

**The report of the
Hong Kong Special Administrative Region
Government on the implementation of the
Beijing Platform for Action**

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Introduction

The Beijing Declaration and Platform for Action were adopted at the Fourth World Conference on Women held in Beijing in September 1995. The Platform for Action, which sets out the strategic objectives under twelve critical areas of concern, aims to empower women through promoting their advancement and removing all the obstacles to their active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making.

2. Making up almost half of the population and 40% of the workforce, women are always accorded a high priority in the agenda of the Government of the Hong Kong Special Administrative Region (HKSAR). The Government has all along been observing the principle of the Platform and fulfilling the objectives through various policies and measures. This report serves as a review on the Government's efforts in the empowerment of women.

Strategy objective A: Women and Poverty

- A.1 Review, adopt and maintain macroeconomic policies and development strategies that address the needs and efforts of women in poverty.*
- A.2 Revise laws and administrative practices to ensure women's equal rights and access to economic resources.*
- A.3 Provide women with access to savings and credit mechanisms and institutions.*
- A.4 Develop gender-based methodologies and conduct research to address the feminization of poverty.*

Social security

3. All local residents of the HKSAR, irrespective of their sex, enjoy the right to social security. The social security policy is to meet the basic and essential needs of the disadvantaged, including the financially vulnerable, the elderly and the severely disabled. This is achieved through a comprehensive social security system administered on an entirely non-contributory basis. The Comprehensive Social Security Assistance (CSSA) Scheme and the Social Security Allowance (SSA) Scheme are two prominent features of the system. The CSSA provides a safety net for those who for various reasons, such as old age, disability, temporary illness, low income or unemployment, are unable to meet the basic and essential needs of living. The SSA provides assistance to the elderly and the severely disabled to meet their special needs arising from old age or invalidity. A person can receive either assistance under the CSSA Scheme or one of the allowances under the SSA Scheme. Both schemes are non-contributory and non-statutory. They are wholly funded from the general revenue and are administered by the Social Welfare Department.

4. In the 1998-99 financial year, the Government spent HK\$18,445 million (approximately US\$2,365 million) on social security including administrative cost. This comprised 7% of total Government expenditure and 1% of the Gross Domestic Product for the year 1998. As at 31 December 1999, about 911,000 people (or 13% of the population)

were receiving payments under either the CSSA Scheme or the SSA Scheme, 54% among them were women.

Comprehensive Social Security Assistance (CSSA) Scheme

5. The CSSA Scheme is means-tested. It provides cash assistance to recipients at levels which are relevant to the conditions in the HKSAR and the needs of the recipients. With the assistance, recipients can meet their essential needs of living such as food, rent, clothing and transport. In addition, all CSSA recipients are entitled to free medical treatment at public hospitals or clinics. As at 31 December 1999, some 376,500 people were receiving assistance under the Scheme. It is estimated that about 52% of them were female.

6. In addition to the CSSA standard rates, there are special grants to cover costs such as rent, school fees and other educational expenses. These are paid as and when they are needed. Although no special grants are provided specifically for women, single parents, which are largely made up of women, are given special grants and supplements under the CSSA Scheme. Those grants which are particularly relevant to single parent families include single parent supplements, rent allowances, grants for covering child care service, school fees for children, school related expenses and after-school-care programme fees.

Social Security Allowance (SSA) Scheme

7. The SSA Scheme, which includes the Old Age Allowance and Disability Allowance, takes the form of a monthly flat-rate allowance to elderly persons aged 65 or above and to person with a disability. As at 31 December 1999, about 534,800 people (or 8% of the population) were receiving payments under the SSA Scheme, 55% of them were women.

Retirement protection

8. The enactment of the Mandatory Provident Fund Schemes Ordinance (Cap. 485) in 1995 has provided the framework for the establishment of a system of privately managed, employment-related Mandatory Provident Fund schemes to accrue financial benefits for members of the workforce, men and women alike, when they retire. Under this system, employers and employees are required to contribute to private trust schemes. Those employees who earn less than HK\$4,000 (US\$513) a month are not required to contribute though they may choose to do so. The private trust schemes are managed by approved trustees who meet stringent criteria relating to capital adequacy, financial soundness and qualifications. Upon retirement, scheme members will receive benefits commensurate with the contributions made by or in respect of the scheme members during their working lives and the investment returns arising from those contributions. The Mandatory Provident Fund Schemes Authority was established to ensure the prudential regulation and supervision of approved trustees and the smooth operation of the system.

Equal access to economic resources

9. The Sex Discrimination Ordinance (SDO) (Cap. 480), which was enacted in 1995, renders it unlawful for anyone to discriminate against a woman on the ground of sex by refusing or deliberately omitting to provide her with banking or insurance facilities (please refer to paragraph 129 below for more information on the SDO). There are no bars on women's access to bank loans, mortgages or consumer credit and they do not need the consent of their husbands or fathers to apply for such services. Authorised institutions mainly base their credit decisions on, inter alia, financial and repayment ability of the applicants and do not accord differential treatment to applicants for credits for gender purpose.

Women's rights to land and property in the New Territories

10. The New Territories Land (Exemption) Ordinance (Cap. 452), which was enacted on 24 June 1994, provides for the equal right of women

as men in succeeding land and real estate in the New Territories.

11. As regards the small house policy which enables a male indigenous villager to apply, once in his life time, to build a small house on his own land or Government land, the Government is conducting a comprehensive review of the policy, which is expected to be completed soon.

Assistance to women entrepreneurs

12. All entrepreneurs, irrespective of their sex, may benefit from the support services provided for the Small and Medium Enterprises (SMEs) in the HKSAR. A number of industrial and trade support agencies provide a wide spectrum of services to the SMEs. These services cover business start-up, finance, information access, human resources development, technology and innovation, management, environmental support, market access, infrastructural facilities and quality support.

13. The Industry Department also runs a Small and Medium Enterprises Office which provides one-stop information services on current services being offered by all the relevant organizations to SMEs. It also serves as a focal point for better development and coordination of SME-related services.

14. In view of the liquidity crunch problem during the Asian financial turmoil, the Government launched a Special Finance Scheme for SMEs in August 1998 to facilitate SME entrepreneurs to obtain loans from leading institutions. Under the Scheme, the Government acts as the guarantor for SMEs' loans approved by lending institutions for an amount of up to 70% of the loan over a period of a maximum of 2 years. As of 6 April 2000, over 11,000 applications were approved under the Scheme. The cumulative sums of guarantee committed and loan facilitated amounted to over HK\$5.5 billion (approximately US\$0.71 billion) and HK\$8.7 billion (approximately US\$1.12 billion) respectively. With the recovery of the economy, it was decided in April 2000 that the Scheme should be terminated.

Women migrant workers

15. Women migrant workers enjoy the same rights, benefits and protection under the labour legislation as local employees in the HKSAR. Please refer to paragraph 92 below for details.

Strategic objective B: Education and Training of Women

- B.1 Ensure equal access to education.*
- B.2 Eradicate illiteracy among women.*
- B.3 Improve women's access to vocational training, science and technology, and continuing education.*
- B.4 Develop non-discriminatory education and training.*
- B.5 Allocate sufficient resources for and monitor the implementation of educational reforms.*
- B.6 Promote lifelong education and training for girls and women.*

Legislative protection

16. The Government is committed to promoting equal opportunities in education. Section 25 of the SDO renders discrimination in respect of admissions or access to benefits, facilities or services of students unlawful. In addition, section 28 of the Ordinance also provides for the protection of women's right to obtain or use goods, facilities or services, including those related to education. Please refer to paragraph 129 below for details of the Ordinance.

Nine-year universal basic education

17. Nine-year universal basic education is available to all children aged six to 15, regardless of their sex, in the HKSAR. The Education Ordinance (Cap. 279) empowers the Director of Education to serve school attendance order if it appears to him that a child is not attending primary or secondary school without any reasonable excuse. Failure without reasonable excuse to comply with the attendance order issued by the Director of Education is an offence.

Education at primary and secondary levels

School curriculum

18. It has always been the Government's policy to provide equal education opportunities to students of both sexes. All subject syllabuses for use in schools are not gender specific. The Government does not agree with the practice of streaming students into different subject classes by gender, as this would bar boys and girls from access to the same curricula and would reinforce gender stereotyping.

19. From time to time, the Education Department issues circulars and organises workshops reminding schools to ensure that all students are given equal opportunities for participating in and studying all the subjects offered. When selecting teaching and learning materials such as case studies, examples and illustrations, schools should exercise care to avoid any form of discrimination. Equality between the two sexes and respect for each other's needs are among the core elements of some existing school syllabuses such as Social Studies, Religious Studies and Liberal Studies at secondary level and General Studies at primary level. In addition, the Education Department has issued guidelines on sex and civic education which suggest the inclusion of "equality of sexes" and "equality and discrimination" as topics for discussions in activities such as class-teacher periods, school assemblies and guidance and counselling sessions.

Sex education

20. Sex education is included in the school subjects of General Studies, Biology, Human Biology, Science, Social Studies, Home Economics, Religious Studies and Liberal Studies at primary and secondary levels. The Guidelines on Sex Education in School issued by the Education Department in 1997 suggest ways to implement sex education in both formal and informal curriculum. Teachers can obtain support from the Sex Education Resources Centre and courses organised by the Education Department.

Secondary School Places Allocation (SSPA) System

21. The present SSPA system involves separate scaling, separate banding for boys and girls, and gender quotas for co-educational schools. A formal investigation by the Equal Opportunities Commission (EOC) found that the system may result in discrimination on the ground of sex.

22. The Government has given careful consideration to the findings and recommendations of the Report, and has further examined in detail the operation of the SSPA. It has also sought legal advice, which has been taken into account in considering the way forward for SSPA. In short, we consider that there are sound and strong education reasons to support the existing SSPA, including separate scaling and separate banding for boys and girls, and gender quota for co-educational schools. We are of the view that, to make due allowance for the inherent developmental difference between boys and girls and to promote equal opportunities for boys and girls in the school place allocation process, the existing features of SSPA are justifiable under section 48 of the Sex Discrimination Ordinance (section 48 provides, amongst others, that an act which is reasonably intended to ensure that persons of a particular sex have equal opportunities is not unlawful under the Ordinance). A number of pieces of academic research and evidence, overseas and local, have supported the inherent difference in the maturation process between male and female.

23. To further improve gender equality under the SSPA, we will be making an improvement to the gender quota for co-educational schools. Currently, our policy is that the number of places available to boys and girls in each co-educational school reflects the sex ratio of the applicant pool of the respective school nets (after deducting the number of places in single sex schools). In practice, individual co-educational schools may adopt a slightly different ratio. To ensure that boys and girls in a particular school net have equal opportunities to study in co-educational schools in that net, we will, as from the current SSPA cycle, require that the number of places available to boys and girls in each co-educational school strictly reflects the sex ratio of the applicant pool of the respective school nets (after deducting the number of places in single sex schools).

24. The whole mechanism for allocating primary school students to secondary schools is being re-examined by the Education Commission (EC) as part of an overall review of Hong Kong's academic structure. The EC will launch its third round of public consultation in May. Depending on public feedback, it is possible that there will be a fundamental overhaul of the mechanism for secondary one school place allocation, and that some changes could take place as early as in 2001. The Government will ensure that whatever changes that take place will have the broad support of the community, in particular schools and parents, and that these changes will provide equal opportunities for boys and girls.

Higher education

25. There is no discrimination on grounds of gender in the rights to enjoy tertiary education and training. For instance, the eight University Grants Committee (UGC)-funded institutions admit students on the basis of their performance in academic and non-academic areas, including sports, music, and social services etc. In 1998-99, female students made up 51.9% of first degree graduates of UGC-funded programmes.

Gender and Women Studies in tertiary institutions

26. UGC-funded institutions regard gender studies (including women studies) as an integral part of academic research, and have conducted studies in this area. It is estimated that about HK\$32 million (approximately US\$4.1 million) have been allocated to these projects during the past three years. Some examples of these studies include: "Climacteric in Chinese women: symptoms, hormone replacement therapy and osteoporosis"; "Gender in the Hong Kong Civil Service"; and "Are Gender Differences in Academic Achievements of Hong Kong Students Disappearing?" etc.

27. In addition, the University of Hong Kong established a Women's Studies Research Centre in 1995. The Chinese University of Hong Kong launched a Gender Research Programme in 1985 and

established a Gender Studies Programme in 1997. The former Lingnan College also hosted an International Conference on Feminist Studies in Modern Literature in Chinese in 1996.

Financial assistance

28. To ensure that no person, irrespective of gender, is denied access to tertiary education because of a lack of means, the Government provides tertiary students means-tested financial assistance in the form of grants and loans to meet tuition fees, union fees, academic expenses and living expenses. In addition, tertiary students since the academic year of 1998-99 may also borrow from the Non-means Tested Loan Scheme which offers them an alternative channel of finance.

29. At the tertiary level, the Hong Kong Association of University Women offers scholarships solely for women. In 1997-98, the Hong Kong University of Science and Technology also offered female students "Zonta Club of Hong Kong East Scholarship" for a year of overseas study and interest free loans amounting to a total of HK\$50,000 (approximately US\$6,410) donated by the American Women's Association (Hong Kong) Student Loan Fund. Moreover, one fellowship provided by the U.S. United Board for Christian Higher Education is available annually for female academics from Mainland China to visit the University for a ten-month academic exchange.

Sexual harassment in tertiary institutions

30. All of the UGC-funded institutions have their own established mechanisms or procedures for handling sexual harassment cases. These include, for example, setting up committees/working groups which will consider sexual harassment cases and promote equal opportunities within the campus; designating an Equal Opportunities Officer; and publishing policy documents, guidelines and codes for their students and staff on sexual harassment and equal opportunities in general. The victims will be immediately sent for medical treatment if required. They will also be advised to take counseling services. All cases involving criminal acts will

be immediately referred to the Police for necessary action (e.g investigation and prosecution, where appropriate). Internally, these cases will be referred to the appropriate staff/student committees for consideration and action.

31. The offender may, on conviction, be liable to penalties imposed by the Court. Institutions also impose penalties where appropriate. If the offender is a student, he/she may be subject to suspension or dismissal from course of studies or withdrawal of academic awards. If the offender is a staff member, he/she may be subject to disciplinary actions as well as suspension or termination of employment contracts.

32. In addition, the EOC has been providing assistance to tertiary institutions in relation to sexual harassment. These include distributing newsletters, educational materials and organising seminars to promote equal opportunities; helping tertiary institutions to set up sexual harassment policies and procedures; and advising the UGC-funded institutions on the handling of individual cases.

Vocational training

33. Vocational institutions have also adopted a policy of equality for students of both sexes. The admission criteria for vocational education and industrial training courses offered by the Vocational Training Council (VTC) are based on the applicants' education level and aptitude, irrespective of their gender. In fact, women's rights to vocational training are provided for in the SDO (please refer to paragraph 129 below for details of the Ordinance).

34. In 1998-99, about 33% of the graduates from the VTC's vocational education courses were women. For some courses in disciplines such as Applied Science, Business Administration, Child Care, Hotel, Design and Textile and Clothing, more than 50% of the new year one intakes were female. As regards the VTC's industrial training courses, about 27% of the trainees completing training in 1998-99 were women.

Retraining

35. The aim of the Employees Retraining Scheme is to retrain the unemployed and potentially unemployed so that they could acquire new skills to adjust to changes in the labour market. The Employees Retraining Board (ERB) is responsible for implementing the Scheme by providing quality retraining courses and services to enhance its retrainees' employability. The ERB accords equality to retrainees of both sexes. In fact, since the inception of the ERB in late 1992, some 80% of its retrainees are women.

Continuing education for women

36. The Government encourages lifelong learning. At present, different continuing education and retraining courses are available to upgrade the workforce and facilitate their adaptation to technological, economic and social changes. These courses are open to all, including housewives, through which they may prepare themselves to re-enter the job market or to develop their own interests.

37. The Education Department runs adult education courses on primary and secondary education and English language for people, men and women alike, at the age of 15 and above. In the 1999-2000 school year, there are a total of 13,625 places. In addition, the Education Department subvents non-governmental organisations (NGOs) to run informal education courses such as social and moral education courses, training programmes on certain job skills. In the 1999-2000 school year, there are a total of 661 subvented programmes, involving HK\$16 million (approximately US\$2.1 million).

38. The Open University of Hong Kong (OUHK) provides, through open access and distance learning, tertiary education opportunities for adult learners who did not have the opportunity of receiving tertiary education when they left school. The OUHK complements the formal tertiary education system and promotes lifelong learning in Hong Kong.

Through flexible and distance learning modes, students of all ages and from all walks of life, including housewives, may pursue their studies at their own time, pace and place.

39. In addition, UGC-funded institutions, VTC, ERB, the Hong Kong Productivity Council and other voluntary associations also provide continuing education courses of different natures.

40. Part-time vocational education and industrial training courses are offered by the VTC for people in employment seeking to update or upgrade their skills and knowledge in order to meet the new requirements of their work. The VTC imposes no gender restriction on access to these courses. Courses which attract more female than men are in disciplines such as Child Care, Clothing Manufacturing, Tourism Studies, Wholesale/Retail, and Financial Services etc.

Strategic Objective C: Women and Health

- C.1 Increase women's access throughout the life cycle to appropriate, affordable and quality health care, information and related services.*
- C.2 Strengthen preventive programmes that promote women's health.*
- C.3 Undertake gender-sensitive initiatives that address sexually transmitted diseases, HIV/AIDS, and sexual and reproductive health issues.*
- C.4 Promote research and disseminate information on women's health.*
- C.5 Increase resources and monitor follow-up for women's health.*

Legislative protection

41. The SDO renders it unlawful for a person to discriminate against a woman by refusing or omitting to provide her with healthcare services. Please refer to paragraph 129 below for details of the Ordinance.

Health care services provided by the Department of Health

42. The Department of Health provides a comprehensive range of services to address different health needs of women at various stages of life. The Maternal and Child Health Centres (MCHCs) provide maternal health and family planning services to women of child-bearing age, whilst the Women Health Centres offer health promotion and disease prevention services to all women aged under 65.

Maternal health

43. Maternal health services encompassing antenatal, intrapartum and postnatal care are delivered through a shared care system between 50 MCHCs and the Obstetric Departments of regional hospitals, together with three maternity homes in the outlying islands. Thus all pregnant women have access to trained personnel throughout pregnancy, during and after delivery. In 1999, 22,765 pregnant women attended MCHCs for antenatal care, and 18,634 new mothers used the postnatal service.

44. In 1999, the maternal mortality rate was 0.0 per 100,000 total births, which compared favourably with those of other countries. The crude death rates for female and male are 4.3 and 5.5 respectively per 1,000 population of respective sex.¹

Breast-feeding

45. Breast-feeding has been actively promoted by the Government. All MCHCs offer a supportive environment where women are provided with sufficient information, expert advice and comfortable areas enabling them to breast feed their babies. Breast-feeding is a regular topic in the on-going antenatal classes. Women after deliveries are invited to join the breast-feeding support groups for problem-solving and experience-sharing. A telephone hot-line enquiry service manned by breast-feeding consultants is also available.

Psychological health related to child birth

46. In MCHCs, education on the physiological and psychological changes during pregnancy and postnatal period is provided through antenatal health talks to expectant mothers and their husbands. Individual counselling, workshops on child care and postnatal support groups are available to all postnatal women. Follow-up, referral or home visit will be arranged as appropriate.

Family planning

47. Apart from counselling and prescription of contraceptives, family planning services in MCHCs offer screening services to women by means of physical check-ups and cervical cytology tests. In 1999, 122,335 women registered for the service.

48. The Family Planning Association of Hong Kong, a

¹ The maternal mortality rate and crude death rates are provisional figures of 1999.

Government subvented organization, also operates birth control clinics and offers premarital counselling, advice on infertility, sterilisation and vasectomy, in addition to advice on contraception.

Women health service

49. Three Women Health Centres had been established since 1994 to promote women's health. They aim to enhance health awareness and healthy lifestyle practices through health education and counselling, and early detection and intervention for conditions commonly encountered in the female population, including cervical and breast cancers. In 1999, 9,396 women were enrolled for the service and the attendance of the health education activities amount to 21,726.

Health care services for the girl-child

50. The Government provides a wide range of health services for children of both sexes, including girl-children. Please refer to paragraph 171 below for the details.

Health education

51. The Central Health Education Unit of the Department of Health is responsible for planning, organising and promoting health education activities for the community. Women Health Ambassadors are trained to establish a health oriented network within various community groups. Regular health talks are provided to the public in MCHCs and Woman Health Centres. The Family Planning Association of Hong Kong also regularly organises education programmes for the community.

Sexually transmissible diseases

52. The Social Hygiene Service of the Department of Health offers free service to all women who suspect they may have acquired sexually transmitted diseases (STDs). The eight female STD clinics provide free screening, treatment, counselling and education services for the prevention

of STDs.

53. The Special Prevention Programme of the Department of Health, through its health promotion arm or its Secretariat support to the Advisory Council on AIDS and its Committees/Task Forces, contributes to the health promotion and prevention of HIV/AIDS among women. Activities include production and provision of educational resources; organisation of public education activities; capacity building of health care workers (train-the-trainer); provision of technical/backup support and organisation of AIDS prevention activities targeting high-risk groups. The AIDS Trust Fund, established in 1993, provides funding support for NGOs to conduct promotional projects including those targeting women.

The Hospital Authority

54. The Hospital Authority provides a comprehensive range of medical treatment and rehabilitation services to patients through hospitals and specialist clinics. Specialist medical services such as internal medicine, surgery, orthopaedics, traumatology, radiotherapy and oncology, provide equal treatment opportunities for men and women in the territory. Some services and programmes, e.g. obstetric and gynaecology services, are specially designed to cater for the needs of women.

Abortion

55. The Offences Against the Person Ordinance (Cap. 212) provides for medical termination of pregnancy by a registered medical practitioner in an approved hospital or clinic if two registered medical practitioners are of the opinion, formed in good faith, that the continuance of pregnancy would involve risk to the physical or mental health of either the pregnant woman or the child.

Rehabilitation services for the disabled

56. The objective of the provision of rehabilitation services is to ensure full participation of and equal opportunities for people with

disabilities, regardless of their gender, in every aspect of life. Rehabilitation services are provided by both the Government and NGOs. In general, services can be categorized into medical rehabilitation, pre-school training, special education, vocational training and social rehabilitation. The Government also provides financial assistance to those who are in need.

57. On the promotion of equal opportunities, the Disability Discrimination Ordinance (Cap. 487) came into effect in 1996. The Mental Health Ordinance (Cap. 136) was amended in 1997 to strengthen the legal safeguards for the well-being of mentally disordered or mentally handicapped persons. In addition, a wide range of public education activities is launched every year to enhance public understanding of disabilities. Through legislation and these continuous public education efforts, progress has been achieved in promoting the rights of persons with disability.

Strategic Objective D: Violence against women

- D.1 Take integrated measures to prevent and eliminate violence against women.*
- D.2 Study the causes and consequences of violence against women and the effectiveness of preventive measures.*
- D.3 Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking.*

International instruments

58. The United Nations treaties which pledge for protection to women against violence, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), are applicable to the HKSAR. Please refer to paragraphs 123-128 below for more information on these treaties.

Sexual violence

Legislative protection against violence

59. At present, there are a number of laws which provide protection to women against violence. The major ones are-

- a) Crimes Ordinance (Cap. 200), which deals with sexual and related offences among other things; and
- b) Offences Against the Person Ordinance (Cap. 212), which among other things, deals with homicide, assaults, forcible taking or detention of persons, unlawful abortion etc.

60. The Crimes Ordinance was amended to increase penalties for certain sexual and related offences. In particular, the amendments raised the

maximum imprisonment for incest with women between the age of 13 to 16 from seven to 20 years taking account of the fact that this group of women are more vulnerable.

61. An amendment bill has been introduced into the Legislative Council in June 1999 to empower law enforcement agencies to take intimate (e.g. semen) and non-intimate samples (e.g. hair) to combat serious crimes including sexual offences. The bill is currently under the scrutiny by the Council.

Proposed abolition of the corroboration rules in sexual offence cases

62. As a general rule, evidence given against a defendant does not need to be corroborated. A defendant can generally be convicted on the uncorroborated evidence of a single credible witness, provided that the judge or jury is satisfied, beyond reasonable doubt, of the defendant's guilt. There were however exceptions, the evidence of accomplices, children and the complainant in sexual offences, all had to be corroborated. In Hong Kong, the corroboration rules were abolished in respect of the evidence of accomplices and children in 1994 and 1995 respectively. The only remaining application of the corroboration rules is to the evidence of complainants in sexual offences.

63. It has been observed that the corroboration rules work particularly to the disadvantage of victims of sexual offences; they are inflexible, complex and create a lot of anomalies. The Government was of the view that the abolition of the corroboration rules would not leave defendants inadequately protected because the general obligations of a trial judge would already ensure that a defendant be given a fair trial. A Bill was therefore introduced into the Legislative Council in June 1999 proposing that the Evidence Ordinance (Cap. 8) be amended to abolish the corroboration rules in sexual offence cases. The Bill is now under the scrutiny of the Council.

Incidence of reported sex crimes

64. The number of reported sex crimes (including rape, indecent assault, unlawful sexual intercourse, keeping vice establishment and procurement/abduction of female) has decreased from 2,386 in 1995 to 1,972 in 1999.

Special training to the Police for handling victims of sexual violence

65. The Police have been emphasizing a sensitive and sympathetic approach towards victims in investigating sexual violence cases. There are specific guidelines in Police Procedure Manuals for officers handling such cases to safeguard victims' privacy and help reduce the trauma they may experience. Ways to support victims are taught at the Detective Training School.

66. The Criminal Procedures (Amendment) Ordinance and the Evidence (Amendment) Ordinance enacted in 1995 also provide greater protection to vulnerable witness including children, mentally incapacitated persons and witnesses in fear in the criminal justice system.

Services for victims of sexual violence

67. Victims of sexual violence with gynaecological injuries requiring hospitalised treatment would be admitted to the Gynaecology Ward and be cared for by the attending gynaecologists in the first instance. The attending gynaecologist would then coordinate the care for the rape victims by involving other carers, such as clinical psychologist, psychiatrist, medical social worker as and when required. Guidelines on Management of Victims of Sexual Assault in the Accident and Emergency (A&E) Department were issued to staff. Hospital staff will actively utilize the services provided by medical social workers and clinical psychologists, including psychological and counselling support, to help rape victims.

Domestic violence

Legislative protection against domestic violence

68. In addition to the protection offered by legislation against violence as mentioned in paragraph 59 above, the Domestic Violence Ordinance (Cap. 189) was also enacted to deal specifically with domestic violence. Under the Ordinance, the court may grant injunctions on application by a party to a marriage to restrain the other party from molesting the applicant or exclude the other party from a specified area which may include the matrimonial home.

Incidence of reported domestic violence cases

69. For the years 1998-99, there were 1,200 and 1,172 reported cases of battered spouse respectively.

Preventive measures on domestic violence

70. A variety of measures are in place to prevent the occurrence of domestic violence. Seventy-nine Family Life Education workers provide services for improving the quality of family life. Twenty-three Family Activity and Resource Centres provide focal points for local families to drop in for advice as well as to develop mutual aid and social networking. Hotline and enquiry services are also available.

71. An interdisciplinary Working Group on Battered Spouses, chaired by an Assistant Director of Social Welfare and comprising representatives from Government departments, the Hospital Authority and NGOs, was formed to tackle the problem of battered spouses. The Working Group aims to strengthen co-ordination amongst Government departments and the NGOs in handling the problem of spouse battering.

72. The Working Group has recently produced a set of Multi-disciplinary Guidelines on Handling of Battered Spouse Cases which was

designed to streamline the handling procedures on battered spouse cases among various disciplines. It has also set up a Central Information System on Battered Spouse Cases to collect basic statistics on battered spouse cases to facilitate service planning. A series of public education activities has been launched to arouse public awareness and on prevention of the battered spouse problem.

Special training to the Police for handling victims of domestic violence

73. Police officers are being provided with training on how to handle cases of domestic violence. Specific guidelines and handling procedures were drawn up for officers handling such cases. The topic has been included in the syllabus of probationary police inspector training course and recruit police constable training course since 1997.

74. The Police are also in close liaison with NGOs which provide services for victims of spouse battering, such as the Harmony House which provides temporary shelter for battered spouses. Between April and December 1998, around 2,300 frontline police officers from 19 police stations attended seminars organised by the Harmony House to share their experience in handling domestic violence cases. A total of 567 police officers of Tuen Mun District also attended the seminars between July and August 1999.

Services offered to victims of domestic violence

75. Victims of domestic violence can have access to a wide range of social welfare and medical services. Prompt medical treatment at A&E Departments of public hospitals is available to victims of abuse. The 65 Family Services Centres operated by the Social Welfare Department and NGOs provide counselling and referral services. Other supportive services available include telephone hotline, compassionate rehousing and child care services. There are at present 3 refuges, namely the Harmony House, the Serene Court and the Wai On Home for Women, which provide a total of 120 places for battered spouses and children in need. Those in need of financial assistance can apply for CSSA and charitable trust funds.

Legal aid is available to eligible and meritorious applicants for seeking court injunctions under the Domestic Violence Ordinance, as well as taking proceedings for divorce, child custody and maintenance payments.

76. A series of improvement measures on services for battered spouses have been implemented by the Working Group on Battered Spouse. These include speedy processing of conditional tenancy cases under the joint effort of Housing Department and the Social Welfare Department, conducting multi-disciplinary seminars for professionals involved, stepping up training for front-line staff of SWD and the Police in handling battered spouse cases, and issue of internal guidelines such as Checklist for Good Practice on Compassionate Rehousing to equip staff with the knowledge and skills in handling battered spouse cases. Moreover, a number of service improvements are implemented in response to the needs of the battered spouses, such as providing temporary relief service in Wai On Home for Women, and implement 24-hour admission in all three refuges. The Social Welfare Department expanded the Child Protective Services Unit into the “Family and Child Protective Services Unit” in April 2000 to provide strengthened and co-ordinated services to victims of domestic violence.

Sexual harassment

77. The SDO renders sexual harassment unlawful in specified fields of activity. For example, it is unlawful for an employer or a principal to sexually harass an employee, contract worker or commission agent in his employment; for a partner in a firm to sexually harass another partner; for a member of a trade union to sexually harass another member; for a provider of goods, facilities or services to sexually harass a client; for a landlord to sexually harass a tenant, or for a member of the staff of an educational body to sexually harass a student.

Commercial sex workers and trafficking of women

78. Prostitution itself is not an offence in Hong Kong. Our law targets at those who organize and exploit prostitution.

79. The Crimes Ordinance outlaws trafficking in people, causing prostitution, and exercising control over commercial sex workers. It also provides that any person who unlawfully takes an unmarried girl under the age of 16 years out of the possession of her parent or guardian is liable to imprisonment for ten years. Any person who unlawfully abducts an unmarried girl under the age of 18 years with the intention that she shall have unlawful sexual intercourse with men or with a particular man is liable to imprisonment for seven years. The offence of “keeping a vice establishment” is intended to prevent the use of premises by two or more commercial sex workers by targeting the keeper of the premises. This helps to combat the exploitation of women by organized crime elements.

Assistance to commercial sex workers

80. Commercial sex workers who are willing to accept help may receive counselling and welfare assistance provided by the 65 Family Services Centres. Assistance such as financial relief, psychological service, child care service, vocational training and employment service will also be arranged for them so as to help tide over the difficulties that they may encounter when giving up prostitution.

Protection to commercial sex workers against violence

81. Laws relating to violence against women mentioned above apply equally to commercial sex workers as any other women in society. The fact that the victim is a commercial sex worker is immaterial.

Child pornography

82. Legislation to prohibit child pornography and to criminalise the arrangement for and the advertising of child sex tourism, as well as to provide extra-territorial effect to certain sexual offences committed against children, was introduced into the Legislative Council in June 1999. The legislation aims at providing greater protection to children and is awaiting scrutiny by the Council.

Strategic objective E: Women and Armed Conflict

- E.1 Increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed and other conflicts or under foreign occupation.*
- E.2 Reduce excessive military expenditures and control the availability of armaments.*
- E.3 Promote non-violent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations.*
- E.4 Promote women's contribution to fostering a culture of peace.*
- E.5 Provide protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women.*
- E.6 Provide assistance to the women of the colonies and non-self-governing territories.*

83. Hong Kong has not been involved in armed conflict since the Second World War. Its defence is being undertaken by military forces stationed by the Central People's Government in the HKSAR (Article 14 of the Basic Law). There is no conscription, and the prospect of armed conflict is remote.

Strategic objective F: Women and the Economy

- F.1 Promote women's economic rights and independence, including access to employment, appropriate working conditions and control over economic resources.*
- F.2 Facilitate women's equal access to resources, employment, markets and trade.*
- F.3 Provide business services, training and access to markets, information and technology, particularly to low-income women.*
- F.4 Strengthen women's economic capacity and commercial networks.*
- F.5 Eliminate occupational segregation and all forms of employment discrimination.*
- F.6 Promote harmonization of work and family responsibilities for women and men.*

Women's participation in the economy of the HKSAR

84. Women have been actively participating in the economy of the HKSAR. In the last quarter of 1999, 49.5% of women were economically active and they accounted for 40% of our labour force.

Protections for employees

Legislative protection

85. The SDO protects women's equal opportunities in employment in various aspects which include:

- (a) prohibiting discrimination against a female employee on the ground of sex, pregnancy or marital status (sections 7-8);
- (b) ensuring equal opportunities for both sexes in employment (section 11(1));
- (c) ensuring equal access to opportunities for promotion, transfer or training, benefits, facilities or services for both sexes (section 11(2));

- (d) ensuring equal opportunities for contract workers, as well as in partnerships, trade unions, qualifying bodies, vocational training, employment agencies, commission agents and Government (sections 13, 15-20); and
- (e) rendering sexual harassment unlawful (sections 23-34, 39-40).

Please refer to paragraph 129 below for details of the SDO.

86. The Family Status Discrimination Ordinance, enacted in June 1997, also renders discrimination on the ground of family status in employment, inter alia, unlawful. Family status is defined as the responsibility to take care of one's immediate family members. Please refer to paragraph 134 below for details of this ordinance.

87. In addition, both male and female employees are under the protection of the same set of labour legislation governing employment rights and benefits, employees' compensation and occupational safety and health. Moreover, under article 27 of the Basic Law, all HKSAR's residents, irrespective sex, enjoy the right to strike and the freedom to form and join trade unions.

Code of Practice on Employment

88. The employment related provisions of the SDO came into force in December 1996. The Family Status Discrimination Ordinance (Cap. 527) became effective in November 1997 (please refer to paragraph 134 for more information on this Ordinance). To provide practical guidance to facilitate compliance by the public (including both employers and employees) with the two Ordinances, the EOC has drawn up two sets of Code of Practice on Employment. Failure on the part of a person to observe any of the provisions contained in the Code does not automatically render him or her liable to any proceedings. However, if a person is accused of discrimination or victimisation under the two Ordinances, the Code of Practice shall be admissible as evidence in a Court of Law.

Equal pay for equal work

89. The SDO provides for the principle of equal pay for equal work, and the Code of Practice on Employment under the Ordinance also encourages employers to progressively implement the principle of equal pay for work of equal value. The Government supports, as a matter of principle, proposals that will enable the realization of equality. In fact, the EOC has already commissioned a research to examine the feasibility of implementing this principle in Hong Kong. The EOC also conducted a seminar on this issue in March 2000.

Protection for pregnant employees

90. The Employment Ordinance (Cap. 57) provides protection against dismissal during pregnancy. A pregnant employee with a continuous contract of employment (i.e. a minimum of four weeks and no less than 18 hours in each week) who has served notice of pregnancy on her employer would be entitled to protection against dismissal. Employers breaching the relevant provisions is an offence and liable to a fine of up to HK\$100,000 (approximately US\$12,820). A dismissed employee is also entitled to make a civil claim for remedies if the employer cannot prove that the dismissal is due to a valid reason.

91. A pregnant employee with a continuous contract of employment is entitled to 10-week maternity leave. If the employee has worked under a continuous contract for 40 weeks or more, she is entitled to maternity leave pay. If a pregnant employee produces a medical certificate with an opinion that she is unfit to handle heavy materials, to work in places where gas injuries to pregnancy is generated, or to do other work injuries to pregnancy, the employer may not allocate such work to the employee. The maximum fine for breach of the above requirements is HK\$50,000 (USD\$6,410).

Migrant workers

92. The HKSAR also admits workers from outside the territory to

work on a temporary basis. These workers enjoy the same rights, benefits and protection under the labour legislation as local employees. They also enjoy safeguards against abuse and violence like the other workers in the HKSAR as they can seek redress through the local judicial bodies. Foreign domestic helpers, who are mostly women and form the majority of foreign workers, are entitled to a minimum allowable monthly wage as well as free food, accommodation, medical treatment and passage on top of their statutory benefits.

Review of the Applicability of the Employment Ordinance to live-in domestic helpers

93. In 1999, the Labour Department conducted a review of the applicability of the Employment Ordinance to live-in domestic helpers in the light of their unique employment circumstances which require them to live in the employers' residence. The review recommends that the Employment Ordinance shall remain fully applicable to all live-in domestic helpers.

Employment services

94. The Labour Department actively promotes equal opportunities in employment. It provides free employment services for all job-seekers, through a network of nine Local Employment Service Centres and two Employment and Guidance Centres for New Arrivals. In 1999, a total of 188,784 job-seekers were registered, of which 45% were female. In the same year, the Labour Department successfully found jobs for 47,111 job-seekers, of which 54% were female.

95. Unemployment rate for women ranged from 4.5% to 5.5% in 1999, which was lower than that of men (ranged from 6.6% to 7.5%).

96. The Job Matching Programme, introduced by the Labour Department in April 1995, offers proactive services for the unemployed. These services include personalised in-depth interviews, counselling, job matching and, where appropriate, referrals to tailor-made retaining courses.

97. There are on-going measures to eliminate discriminatory practices on recruitment. The Labour Department vets information carefully to ensure that no restrictive requirements based on sex are included in the vacancies they receive - employers will be advised to remove such requirement.

Task Force on Employment

98. In June 1998, the Government set up a Task Force on Employment, led by the Financial Secretary, to look into the problem of local unemployment and to explore ways and means of facilitating job creation. The Task Force comprises representatives from the business and employee sectors, academia and training institutions as well as senior Government officials.

99. Since its establishment, the Task Force has initiated over 30 measures to create jobs and tackle unemployment. These measures cover the following areas: advancing public works projects, and expanding and accelerating district-based environmental improvement projects; strengthening employment services; enhancing vocational training and employees' retraining; promoting further education; and tightening measures to combat illegal employment.

100. All the job opportunities and training/retraining places created by the above measures are offered to both men and women on an equal basis.

Youth Pre-employment Training Programme

101. The Government launched a major and comprehensive Youth Pre-employment Training Programme in September 1999 for young school leavers mainly aged between 15 and 19. Under the Programme, a wide range of employment related training courses, workplace attachment training as well as career counselling are provided to young school leavers to enhance their competitiveness and employability. Training courses

provided are built around four modules: (1) leadership, self-discipline and team building, (2) job search skills and interpersonal skills, (3) basic computer application and (4) job specific skills.

102. Response to the Programme from young people has been very encouraging. About 18,000 youth have applied to join the Programme, of which 48% are female.

103. Subsequent to the completion of the Programme in March 2000, we are conducting a comprehensive review of the Programme. If the results are satisfactory and resources are available, we will consider adopting it as a medium or long-term measure.

Employment services for new arrivals

104. The Labour Department has established two Employment and Guidance Centres to assist new arrivals who have the right of abode in the HKSAR to adapt to new working environment. The Centres offer specialised services such as intensive job matching and referrals, provision of labour market information, employment counselling and briefings on practices/conditions of work in the HKSAR. They also have reference libraries with publications on employment and training opportunities and audio-visual facilities.

Retraining

105. Retraining is available to people of both sexes. In fact, women form the majority of beneficiaries of retraining. Please refer to paragraph 35 above for the relevant details.

Child care services

106. The Government provides various child care service to assist working mothers. There were 1,241 aided day creche places and 27,448 aided day nursery places at the end of 1999. In some of the child care centres, there are occasional child care service (699 places in 259 centres)

and extended hour service for parents who work long or irregular hours (168 places in 12 centres).

107. There are 6,400 places in non-subvented after school care programme which provides services including child-care, homework tuition, guidance, counselling for primary school children whose parents cannot look after them.

Employment of persons under 18

108. The employment of persons under the age of 18 years is regulated by various ordinances and regulations. Please refer to paragraph 172 below for details of the protection.

Women's access to economic resources

109. Women enjoy equal rights with men in accessing economic resources. Please refer to paragraph 9 above for details.

Strategic objective G: Women in Power and Decision-making

- G.1 Take measures to ensure women's equal access to and full participation in power structures and decision-making.*
- G.2 Increase women's capacity to participate in decision making and leadership.*

Legislative protection

110. Article 26 of the Basic Law provides that Hong Kong residents shall have the right to vote and to stand for election in accordance with law. Article 21 of the Hong Kong Bill of Rights provides that every permanent resident shall have the right and the opportunity, without distinction of any kind including sex, and without unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives; to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot; and to have access, on general terms of equality, to public service in Hong Kong.

Participation of women in public affairs

111. Women have been actively participating in public affairs in the HKSAR. In 1999, there were 1.4 million registered female voters on the General Electoral Roll, representing 48% of all the registered voters in the HKSAR.

112. At present, four out of 13 members of the Executive Council are women. In the 1998 Legislative Council election, 24 out of the 166 candidates were women. Ten of them were elected, taking up 16% of the membership of the 60-member legislature. Seventy-two women are serving on the District Councils established in early 2000, representing a two-fold increase in the number of women who served on the District Boards in 1994-97.

Recruitment in the Civil Service

113. The recruitment to the Civil Service of the HKSAR Government is by means of a transparent and competitive selection process free of gender discrimination. Selection of candidates for appointment is made on the basis of merits regardless of their gender. As at January 2000, women made up 33% of civil servants and 21.3% of directorate officers. Currently the Chief Secretary for Administration, the highest ranking official in the HKSAR Civil Service, is a woman. Indeed at present, two out of the three highest ranking officials in the Civil Service, the Chief Secretary for Administration and the Secretary for Justice, are women.

Advisory and statutory bodies

114. Appointments to Government advisory and statutory bodies are normally made on an ad personam basis taking into consideration the individual's abilities, expertise, experience, integrity and commitment to public service, regardless of their gender. The number of women serving on such bodies by the end of 1999 amounted to 900, which represented an increase of 98.7% in the past 10 years.

Rural elections

115. In support of the Government's policy of encouraging fair and open elections, the Heung Yee Kuk, a statutory advisory body on New Territories affairs, promulgated a set of Model Rules for the conduct of Village Representative² elections in 1994. The Model Rules provide for, amongst others, one-person-one vote and equal voting rights for men and women.

116. The Government is prohibited by the SDO from recognizing

² Village Representatives are members of the relevant Rural Committee. Chairpersons of Rural Committees are ex-officio Executive Councillors of the Heung Yee Kuk, while vice-chairpersons of Rural Committees are ex-officio Councillors of the Kuk.

Village Representatives who are not returned by a procedure in which women have been able to participate on equal terms with men (please refer to paragraph 129 for details of the Ordinance). The Government will also not recognize the status of any Village Representative who is not elected under the one-person-one-vote rule.

117. To date, there are about 700 villages in the New Territories with about 1,000 village representatives. All New Territories villages have adopted the Models Rules for their Village Representatives elections.

118. As at December 1999, 14 Village Representatives, 5 Executive Committee members of Rural Committees and 5 Heung Yee Kuk Councillors were women.

**Strategic objective H:
Institutional Mechanisms for the Advancement of Women**

- H.1 Create or strengthen national machineries and other governmental bodies.*
- H.2 Integrate gender perspective in legislation, public policies, programmes and projects.*
- H.3 Generate and disseminate gender-disaggregated data and information for planning and evaluation.*

Mechanism, legislation and policies

119. The Government of the HKSAR attaches great importance to women issues and is committed to promoting the interests of women, addressing their needs and concerns, and eliminating discrimination against them. Various policy bureaux are responsible on an on-going basis for developing and implementing policy and legislative initiatives for women, and the Equal Opportunities Commission (EOC)—an independent statutory body—is in place to promote equal opportunities between the two sexes and implement the Sex Discrimination Ordinance (SDO) (Please refer to paragraphs 129-132 below for details of the EOC and the SDO).

120. In order to further promote the well-being and interests of women and to ensure that their needs are looked after more effectively, the Government announced in May 2000 the establishment of a Women's Commission. The Commission will advise the Government on the development of longer term vision and strategies for the development and advancement of women. It will also tender advice on policies and initiatives of concern to women, keep under review related service delivery and propose improvement measures. It will also initiate research, encourage educational and promotional activities on women issues. The Commission will comprise Government officials and non-official members from various sectors of the community.

Collection of sex disaggregated data

121. In all household surveys (e.g. the General Household Survey and the population censuses/by-censuses) and in the relevant establishment surveys (e.g. the Labour Earnings Survey), the gender of persons is always included as a basic variable. Subsequent publications of the survey results will include tables using gender as a classifying variable where appropriate. For instance, detailed analyses on labour force by sex and age are published regularly in the Quarterly Report on General Household Survey to facilitate better understanding of the demographic characteristics of the labour force; and breakdowns of employed persons by industry/occupation and sex are also analysed to reflect the sex disaggregated employment situation in Hong Kong. More in-depth analysis of the issue is also undertaken from time to time. For example, “A Profile of the Females in Hong Kong, 1996” and “A Profile of the Females in Hong Kong, 1999” were published respectively in the July 1998 and March 2000 issues of the Hong Kong Monthly Digest of Statistics.

Strategic objective I: Human rights of Women

- I.1 Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women.*
- I.2 Ensure equality and non-discrimination under the law and in practice.*
- I.3 Achieve legal literacy.*

The Basic Law

122. The rights and freedom of the residents of the HKSAR is guaranteed by the Basic Law of the HKSAR of the People's Republic of China, which is the constitutional document of the Region. Of which, Article 4 stipulates that the HKSAR shall safeguard the rights and freedoms of the residents of the HKSAR and of other persons in the Region in accordance with law. Chapter 3 of the Basic Law lists out the fundamental rights of the residents, for example, article 25 provides that all Hong Kong residents shall be equal before the law; articles 26 to 28 provide that the Hong Kong residents shall have the right to vote and to stand for election in accordance with law. They shall have freedom of speech, of the press and of publication; freedom of association, of assembly, or procession and of demonstration; and the freedom to form and join trade unions.

123. In addition, Article 39 provides that the provisions of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) as applied to Hong Kong shall remain in force, and shall be implemented through the laws of the HKSAR.

124. The Hong Kong Bill of Rights Ordinance (HKBORO) (Cap. 383) and the provisions of all United Nations human rights treaties applicable to Hong Kong, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), continue to be

implemented.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

125. CEDAW was extended to Hong Kong in 1996. The initial report on the HKSAR under the Convention was examined by the United Nations Committee on the Elimination of Discrimination against Women in February 1999.

126. The Government has been promoting the public awareness of CEDAW. The Convention, together with the concluding comments of the Committee on the Elimination of Discrimination against Women issued after the hearing of the initial report under the Convention, were uploaded into the Government homepage. The text of the Convention, in standardized or simplified versions, was published and distributed to the public. An Announcement of Public Interest on the Convention has been broadcast since 1999. To enhance the awareness of the Convention, promotional leaflets and other souvenirs were also produced and distributed.

Promotion of public awareness of the human rights instruments

127. The Committee on the Promotion of Civic Education, a Government advisory body, established a Human Rights Education Sub-Committee to promote public understanding of the HKBORO and respect for human rights as set out in the various treaties. The Committee has also established a full-time education unit to develop human rights education materials and programmes. Over the past few years, human rights has been one of the major emphasis of the Committee's work. Recently, the Committee has strengthened its efforts to build up community awareness of the Basic Law. The Government promotes the understanding of the Basic Law by sponsoring projects organised by community organisations through the Basic Law Promotion Funding Scheme. At the central level, the Basic Law Promotion Steering Committee was established in January 1998 to provide the necessary steer

on the overall strategy for promoting the Basic Law.

128. We have actively publicized the international human rights treaties applicable to the HKSAR and the reports submitted under them³. We have published the texts of the treaties in both standard and simplified format for the benefit of children. And we have posted soft copies of the texts, together with the concluding comments on relevant hearings on the Government homepage.

Sex Discrimination Ordinance (SDO)

129. The SDO was enacted in July 1995 and the entire Ordinance came into force in December 1996. The Ordinance renders unlawful discrimination on the grounds of sex, marital status or pregnancy in specified areas of activity including employment, education, provision of goods, facilities or services, disposal or management of premises, eligibility to vote for and to be elected or appointed to advisory bodies, activities of clubs, and activities of Government in Parts III and IV of the Ordinance. Part IV of the Ordinance also outlaws sexual harassment and Part V makes it unlawful to apply any discriminatory practices or to publish any discriminatory advertisements. The Ordinance binds both public and private sectors.

The Equal Opportunities Commission (EOC)

130. The SDO also provides for the establishment of the EOC, an independent statutory body which, among other things, is tasked with the responsibility of eliminating sex discrimination and promoting equality of opportunity between men and women. The Commission, formally established on 20 May 1996, started full operation on 20 September 1996.

³ They include reports under:

- (a) CEDAW which was submitted in August 1998 and examined in February 1999;
- (b) ICCPR which was submitted in January 1999 and examined in November of the same year;
- (c) ICESCR which was submitted in June 1999; and
- (d) CAT which was submitted in May 1999.

131. The EOC performs functions which include conducting formal investigations, handling complaints, encouraging conciliation between parties in dispute, providing assistance to aggrieved persons, and undertaking public education and research programmes to promote equal opportunities in the community. The Commission is also empowered to issue codes of practice to provide practical guidelines to facilitate the public's compliance with anti-discrimination legislation. In addition, the Commission also plays the role of keeping under review the working of the SDO.

132. In 1999, the EOC received 943 enquiries and 280 complaints under the SDO. A total of 120 complaints were successfully resolved or conciliated. It also undertook a variety of activities to promote awareness, understanding and compliance of the Ordinances under its purview, including the launching of a series of community roadshows to spread equal opportunities message in all 18 districts in Hong Kong over the next three years and the development of a teaching kit for kindergarten children.

Changes in the law

133. The Government has been reviewing legislation which provide for differential treatment for women and men. Where appropriate, legislative amendments have been or will be procured to remove the differential treatment. From 1996-1998, amendments were made to 6 Ordinances for this cause.

Family Status Discrimination Ordinance

134. The Family Status Discrimination Ordinance (FSDO) was enacted in June 1997 and came into operation in November of the same year. This piece of legislation renders it unlawful to discriminate against a person who has family status in specified areas of activity similar to those covered under the SDO. This Ordinance provides protection to those who have responsibility for the care of an immediate family member. Like the SDO, the EOC is responsible for the enforcement and implementation of

this Ordinance. In 1999, the EOC received a total of 133 enquiries and 29 complaints under the FSDO, out of which five complaint cases have been resolved.

Bilingual Legislation Programme

135. Statute law in Hong Kong was, up to 1989, enacted in English only. The Bilingual Legislation Programme was launched in 1989 for the implementation of bilingual laws (in Chinese and English) in Hong Kong. The programme involves two projects: first, enacting new ordinances (including subsidiary legislation) in both official languages, and second, preparing Chinese texts of the ordinances enacted in the past in English only. At present, all legislation of Hong Kong are bilingual. The texts of the legislation are available in the form of a Loose-leaf Edition and also on the Internet free of charge.

Strategic objective J: Women and the media

- J.1 Increase the participation and access of women to expression and decision-making in and through the media and new technologies of communication.*
- J.2 Promote a balanced and non-stereotyped portrayal of women and the media.*

Freedom of expression

136. Freedom of expression is protected by various legal instruments in the HKSAR. It is enshrined in the Joint Declaration (JD17 and 151 in section XIII of Annex I), the Basic Law (Article 27) and the Hong Kong Bill of Rights (Article 16).

Women in the media industry

137. The rights of women's access to decision-making positions in the media industry is protected under the SDO. Please refer to paragraph 129 above for the details of the Ordinance.

Media/new technologies-related education

138. The Government ensures that all students, boys and girls alike, can grow up with the vision and the capability to rise to new challenges brought about by advancement in information technology (IT). The Government issued a five-year strategy on IT in education in November 1998 following a public consultation. The objective is to enhance the effectiveness of teaching and learning by harnessing the power of IT. The four key components of our strategy on IT in education are to enhance our students' access to IT and the Internet, to provide training and support for all teachers, to use IT to support teaching in the school curriculum, and to foster a community-wide culture which helps promote IT in education.

139. Four tertiary institutions, namely the City University of Hong Kong, the Chinese University of Hong Kong, the Hong Kong Baptist

University and the Hong Kong Shue Yan College, offer media-related programmes. In the 1998-99 academic year, women account for 78% and 73% of undergraduate and postgraduate students respectively in media-related programmes offered by these institutions.

Pornography and sex discriminatory elements in the media

140. The Control of Obscene and Indecent Articles Ordinance (Cap. 390) restricts the publication of indecent articles including printed matters, sound recordings, video-tapes, discs and electronic publications. Under this Ordinance, the publication of obscene articles is prohibited. On the film side, the Film Censorship Ordinance (FCO) (Cap. 392) regulates the exhibition and publication of films. Under the FCO, films are classified by reference to certain standards. These include whether the films portray, depict or treat cruelty, torture, violence, crime, horror, disability, sexuality or indecent or offensive language or behaviour; and whether the films denigrate or insult any particular class of the public by reference to, among others, the sex of the members of that class. In respect of broadcasting, the Codes of Practice issued by the Broadcasting Authority provide, among others, that no programme may contain any matter which is indecent, obscene, or of bad taste which is not ordinarily acceptable to the viewers; and any matter which is likely to encourage hatred against or fear of, and/or considered to be denigrating or insulting to any person(s) or group(s) on the basis of gender, sex preference, etc. The relevant Codes of Practice on programme and advertising standards also reflect the taste and decency standards acceptable to the community, to be observed by the broadcasters. The Broadcasting Authority Ordinance (Cap. 391) provides for the issuing of Codes of Practice for satellite and sound broadcasting while the Television Ordinance (Cap. 52) provides for the issuing of Code of Practice for other forms (commercial TV, subscription TV and programme service) of television broadcasting.

141. The EOC strives for the elimination of sex discriminatory elements in advertisements. In 1996, 36% of recruitment advertisements in newspapers were sex discriminatory. With the effort of the EOC, they have now virtually disappeared.

Strategic objective K: Women and the Environment

- K.1 Involve women actively in environmental decision-making at all levels.*
- K.2 Integrate gender concerns and perspectives in policies and programmes for sustainable development.*
- K.3 Strengthen or establish mechanisms at the national, regional and international levels to assess the impact of development and environmental policies on women.*

Women in environmental decision-making

142. The rights of women to participate in environmental decision-making is enshrined in the SDO (please refer to paragraph 129 above for details of the Ordinance). In fact, the Environment and Food Bureau of the HKSAR Government is at present headed by a woman.

Education on environmental protection

143. Education on environmental protection is currently covered in a number of subjects such as General Studies, Geography, Science, Biology, Human Biology etc at different primary and secondary levels.

Assistance to agriculture and fisheries

144. The Government provides a wide range of assistance and services (including vocational training, technical support and low-interest loans etc.) for the sustainable development of local agriculture and fisheries. All these assistance and services are provided to the industries without making any distinction between men and women.

Combat environmental hazards

145. Serious environmental pollution has been a by-product of Hong Kong's economic and population growth. The Government has put in place various programmes to combat environmental hazards. Such

programmes would benefit men and women alike.

Air pollution

146. Air pollution from stationary sources has been tackled. Major pollution sources are under stringent licensing control. Regulations are in force to ban the venting of ozone depleting refrigerants and to restrict import of certain products containing ozone depleting substances from non-partisan countries to the Montreal Protocol. Regulation to control dust emissions from construction sites came into operation in June 1997. Regulation to control benzene emissions from petrol filling stations during petrol unloading has come into effect since 1 April 1999.

147. It is an established policy to adopt the most stringent vehicle fuel and emission standards which are technologically practical and available. Stringent emission standards have been applied on petrol vehicles for first registration since January 1992. Lead petrol was banned on 1 April 1999. Emissions from diesel vehicles have been curbed by the introduction of low sulphur diesel and stringent emission standards since 1 April 1995. In line with the latest European standards, the sulphur content of diesel fuel and the emission standards for heavy diesel vehicles were further tightened on 1 April 1997. New diesel private cars have been required to meet the more stringent California emission standards since 1 April 1998. Emission standards for newly registered light diesel vehicles have also been tightened from 1 October 1998 onwards. At present, Hong Kong's controls are not only among the most stringent in Asia but are also on a par with the European Union.

148. In addition, in-use vehicles emitting excessive smoke are required to pass emission tests. The Government intends to introduce legislation to increase the fixed penalty fine for smoky vehicles in 1999-2000. To abate air pollution caused by diesel exhausts, we are actively pursuing clean practical alternative fuel and technology.

149. In order to provide timely information about air pollution to the public and to enhance awareness, we have been reporting Air Pollution Indices (API) by districts and making a forecast for the following day since 1995. In June 1998, we extended the reporting by including roadside monitoring stations. As from July 1999, hourly report of API is provided. This system also serves as an alert to the public by advising susceptible groups such as those with heart or respiratory illnesses, to consider taking precautionary measures when necessary.

Noise pollution

150. Control on noise from construction sites was introduced in November 1989. Since 1 November 1996, very noisy construction activities conducted in residential area during sensitive hours are subject to tighter control. Legislation has been implemented in four stages since 1 April 1998 to phase out the use of noisy diesel, pneumatic and steam hammers in built-up areas and replace them with quieter alternatives such as hydraulic hammers. Controls on noise nuisance from vehicle alarms were implemented on 1 April 1997.

Waste disposal

151. The waste disposal strategy is based on the provision of three very large landfills in the New Territories and a network of refuse transfer stations. The three new strategic landfills, which occupy a total of 270 ha of land, are located respectively, in the western, north-eastern and south-eastern parts of the New Territories. Ten refuse transfer stations distributed throughout the territory are now in operation. To reverse the rising trend of waste growth, the government has also launched a 10-year Waste Reduction Framework Plan (WRFP) on 5 November 1998. The WRFP sets out dynamic and environmentally responsible programmes to prolong the life of our existing landfills and to reduce the increasing costs of waste transportation, treatment and disposal.

152. To ensure proper management of chemical waste, the

Government has introduced a cradle-to-grave control for such wastes under the Waste Disposal Ordinance (Cap. 354) since 1993. Under this control, chemical waste producers, collectors and disposal facilities are required to comply with stringent labelling, packaging, storage, collection, delivery and disposal standards. To help local producers to dispose of their chemical waste properly, a Chemical Waste Treatment Centre (CWTC) on Southern Tsing Yi Island was commissioned in April 1993. The plant meets most of the demand from small and medium sized industries for chemical waste disposal service. It is also the designated reception point for oily wastes and other noxious liquid substances from ships which use Hong Kong's port facilities.

153. In addition, the Basel Convention is applicable to the HKSAR. In order to comply with the Convention, a statutory permit system has been implemented under the Waste Disposal Ordinance for all import and export of hazardous waste to ensure that any such waste shipments would be conducted in an environmentally sound manner. In addition, the import of hazardous waste from developed countries into Hong Kong has been banned since December 1998.

Water quality

154. The introduction of water control zones under the Water Pollution Control Ordinance (WPCO) (Cap. 358) allows control over the quality of discharges. Supplementary Water Control Zones have been declared in September 1999 to cover the waters which have become part of Hong Kong's territories after the return of sovereignty in July 1997. The WPCO is now in force in all waters of Hong Kong. With the enactment of the Water Pollution Control (Sewerage) Regulation in June 1994, the Director of Environmental Protection may by notice require owners of premises to make wastewater connection to public sewers and to maintain proper operation of wastewater treatment facilities. A revised Livestock Waste Control Scheme under the Waste Disposal Ordinance has been implemented to the whole territory since July 1997 to control the handling and disposal of livestock waste in order to protect the water quality in Hong Kong's watercourses.

155. Permanent long-term improvements to water quality will require a comprehensive upgrading of the territory's sewerage infrastructure. We are spending some \$11.7 billion (1998 prices) on a high priority programme (HPP) to abate pollution in the Victoria Harbour. Upon completion, the HPP will bring about major improvements to water quality in the Victoria Harbour. Since 1992, we have been implementing a programme to improve sewerage schemes in other parts of Hong Kong at a total cost of around HK\$16.5 billion (approximately US\$2.1 billion) at 1998 prices. We will spend about HK\$9 billion (approximately US\$1.2 billion) on these sewerage improvement works over the next five years.

Protection of Female Radiation Workers

156. In Hong Kong, workers of both genders have equal opportunities for employment in any work involving ionising radiation. The common requirements for employment are that they are of age eighteen or above and that a panel of doctors have certified that they are fit for the employment.

157. The law, while providing equal safety protections to the male and female workers, does prescribe additional precautions for the female workers to protect their foetuses during pregnancy.

IAEA Basic Safety Standards

158. The International Atomic Energy Agency (IAEA), in collaboration with the Food and Agriculture Organisation (FAO), International Labour Organisation (ILO), Nuclear Energy Agency of the Organisation of Economic Cooperation and Development (OECD/NEA), Pan-American Health Organisation (PAHO) and the World Health Organisation (WHO), jointly promulgated the International Basic Safety Standards for Protection against Ionising Radiation and for the safety of Radiation Sources in 1996. According to IAEA, the Standards is to establish basic requirements for protection against the risks associated with exposure to ionising radiation and for the safety of radiation sources

that may deliver such exposure. It comprises basic requirements to be fulfilled in all activities involving radiation exposure.

159. As far as occupational exposure is concerned, the standards provides, amongst other things, that employers, registrants and licensees shall ensure, for all workers engaged in activities that involve or could involve occupational exposure, that:

- (a) occupational exposures be limited, as specified in the standards,
- (b) necessary health surveillance and health services be provided,
- (c) appropriate protective devices and monitoring equipment be provided and arrangements made for its proper use.

Application of the Basic Safety Standards in Hong Kong

160. The legislation that governs radiation safety in Hong Kong conforms to the IAEA Basic Safety Standards. Specifically, the law provides a set of dose limits for workers, which takes into accounts of:

- (a) early stage of pregnancy that may be unknown to the female workers, so that a quarterly limit is prescribed for women of reproductive capacity; and
- (b) protection of the unborn child, so that a separate limit is prescribed for the foetus throughout the pregnancy of a female worker.

161. To ensure that job security is not compromised and thereby relieving any undue anxiety and uncertainty during the pregnancy, the employers and licensees are required to be vigil on the radiation dose recorded for the affected female workers, keep the authority informed and only when dose limitation takes effect will the affected workers be transferred to work involving less exposure to radiation.

162. The law also sets up an occupational health surveillance programme, so that employers and licensees have to provide their workers with personal monitoring for radiation exposure, and pre-employment and periodical medical examination as appropriate.

163. As far as radiation protection of workers is concerned, Hong Kong achieves a standard that is compatible with that promulgated by the IAEA. The interests of women workers, their unborn fetuses and workers below the age of eighteen are also being taken care of.

Strategic objective L: The Girl-child

- L.1 Eliminate all forms of discrimination against the girl-child.*
- L.2 Eliminate negative cultural attitudes and practices against girls.*
- L.3 Promote and protect the rights of the girl-child and increase awareness of her needs and potential.*
- L.4 Eliminate discrimination against girls in education, skills development and training.*
- L.5 Eliminate discrimination against girls in health and nutrition.*
- L.6 Eliminate the economic exploitation of child labour and protect young girls at work.*
- L.7 Eradicate violence against the girl-child.*
- L.8 Promote the girl-child's awareness of and participation in social, economic and political life.*
- L.9 Strengthen the role of the family in improving the status of the girl-child.*

Convention on the Rights of the Child

164. The Convention on the Rights of the Child was extended to Hong Kong in 1994. The initial report under the Convention was examined by the Committee on the Rights of the Child in 1996. Please refer to the paragraphs 127-128 above for efforts in promoting the Convention.

Legislative protections

165. The rights of children, including girl-child, are protected by various legislation and administrative practices in the HKSAR. Article 22 of the Hong Kong Bill of Rights, as set out in the HKBORO, guarantees all persons, including children, the right to equality and non-discrimination. The Protection of Children and Juveniles Ordinance (Cap. 213) provides for the protection of children or juveniles who have been or are being assaulted, ill-treated, neglected or sexually abused; or whose health, development or welfare has been or appears likely to be neglected or avoidably impaired.

Registration and nationality of newborns

166. The Births and Deaths Registration Ordinance (Cap. 174) provides that the particulars of a child born alive in Hong Kong must be registered with the Births Registry within 42 days of the birth.

167. The Nationality Law of the People's Republic of China (CNL) has been applied in the HKSAR by way of promulgation in accordance with Article 18 of the Basic Law since 1 July 1997.

168. Under Article 4 of the CNL, any person born in China (including the HKSAR) whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality. Article 6 of the CNL stipulates that any person born in China whose parents are stateless or of uncertain nationality and have settled in China shall have Chinese nationality. For children born in the HKSAR to parents of foreign nationality, they may acquire a nationality according to the respective nationality laws applicable to their parents.

Minimum age of marriage

169. The Marriage Ordinance (Cap. 181) provides that the minimum age at which person may marry is 16 years. Parental consent is required if the person intending to marry is under the age of 21 years. If there is no parent or lawful guardian residing in the HKSAR who is capable of giving consent, the Registrar of Marriages may give consent in writing to the marriage. Where a person whose consent is required refuses to give consent, or has forbidden the issue of the certificate of the Registrar, the party intending to marry may apply to a District Judge for an independent decision on whether the marriage should proceed.

Education

170. The Government provides nine-year free and universal basic education to all children, boys and girls alike, between six to fifteen years old. Please refer to paragraph 17 above for details of the provision.

Health services

171. The Government provides a wide range of health services dedicated to children of both sexes, including:

- (a) Health care services for children up to five years of age: A comprehensive child health promotion and surveillance programme is provided through 50 Maternal and Child Health Centres (MCHCs) to children from birth to five years of age. In 1999, 230,863 children aged below 5 attended the child health service. Among them 56,249 were new clients. The total attendance of the service was 868,113.
- (b) The Student Health Service provides regular physical examinations, health screening, health education and counselling for primary and secondary school students. In the school year 1999-2000, the total number of primary and secondary school students is about 940,000. Of this, 711,300 students (76%) have enrolled in the Student Health Service.
- (c) Specialist clinics: As at 31.12.1999, there were 6 Child Assessment Centres under the Department of Health providing specialised assessment for children from birth to 11 years of age through a multi-disciplinary team approach. As at 31.3 1999, there were 18 specialist out-patient clinics providing paediatric services under the Hospital Authority.
- (d) Immunisation and control of communicable disease: In 1999, 94.5% of local newborn babies attended the MCHCs. The immunisation programmes include tuberculosis, hepatitis B, poliomyelitis, diphtheria, pertussis, tetanus, measles, mumps and rubella. The school immunisation campaigns for primary one to primary six students achieved the coverage rate over 99% in 1998-99.

- (e) Dental care: The School Dental Care Service provides dental examination, preventive and restorative dental treatment to enrolled primary school children at a nominal annual fee. In the 1998-99 school year, 86.5% of primary school population participated the scheme. The Oral Health Education Unit of the Department of Health provides oral health education through various means.
- (f) Education on AIDS: The prevention and control of AIDS is dealt with through public education to prevent maternal infection and perinatal transmission, and the school curriculum. In schools, a train-the-trainer approach is adopted whereby guidelines, leaflets, booklets, a learning pack and a teaching kit providing guidance on teaching about AIDS were distributed.
- (g) Health Education: Activities by the Central Health Education Unit include training Student Health Ambassadors and School Health Ambassadors to organise health education activities in schools, and assisting schools to form health clubs. The 24-hour telephone hotline also includes topics on family and child health, adolescent health and sex education, and woman health.
- (h) Hospital Services: As at 31.3.1999, there were a total of 1,205 and 118 hospital beds dedicated to paediatric patients and paediatric surgery respectively.

Employment of persons under 18

172. The employment of persons under the age of 18 years is regulated by various ordinances and regulations. For example, the Employment of Children Regulations, which are applicable to children under 15, prohibit employment which would interfere with a child's schooling or would endanger his/her moral and physical health. Young persons (aged 15 or above but below 18) are prohibited under the Women

and Young Persons (Industry) Regulations and the subsidiary regulations of the Factories and Industrial Undertakings Ordinance (Cap. 59) from employment in certain trades and work processes. Their employment in industrial undertakings is also subject to certain conditions. The Labour Department conducts workplace inspections vigorously to check whether employers have violated these regulations.

Violence against children

173. The Working Group on Child Abuse, which was set up in 1983 (and renamed as Committee on Child Abuse in November 1998), is composed of legal practitioners, clinical psychologists, social workers, educationalists and medical practitioners. It is tasked with proposing measures for prevention of child abuse through enhancing public awareness of the problem, promoting early intervention and multi-disciplinary approach in handling child abuse cases, and strengthening of investigation and treatment services. A “Guide to the Identification of Child Abuse” and the “Procedures For Handling Child Abuse Cases” have been widely distributed to front-line professionals to help them identify and handle child abuse cases.

174. A multi-disciplinary case conference is held shortly after each report of child abuse to agree to a long term welfare plan for the child concerned. Participation of family members in the case conference has been introduced since October 1996 to strengthen family participation in the investigation process, particularly in the formulation of welfare plan for the child and family. The Protection of Children and Juvenile Ordinance (Cap. 213) provides for the powers of juvenile courts in relation to guardianship, custody and control of children and juveniles in need of care and protection. Victims of abuse are given psychological or psychiatric counselling and other rehabilitation services as appropriate. As at December 1999, the total number of active child abuse cases handled was 1,096.

Child pornography

175. Legislation to prohibit child pornography and to criminalise the arrangement for and the advertising of child sex tourism, as well as to provide extra-territorial effect to certain sexual offences committed against children, has been introduced into the Legislative Council. Please refer to paragraph 82 above for details.

Strengthening the role of family

176. Various resources and programmes are offered by the Government to strengthen the role of the family. In 1999, a total of 5,098 Family Life Education programmes which aim to enhance family functioning and promote parent-child relationship were organized. A total of 732 social workers were present in 63 Family Services Centres to provide service to families in need of assistance. Six Parent Resources Centres have been set up to provide guidance and support to parents with disabled children. Twenty-three Family Activity and Resource Centres have been set up to serve as focal points for promoting harmonious relationships, coping skills among family members and develop mutual help among families in the community. The Family Care Demonstration and Resource Centre provides support programmes for family preservation and child rearing.