

THE HONG KONG COUNCIL OF SOCIAL SERVICE

**Comments on the Report of the HKSAR under
the International Covenant on Economic, Social and Cultural Rights (ICESCR)**

Article 2 (2) - Non-discrimination

Re 5. In Hong Kong, there is so far no specific legislation to protect migrants against discrimination. The argument of relying on “majoritarian” views to decide the appropriateness to legislation for the protection of the minorities is itself paradoxical, especially when disharmony does exist between the majority and the minorities.

Since the return of sovereignty in 1997, the relationship among races, especially between locals and new arrivals from the Mainland, has obviously intensified. The minorities, especially the new arrivals, have publicly complained about being discriminated because of their place of origin in different aspects of life: yet they cannot appeal to legislation for protection. Public education is a means to promote equality among races and it should be in place all the time, but it takes a long time for the effect to be seen. Legislation and public education are not mutually exclusive. While legislation can give protection to those being affected, public education will help to raise the awareness of the public in the long run.

As a metropolitan with frequent interaction and transaction with the outside world, there is a need to step up the effort in tackling the issue of discrimination in Hong Kong and the need for legislation should be re-considered.

Article 6 – Right to Work

Re 8. The unemployment rate of women aged 30-39 is 3.2%; 40-49 is 4.4% and 50-59 is 5.9% in the second quarter of 2000, while the unemployment rate was 3.0%, 4.2% and 4.4% respectively in the last quarter of 1998. When women get older, they are more vulnerable to become unemployed in the market. In view of the economic restructuring and globalization, unskilled workers are being displaced, together with the work causalization, women are becoming more marginalized.

The Government supports the employment retraining programme, however, no particular measure is taken to address the women unemployment issue. Gender issue is not the concern. The level of earnings for women is lowering though with increasing working hours while at the same time they are getting older.

Re 9. In elimination of racial and age discrimination in employment, we consider there is monitoring difficulty and also lack of information. Knowledge of and measure to protect the discriminated in particular, the non-Chinese workers, foreign workers and grass-root women, to report their cases, have to be stepped up.

With onset of the new economy which requires a more educated and sophisticated workforce, young people with limited education and no work experience are inevitably at a very disadvantaged position. In fact, the unemployment rate of the 15-19 age group is as high as 26% in the 1st two quarters of 2000. The Youth Pre-employment Training Programme is one of the Government measures to tackle the problem. A unique characteristic of this programme is the **partnership** of the Government, NGOs, training institutes as well as the business sector. The strategic alliance of the various parties provide a comprehensive training for young people including job skills training, soft skills training, job placement and counseling service. This unique characteristic and the contribution of these key players should be further highlighted in the report and upkept as an essential element of programmes of this sort.

At present, there are limited further training opportunities for F.3 school leavers, especially girls. The Youth Pre-employment Training Programme offers only short term training and is not a long-term solution to the problem. A more long term solution is to create more opportunities for young people 'to return to school'. We consider the need for the provision of 11 years of FREE education and a diversified curriculum for young people with different attributes and potentials. Curriculum which emphasizes job skills and life skills should be provided as an alternative to the mainstream education to prepare young people to enter the workforce or pursue more advanced training.

Article 7 – The right to just and favourable conditions of work

Re 12. In the past few years, it is generally found that the working hours of the working population are long. The study conducted by the Hong Kong Council of Social Service in March 2000 showed that many people worked with long hours (10% of the respondents worked at least 12 hours a day and 24% of the respondents worked with 10 to less than 12 hours). On the other hand, many considered that the family life was affected by the long working hours (it affected their time spent / the communication / the showing of care and concern for their family members). The study confirmed that the long working hours have negative impact on the family life.

In Hong Kong where the economy runs on free market forces, setting any restriction on the employers or the employees will easily be seen as intrusion into the market. However, since the global economic turmoil in 1997, it has just been a common practice for the employers, including the Government and other public organizations, to cut cost at the expense of the employees. A job which used to be shared by 3 people is now by 2, meaning that these two people work longer hours but get the same pay. When the Government is trying to downsize the number of civil servants, outsourcing some of the jobs also means bidding at the lowest price, which means a

cut in the wages of the workers. We believe that the employers should be required by law to pay a higher salary for overtime work. Also, at least the Government and public organizations could set a minimum wage in the tender document for the jobs to be contracted out, the tenders should be required to specify the wage level they set for the employees.

Article 8 – The right to social security

Re 21. The divorce rate has been growing in the past decade and more so in the recent years. The number of single parent families increases correspondingly. The government's policy is to encourage the single parents to work rather than to depend on the social security. The government has provided some child care support to these families, e.g. there is an expansion of extended hours service in the day nurseries and the after school care programme. However, the existing modes of child care are still limited. There is hence a need to develop a wider variety of child care support to meet the different needs of the families. For instance, the child minding service which meets better the needs of individual families, could be supported for development.

In the past few years there is request from the public urging government to set up an intermediary body to help collect maintenance payment. This is a proposed measure in response to the phenomenon that many divorcees have difficulties to get the maintenance payment from their ex-spouse. This makes many single parents face financial hardship which also affects their ability to take care of their children. After much discussion, the government issued a report in May 2000 and introduced some measures to help alleviate the situation. The government should review the implementation and the effect of these measures after a year i.e. by May 2001. If necessary, other measures including the setting up of the intermediary body for collecting maintenance payment, should be reconsidered.

Article 10 – the protection of the family, mothers and children

Re 22. Though there is legal protection for domestic violence cases, the sensitivity and attitude of the front-line workers, e.g. the police, the fire-service, in the process of bringing up these cases further prevents the genuine needy from being protected.

Traditional thinking of women's subordinate position in the family is still prevalent, in particular, among the grass-roots. Education about gender position and equality should be strengthened throughout their up-bringing and through family life education..

Consideration of mandatory counseling for the violence perpetrators for a period of time of time should be given, through which assistance would be given to both the perpetrators and victims.

Re 24. The argument that “If families do live apart it is because they have chosen to do so...Hong Kong permanent residents have the right to leave Hong Kong and to join their families in Mainland China” is irresponsible, especially when this is the view of the Government. If a person has the right of abode, the Government has the responsibility to ensure that the person can move to Hong Kong without unnecessary or unreasonable delay. The imposition of the One Way Exit Permit System on the Certificate of Entitlement Scheme is restricting the person to actualize his/her entitlement (right of abode), when the One Way exit Permit System means their moving to Hong Kong requires the permission from the Mainland and therefore takes a longer time.

From the administration point of view, the Government’s argument is not sound or logical as well. When a family in the Mainland requests to move to Hong Kong for family reunion, it should be more logical (even if we do not judge it on the humanitarian ground) to assess the application of the family as a whole, rather than assessing the eligibility of individual members and issuing the entry permit independently.

Article 11 - The Right to an Adequate Standard of Living

Re 28. Though hunger and malnutrition may not be a serious problem in the HKSAR, however, the growing disparity between the rich and the poor and the large number of people in poverty should be looked into. It is estimated about 1.4M people are living in poverty (income level at 50% of the median income). In 1999, 13% of those 14 year old or below have unemployed parents or parents whose income is within the lowest 10% bracket. The Government should look into the needs of these young people and assess whether they enjoy equal opportunities for development. For example, social workers reported that these young people were denied the opportunities to join extra-curricular activities because of their inability to pay. While NGOs try their best to provide subsidy and fee exemption for these vulnerable groups, the Government should provide sponsorship to these young people to ensure their right to an adequate standard of living and the equal developmental opportunities.