong Kong's city. The main issue is that rent prices are so high in Hong Kong that refugees are forced to combine their payments and sleep collectively in small, unsafe, unhygienic conditions with little or no access to water, heating or gas facilities. The housing is believed to be inspected by ISS-HK on a 6 monthly basis, but I

was told quite regularly no one turns up, the tenants also believe the landlords refuse to visit because “they don’t want to see the conditions that [they are] living in”.

From the outside it looks like a few pieces of old scrap metal pulled together and on the inside it is not much different, the former pigsty has been called home for 21 residents over the past 6 years and continues to operate. The showering system has no warm water and inhabitants need to be wary of thousands of spiders that occupy the showers roof. With the makeshift sink leaking water throughout the shack a thin layer of mould covers the floor leaving a musty smell everywhere. The expectation that anyone should survive in such dire conditions was far beyond my belief. A resident refugee said, “This is not living, we can’t even dream in here”. The government’s attempt to protect these individuals from inhumane, degrading and torturous treatment has left them completely hopeless and frustrated. One of the refugees living amongst the squalor detailed how he didn’t see sunlight for over 6 months, “It was too painful to go outside and know that I can’t do anything... back in Punjab I worked everyday and here I wake up and wait to go back to sleep”. Asylum seekers and refugees are treated worse than prisoners in Hong Kong; the only difference is that these individuals haven’t committed any crime, but are merely asking for the right to live.

### ***Food***

Why are thousands of refugees living in torturous conditions begging for the right to live?

Human rights activists report “people are utterly appalled at the way refugees are forced to eat in Hong Kong”. The pre-packed basic government handouts leave families struggling to meet their basic nutritional needs, as there are low on both quality and quantity. These handouts come every 10 days, ration style, with products containing little nutritional value and quite often exceeding the date of expiry. Asylum seekers are given no cash to buy food, only government handouts worth HK\$40 per day. [Even then the food price is so high it is actually worth much less.](#)

Treated as prisoners, they are unable to work and consequently unable to maintain a basic standard of living raising serious implications on the sustainability of the Hong Kong support system. After entering one slum I noticed a small, strangely colored chicken soaking in a rusty pan in the sink. The refugee informed me they received that chicken in their food handout by the ISS-HK and that the expiry date exceeded over a year. The refugees, aware of the health

risks involved, are forced into situations of poverty and deprivation where their levels of assistance are insufficient even for daily survival. The motive behind the governmental response is somewhat distorted. It can be noted that several claims have been made that the Hong Kong government is hiding behind a humanitarian smoke screen to inflict poverty and force these individuals to resettle elsewhere.

### ***Education***

Although refugee students in Hong Kong are entitled to school fee remission through the SFAA, the small amount of financial assistance provided by this service is regularly criticized for its failure to meet children's basic educational needs. The government's effort to give children their right to education is significantly misleading. I found after researching that on the surface refugee children are given the opportunity to attend educational facilities wholly funded by the government, however these families are denied any financial assistance when purchasing essential school items. After discussing the issue with members of the Refugee Union it became apparent that several expenses are not covered by government assistance and remain out of reach for refugee families, such as text books, uniforms and additional costs for trips and activities.

The majority of these families attending Refugee Union and Vision First meetings believe that the government denying financial assistance for these items is just another way to deter future refugees from coming to Hong Kong and drive the current ones elsewhere. The government system is commonly described as "fake" as they provide the bare minimum and everything else is just "not their problem". It forces us to consider the question, how do these families afford these expenses when their right to work in Hong Kong has been prohibited?

The majority of refugees state that policies such as this one, force them into criminal activities as the only means of survival, refugee mothers and fathers are having to illegally work just to pay for the children's basic educational needs. Once this issue was raised with the service provider refugees are informally directed to seek second hand donations, get children to walk to school, pack food at home. This consequently subjects children to possibly discriminatory treatment and bullying.

### ***Employment***

"We would rather be legally allowed the right to work, so we don't have to complain about bad welfare policies, about rotten food and cage housing. Give us the right to work,"

One of the most controversial policies applying to asylum seekers and refugees in Hong Kong is the government's restriction on employment. A Court of Final Appeal in February 2014 denied refugees' right to work, stating that refugees have the freedom in choosing occupations, but not the right to work. Statistics were delivered to the court in February stating that permitting asylum seekers to work is not only beneficial to host economy, but also reduces their financial dependency on welfare and consequently lowers crime rates. To me, this makes sense, if the government were to approve the right to work in Hong Kong not only would the city gain economic prosperity but also the majority of issues suffered by refugees and asylum seekers would significantly decline. Not only does denying thousands of individuals the right to work rob asylum seekers and refugees of any dignity, but this policy also generates several repercussions that the state fails to acknowledge.

The most obvious consequence of this policy is the increase in crime rates. A member of the Refugee Union revealed to me that he had no other choice than to work ("commit crime") to support his wife and three children. He received 13 months jail time and became labeled a 'criminal'; despite this his major concern was how he could continue to support his family whilst incarcerated. His story was shocking. Paul disclosed to me that while he was in prison he would sell 3 meals a day to a Chinese inmate; he would survive on a few sips of tea a day in exchange for 3 cigarettes. These cigarettes were then used to sell to other inmates within the prison and the money he received would then be sent home to his family. This reveals a very imbalanced justice system where criminal involvement becomes the only option for refugees and asylum seekers. Other consequences generated by this policy include the rate of mental illness amongst the refugee population. Although several parties fail to acknowledge that this is a major issue within the refugee population, I was able to witness first hand a number of individuals suffering with feelings of hopelessness, helplessness as they have given up on both the government and themselves.

What is the government ultimately trying to achieve with 10,000 refugees living in limbo and suffering from questionable humanitarian policies?