

立法會
Legislative Council

LC Paper No. CB(2)2953/05-06
(These minutes have been
seen by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs

Minutes of meeting
held on Friday, 9 June 2006 at 10:45 am
in the Chamber of the Legislative Council Building

- Members present** : Hon Tommy CHEUNG Yu-yan, JP (Chairman)
Hon TAM Heung-man (Deputy Chairman)
Hon Albert HO Chun-yan
Hon Margaret NG
Hon James TO Kun-sun
Dr Hon Philip WONG Yu-hong, GBS
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon LI Kwok-ying, MH
Hon Daniel LAM Wai-keung, BBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Patrick LAU Sau-shing, SBS, JP
- Members attending** : Hon CHAN Yuen-han, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon Ronny TONG Ka-wah, SC
- Members absent** : Hon LAU Wong-fat, GBM, GBS, JP
Hon CHOY So-yuk, JP
Hon Timothy FOK Tsun-ting, GBS, JP

Public Officers : Item III
attending

Mrs Carrie LAM
Permanent Secretary for Home Affairs

Miss Amy YEUNG
Assistant Secretary for Home Affairs (4) 1

Mr Joseph LAI
Deputy Secretary for Constitutional Affairs (1)

Mr Robert ALLCOCK
Solicitor General
Department of Justice

Ms LAI Yuen-man
Government Counsel
Department of Justice

Ms Linda LAI
Deputy Secretary for Health, Welfare and Food (Family
and Women)

Mr Alan LO
Principal Assistant Secretary (Security) C

Mrs Apollonia LIU
Principal Assistant Secretary (Security) E

Item IV

Ms Linda LAI
Deputy Secretary for Health, Welfare and Food (Family
and Women)

Ms Hinny LAM
Acting Principal Assistant Secretary for Health, Welfare
and Food (Women)

Ms Sophia KAO
Chairperson, Women's Commission

Attendance by invitation : Item III

Equal Opportunities Commission

Mr Raymond TANG
Chairperson

Miss Ellen WONG
Policy & Research Officer

Hong Kong Human Rights Commission

Mr HO Hei-wah
Chairman

Democratic Party

Mr CHAN Ka-wai
Vice Policy Spokesman of Human Rights of the
Democratic Party

Society for Community Organization

Ms Annie LIN
Community organizer

Voices of the Rights of Asylum Seekers and Refugees

Mr Frank
Member

Mr Peter
Member

Power for Democracy

Mr TSOI Yiu-cheong, Richard
Convenor

Miss LEE Wing-yin, Susanna
Executive Secretary

Hong Kong Human Rights Monitor

Mr LAW Yuk-kai
Director

Item IV

Equal Opportunities Commission

Mr Raymond TANG
Chairperson

Miss Ellen WONG
Policy & Research Officer

Action for Reach Out

Miss YIM Kit-sum
Legal Rights Officer

Mrs Nancy LEUNG
Executive Director

Women Coalition of Equal Opportunity

Miss CHUNG Yuen-yi
Co-ordinator

Democratic Party

Miss CHAN Shu-ying
Spokesperson of Women's Policy of the Democratic
Party

The Association for the Advancement of Feminism

Miss CHOI Wing-sze
Organiser

Association Concerning Sexual Violence Against
Women

Ms Eleanor LAM
Chairperson

Ms NG Wai-ching
Service Co-ordinator

Islands District Council

Ms CHAU Chuen-heung, MH, JP
Vice-Chairman, Islands District Council

Hong Kong Women Development Association

Ms WONG Mo-tei
Vice Chairperson

The Hong Kong Federation of Women's Centres

Mr TAM Wai-pang
Education Officer

Hong Kong Association for the Survivors of Women
Abuse

Ms LIU Ngan-fung
Chairman

Civic Party

Miss Linda WONG
Member

Hong Kong Women Workers' Association

Ms WU Mei-lin
Co-ordinator

Women's Committee, Hong Kong Confederation of
Trade Unions

Miss IP Pui-yu
Organising Secretary

Society for Community Organization

Ms Annie LIN
Community organizer

Ms SZE Lai-shan
Community organizer

Hong Kong Human Rights Monitor

Mr LAW Yuk-kai
Director

Miss CHAN Kit-man
Education Officer

Association of Women with Disabilities

Miss WONG Hoi-fai
Project Officer

Ms WONG Ka-ling
Committee Member

Clerk in attendance : Miss Flora TAI
Chief Council Secretary (2)2

Staff in attendance : Ms Joanne MAK
Senior Council Secretary (2)2

Miss Sherman WOO
Legislative Assistant (2)2

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I. Information paper(s) issued since the last meeting

Members noted that no information papers had been issued since the last meeting.

II. Items for discussion at the next meeting

[Appendices I and II to LC Paper No. CB(2)2219/05-06]

Next regular meeting of the Panel

2. The Panel agreed to further discuss Hong Kong's cultural policy with deputations and the Secretary for Home Affairs (SHA) at its next regular meeting re-scheduled for Monday, 17 July 2006 at 9:30 am. The Panel also agreed to put an invitation for public views on the website of the Legislative Council (LegCo).

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(*Post-meeting note*: at the suggestion of the Administration and with the concurrence of the Chairman, an additional item on “Provisional licences for cinemas” was included in the agenda of the meeting on 17 July 2006.)

Implementation of the Convention on the Rights of the Child (CRC)

3. Referring to a letter from the Hong Kong Committee on Children’s Rights (HKCCR), Ms Emily LAU said that HKCCR noted that when the Panel discussed the concluding observations on the first report of the Hong Kong Special Administrative Region (HKSAR) under CRC at its meeting on 10 February 2006, the Administration undertook to report on the development of its discussion with The Ombudsman before the end of the current legislative session. As the report was still outstanding, HKCCR urged the Panel to follow up the matter. The Clerk was asked to follow up with the Administration accordingly.

(*Post-meeting note*: details of the Administration’s discussion with The Ombudsman were set out in SHA’s letter to the Panel, which was issued to members vide LC Paper No. CB(2) 1727/05-06.)

III. Discussion on the concluding observations on the Second Report of the Hong Kong Special Administrative Region in the light of the International Covenant on Civil and Political Rights (ICCPR)
[LC Paper Nos. CB(2)1653/05-06(01), CB(2)2219/05-06(01) and (02)]

Meeting with deputations

Equal Opportunities Commission
[LC Paper No. CB(2)2638/03-04(01)]

4. Mr Raymond TANG, Chairperson of the Equal Opportunities Commission (EOC), presented the views of EOC as detailed in its submission. He expressed concern about the delay in the introduction of the Race Discrimination Bill into LegCo. Referring to paragraph 5 of the Administration’s initial response to the concluding observations of the United Nations Human Rights Committee (UNHRC) on the Second Report of HKSAR in the light of ICCPR [LC Paper No. CB(2) 2219/05-06(01)], Mr TANG pointed out that the Administration seemed to be backtracking on its stance in respect of the establishment of a human rights commission (HRC). He said that the Administration had previously adopted a fairly open mind on the issue and had discussed various possible scenarios, such as setting up an independent institution, amalgamating the three statutory bodies, namely, EOC, the Ombudsman and the Office of the Privacy Commissioner for Personal Data (PCO), to form a HRC, or extending the functions and powers of EOC. He, however, noted that the Administration had categorically indicated in its paper

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that there was neither an obvious need nor any plan for the establishment of such an institution. He said that EOC and related non-governmental organisations (NGOs) considered that the Administration should continue to explore taking forward the recommendation.

Hong Kong Human Rights Commission

5. Mr HO Hei-wah of Hong Kong Human Rights Commission (HKHRC) expressed dissatisfaction with the Administration's view as stated in paragraph 4 of its paper that the recommendations made by UN's treaty monitoring bodies were of an exhortatory nature rather than legally-binding and it was only UNHRC's good will in making those recommendations. Mr HO pointed out that the recommendations were very important as they were adopted after the conduct of formal hearings on the HKSAR's Second Report. They served to remind the HKSAR Government of any inconsistency found between its laws, policies, and administrative measures and any specific obligation under ICCPR. He also criticised the Administration for lacking sincerity in implementing the recommendations made in previous observations. For example, UNHRC had reiterated in the latest concluding observations that the Committee "still considers that the electoral system in Hong Kong does not meet the requirements of article 25, as well as articles 2, paragraph 1 and 26 of the Covenant". He added that the Committee had raised this concern in its previous concluding observations on the initial report of HKSAR adopted in November 1999.

6. As regards the establishment of a HRC, Mr HO pointed out that discussion on the issue had commenced ever since the start of the legislative work for enactment of the Hong Kong Bill of Rights Ordinance in 1990. He said that the community had almost come to a consensus in support of setting up such an institution. The recommendation had been made not only by UNHRC but also by the UN Committee on Economics, Social and Cultural Rights. He further expressed dissatisfaction with the inconsistency in the Administration's attitude towards the issue of the setting up of a HRC. He pointed out that while the Administration had stated in its response made to the list of issues presented by UNHRC that it was not averse to the eventual establishment of such an institution in Hong Kong, it had changed to adopt a stiff position in its paper submitted for this meeting.

7. Mr HO suggested that LegCo should conduct research studies on the inadequacy of the existing human rights framework set out in paragraph 5 of the Administration's paper, and the binding effect of the recommendations made by UN's treaty monitoring bodies on HKSAR. He added that consideration should be given to seeking views directly from those treaty monitoring bodies.

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Democratic Party

[LC Paper No. CB(2)2350/05-06(01)]

8. Mr CHAN Ka-wai from the Democratic Party (DP) presented the views of DP as detailed in its submission. He shared Mr HO Hei-wah's view that there was inconsistency in the Administration's attitude shown in the past and in the present towards the setting up of a HRC. Referring to paragraph 21 of the concluding observations under discussion, Mr CHAN urged the Administration to submit within one year information on the follow-up actions taken on the UNHRC's recommendations in paragraphs 9, 13, 15, 18 of the concluding observations. He said that DP was of the view that the HKSAR Government should seek an interpretation of the Basic Law (BL) by the Standing Committee of the National People's Congress (NPCSC) only under very exceptional circumstances, and when it did, it should give opinions from the human rights perspective in its request to NPCSC.

9. Mr CHAN also urged the Administration to implement the recommendations made by UNHRC as summed up in paragraphs 11 and 13 of DP's submission and rectify the non-compliance of the electoral system in Hong Kong with the requirements of article 25, as well as articles 2, paragraph 1 and 26 of ICCPR.

Society for Community Organization

10. Miss Annie LIN of the Society for Community Organization (SOCo) criticised the Administration for being so flexible regarding the timing for introduction of the Race Discrimination Bill but being so rigid with the content of the Bill. She pointed out that despite the strong views put forward by many NGOs, the Administration insisted that protection would not be extended to new arrivals from the Mainland under the Bill and it would not model on overseas relevant laws in its content concerning indirect discrimination, which would be based on the relevant part of existing anti-discrimination laws of Hong Kong.

11. Miss LIN also criticised that there were still no mechanisms in place to grant asylum and to protect individuals seeking refugee status under the 1951 Convention Relating to the Status of Refugees (the Convention) from being deported. She pointed out that only 80 out of about 1 000 asylum seekers in Hong Kong were given financial assistance by the Government, in the amount of only \$1,800 for one single person, i.e. \$1,000 less than the level under the Comprehensive Social Security Assistance Scheme.

Voices of the Rights of Asylum Seekers and Refugees

12. Representatives of Voices of the Rights of Asylum Seekers and Refugees gave an account of problems encountered by them as asylum seekers and torture claimants in Hong Kong. One of the representatives said that he

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had stayed in Hong Kong for 19 months and was still awaiting the final decision on his case. He criticised that there was no provision of legal representation during interviews in the screening process, and he was not asked to sign any record of the interview nor provided with a copy of any written record. He was also not provided with legal representation when he appealed against the rejection against his application. He further said that when he went to the Immigration Department to seek asylum under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), he was arrested and detained without reasons. He was again provided with no legal assistance during interviews conducted during his detention. He was receiving less than \$1,000 for accommodation during his stay in Hong Kong. He considered that all the screening procedures were very long and unfair.

Power for Democracy

13. Mr TSOI Yiu-cheong from Power for Democracy pointed out that during the recent UN hearing, Permanent Secretary for Home Affairs (PSHA) had informed UNHRC that the HKSAR Government had an open mind on the setting up of a HRC, which greatly differed from the present stance of the Administration stated in its paper.

14. Mr TSOI said that UNHRC had made it clear that the electoral system in Hong Kong did not meet the requirements of Article 25, as well as Articles 2 and 26 of ICCPR. Even though the Administration sought to argue on the basis of the reservation against Article 25(b) that there was no obligation under ICCPR as applied to HKSAR to introduce universal suffrage, the present electoral system still contravened Articles 2 and 26 of ICCPR. He further said that the Administration should interpret reservations against any article of ICCPR in accordance with international law principles. He considered that the Administration should give an undertaking that when it made a request to NPCSC for an interpretation of the BL in the future, it would give its view on the human rights implications in its request. He also urged the Administration to follow up with UNHRC's request for an interim report in respect of the four subjects specified in the concluding observations under discussion within one year.

Hong Kong Human Rights Monitor

15. Mr LAW Yuk-kai of Hong Kong Human Rights Monitor (HKHRM) said that there was retrogression in the Administration's work of protection of human rights, which was manifested in the changed attitude of the Administration towards the setting up of a HRC shown. He suggested that the LegCo Secretariat should set out the Administration's position on the issue, as explained by the Home Affairs Bureau (HAB) officials at previous Panel meetings, and compare it with the Administration's present position stated in the paper. Mr LAW further said that the retrogression in protection of human

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rights was also manifested in the delay in the introduction of the Race Discrimination Bill and in the incident of DP being required to disclose its membership under the Companies Ordinance. Mr LAW expressed concern whether the delay in the introduction of the Bill had to do with the transfer of Mr Stephen Fisher, Deputy Secretary for Home Affairs. He added that there were speculations that the transfer was the result of the dissatisfaction of the business community with certain proposals under the Bill.

Administration's response to concerns raised by depositions

Legislation against racial discrimination

16. PSHA stressed that the Administration was very determined to legislate against racial discrimination. She said that since the submission of the HKSAR's First Report to UNHRC in 1999, the Administration had implemented various educational initiatives against racial discrimination, incurring a total of some US\$4.6 million. It had fostered a culture of mutual understanding and tolerance among people of different races. PSHA further said that although the Administration had announced earlier that it aimed to introduce the Race Discrimination Bill into LegCo before the end of the 2005-06 session, there were many outstanding technical issues that needed to be ironed out before the Bill could be presented to LegCo. The Administration considered it necessary to conduct adequate consultation work before introduction of the Bill into LegCo. PSHA informed members that the Administration's present plan was to introduce the Bill into LegCo before the end of 2006. She took the opportunity to clarify that the delay had nothing to do with the transfer of any senior official of HAB.

17. PSHA further said that the Administration tried not to include too many exceptions in the Bill as far as possible. She added that when the Bill was introduced, the Administration would continue to consider views and comments from LegCo and NGOs.

Establishment of a human rights commission

18. PSHA said that the Administration had all along maintained the same position regarding the establishment of a HRC, i.e. it had no plans or timetable for the establishment as it saw no obvious need for such an institution. She said that although the Administration had not set up a HRC, this did not mean that the Administration had made no achievements in its work of promoting human rights. She pointed out that Hong Kong had a well-established human rights framework including the establishment of the Ombudsman, EOC and PCO, and the enactment of the Hong Kong Bill of Rights Ordinance, backed up by the rule of law, freedom of expression, etc. which provided sufficient protection and support for human rights.

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Re-interpretation of BL provisions

19. Solicitor General (SG) of the Department of Justice (D of J) pointed out that if NPCSC were to make any further interpretation of BL provisions in the future, it would have to take into account the obligation which existed under BL39, i.e. to ensure that the provisions of ICCPR, among other things, would continue to remain in force and to be implemented in HKSAR, and no law could contravene that obligation. He pointed out that no provisions of the BL could be interpreted in isolation. Any interpretation of BL provisions, whether by HKSAR courts or by NPCSC, would have to take into account that obligation.

20. SG said that it was difficult for the Administration to give an undertaking that, if another NPCSC interpretation of BL were imminent, it would provide views on the human rights implications to NPCSC. He explained that the Administration was unable to give such an undertaking because the context in which an interpretation of the BL might be sought was not known and the procedures by which an interpretation took place varied from time to time.

Reservation in relation to Article 25 of ICCPR and establishment of an elected legislature

21. SG pointed out that the Administration maintained its view that the reservation in relation to Article 25 of ICCPR did apply to Hong Kong and there was no obligation under ICCPR as applied to HKSAR to introduce universal suffrage at the present stage. He said that he agreed with the view that interpretation of the reservation should be made in accordance with international law principles. In fact, the Administration's submissions made to UNHRC in respect of the interpretation were based upon principles stated in the Vienna Convention on the Law of Treaties, e.g. Articles 31 and 32. He reiterated that the Government's approach to the interpretation of the reservation was firmly based on international law principles.

22. PSHA undertook that the Administration would submit, within one year, information on the follow-up actions on the UNHRC's recommendations in respect of four subjects, including concerns about the political reforms of Hong Kong. She added that discussions on the formulation of a roadmap for universal suffrage through the Commission on Strategic Development had already commenced since November 2005, and the Commission was expected to draw conclusions on its discussions by early 2007.

1951 Convention Relating to the Status of Refugees

23. Principal Assistant Secretary (Security) C (PAS(S)C) said that the 1951 Convention Relating to the Status of Refugees had not been extended to Hong Kong. He explained that the Administration was concerned that as Hong Kong

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was relatively prosperous in the region, extension of the Convention to Hong Kong might lead to influxes of refugees and create very great pressure on Hong Kong.

24. PAS(S)C said that claims for refugee status were dealt with by the United Nations High Commissioner for Refugees (UNHCR), which had put in place mechanisms for determining refugee status. He pointed out that asylum seekers screened as refugees would be arranged by UNHCR to resettle overseas. He informed members that as at March 2006, UNHCR was handling applications from some 1 500 asylum seekers in Hong Kong. PAS(S)C explained that a deportation order would not be made against a person merely because the person had made an application to seek asylum in Hong Kong. If a deportation order was made against a person, it was mainly because the person had been found guilty of a deportable offence, i.e. an offence punishable with imprisonment of not less than 2 years. PAS(S)C said that a mechanism was already provided under the Immigration Ordinance for deportees to lodge objections.

25. PAS(S)C further said that the screening of torture claims under CAT would take time because the Administration had to take reasonable measures to ensure that the screening was fair and impartial and also because much information had to be obtained to process such cases. PAS(S)C pointed out that legal representation was not allowed during the screening process conducted by the Immigration Department because the relevant procedures were intended to be fact-finding. However, a claimant was allowed to apply for legal aid when he sought for, say, a judicial review of the decision made by the Immigration Department in respect of his case.

26. On assistance to asylum seekers, Deputy Secretary for Health, Welfare and Food (Family and Women) (DSHWF(F&W)) said that while some of the asylum seekers staying in Hong Kong were receiving assistance from UNHCR, the Administration would meet their basic needs, e.g. shelter and food, if they approached the Administration for assistance. It was the Administration's policy that the assistance would be provided in kind to the asylum seekers. They would not be entitled to the welfare provided to Hong Kong residents.

Issues raised by members

Legislation against racial discrimination

27. Ms Emily LAU and Dr Fernando CHEUNG expressed serious concern about the delay in the introduction of the Race Discrimination Bill. Ms LAU considered it regrettable that there were discrepancies between the information provided by the HKSAR delegation to UNHRC at the hearing in March 2006 and information provided by the Administration to the Panel regarding the timing of the introduction of the Bill and the Administration's position on the setting up of a HRC. She said that the Administration should address concern

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about the transfer of Mr Stephen FISHER, DSHA, and whether it had any impact on the introduction of the Bill.

28. PSHA said that when she informed UNHRC at the hearing that the Administration aimed to introduce the Race Discrimination Bill into LegCo before the end of the current legislative session, she had also pointed out to the Committee that the Bill involved very complicated issues. She further said that it would be irresponsible on the part of the Administration if it failed to conduct adequate consultation and give adequate explanation of the proposals contained in the Bill to concerned parties, before introducing it into LegCo. She informed members that after the end of the public consultation on the Bill, the media had approached HAB for an interview on the content of the Bill. It was regrettable that the relevant newspaper report was not totally accurate and, as a result, some organisations and individuals had voiced out strong criticisms of the Bill. PSHA further said that the Administration needed more time to explain the legislative proposals to concerned parties and it had no intention to hold up the legislative work. She also pointed out that Mr FISHER had been with HAB for four years, and his transfer was arranged in accordance with normal procedures and had nothing to do with the legislative work of the Bill.

29. Dr Fernando CHEUNG considered that the Administration had set a very bad precedent in delaying the introduction of the Bill, since it had already completed the public consultation exercise on the Bill and the only reason for the delay was that some voices questioning the Bill had been raised.

Reservation in relation to Article 25 of ICCPR and establishment of an elected legislature

30. Ms Margaret NG expressed the view that there would be no guarantee of human rights in a place without democracy. She pointed out that the court had already ruled that the justification given by the Government for maintaining the reservation in relation to Article 25 was not legally sound. She said that many NGOs, such as Justice, had given the same view. Moreover, UNHRC had repeatedly pointed out that once an elected LegCo was established, its election had to conform to Article 25 of ICCPR. Ms NG sought the views of deputations as to what further actions could be taken while the Administration continued to ignore all these views.

31. Mr HO Hei-wah considered that the only thing he could think of was to invite all the 60 LegCo Members to join the rally on July 1 to fight for universal suffrage. Mr TSOI Yiu-cheong said that the Panel could write to UNHRC seeking their views on the applicability of the reservation in relation to Article 25 in HKSAR, and the Legal Adviser to LegCo could be invited to give his opinion on the matter.

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Non-implementation of the UNHRC's recommendations and setting up of a human rights commission

32. Referring to paragraphs 4 and 5 of the Administration's initial response to the concluding observations adopted by UNHRC [LC Paper No. CB(2)2219/05-06(01)], Ms Margaret NG asked whether the HKSAR delegation had ever informed UNHRC of the Administration's view that the recommendations made by UN's treaty monitoring bodies were not legally-binding and, if it had, what was the response of UNHRC.

33. SG responded that the Administration accepted that ICCPR as applied to HKSAR was binding as a matter of international law. Moreover, by virtue of BL39, the provisions of ICCPR as applied to Hong Kong would remain in force and would be implemented through the laws of HKSAR. He said that the Administration accepted the international obligations to implement ICCPR which were defined by the provisions of the Covenant and any relevant declarations and reservations.

34. SG pointed out that a recommendation made by UNHRC was accepted by the Administration to be binding insofar it was reflecting obligations imposed on the HKSAR Government under ICCPR. However, the Administration was not obliged to follow a recommendation which, in its view, did not arise from any obligation under ICCPR, such as the recommendation of setting up a HRC in HKSAR. The Administration considered that that was merely a recommendation of UNHRC as to how to ensure that ICCPR could be properly implemented. The Administration considered that there were other equally good ways of doing it and did not accept that the recommendation was legally binding. SG added that the Administration had clearly explained its view at previous meetings of the Panel and during the motion debate on "Implementing the recommendations of UNHRC" at the Council meeting on 1 March 2006.

35. Dr Fernando CHEUNG asked which recommendations made by UNHRC the Administration would accept as binding. SG responded that ICCPR was an international covenant and it spoke for itself. The international obligations imposed on the HKSAR Government under ICCPR were set out in the provisions of the Covenant. If necessary, the courts could interpret the provisions to make it more concrete as to what particular international obligations were imposed. He reiterated that the obligations set out in ICCPR as applied to Hong Kong were binding, but the Administration had to make a distinction between the Covenant which was applied to Hong Kong as a matter of international law and recommendations made by UNHRC which were different matters.

36. Mr Albert HO was of the view that checks and balances were required in an open and pluralistic society. The Administration should empower a statutory body or NGOs to perform such a function. He further said that a

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HRC and the Government were not necessarily on opposite sides. He asked whether the Administration would consider setting up a task force joined by representatives of NGOs to work out concrete proposals for taking forward the recommendation of establishing a HRC. PSHA responded that the Administration had all along maintained a dialogue with NGOs and welcomed their participation in the work of protecting human rights and although the Administration currently had no plan or timetable for setting up a HRC, such institutional issues could always be matters for discussion. The Administration also welcomed the opportunity to exchange views on the matter with representatives of NGOs at meetings of the Human Rights Forum.

Procedures by which an interpretation of Basic Law provisions was made

37. Mr Albert HO was of the view that the issues subject to interpretation should be made known under the procedures of interpretation of the BL, so that the Administration could give NPCSC advice on the human rights implications arising from the interpretation.

38. SG responded that there were three ways in which NPCSC could give an interpretation of the provisions of the BL –

- (a) the Court of Final Appeal could make a reference and, in this case, the Court would determine the documents to be submitted to NPCSC;
- (b) the Chief Executive could make a request and, in this situation, the Administration should be able to consider sending submissions on human right matters; and
- (c) NPCSC could make an interpretation on its own initiative. In this situation, it was not clear whether the Administration had any avenue to send up submissions on human right matters.

Investigations of police misconduct

39. Referring to paragraph 9 of the concluding observations on HKSAR's Second Report, the Deputy Chairman enquired about the Administration's position on the setting up a statutory Independent Police Complaints Council (IPCC). Principal Assistant Secretary (Security) E responded that the Administration had already submitted a paper on the main legislative proposals to establish IPCC as a statutory body to the Panel on Security for discussion at its meeting on 6 June 2006. The Administration was in the process of consulting IPCC on the detailed drafting of the bill. Its target was that once the consultation was completed, it would introduce the bill into LegCo as soon as possible.

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Mechanism to assess the risk faced by individuals expressing fears of being victims of grave human rights violations in the locations to which they might be returned

40. In response to Mr Albert HO, PAS(S)C explained that the mechanism as described in the Administration's paper had already provided effective safeguards for persons liable to deportation. Mr HO stressed that the mechanism should allow the participation of representatives of the Judiciary in the risk assessment work. He considered that the mechanism without such representatives fell far short of the expectation of UNHRC.

Research studies to be undertaken by the LegCo Secretariat

LegCo
Secretariat

41. Referring to the suggestion made by Mr HO Hei-wah in paragraph 7 above, Ms Emily LAU suggested that the LegCo Secretariat should conduct research studies on the following areas –

- (a) the binding effect of the recommendations made by UNHRC and other committees of UN; and
- (b) the principles and requirements (including the Paris Principles) for the formation of a HRC in overseas jurisdictions and whether the existing human rights framework in HKSAR had complied with these principles and requirements.

Members agreed.

IV. Hearing of the United Nations Committee on Elimination of Discrimination against Women on the Second Report of the HKSAR under the Convention on the Elimination of All Forms of Discrimination against Women

[LC Paper No. CB(2)2219/05-06(03) to (05)]

Meeting with deputations

Action for Reach Out

[LC Paper No. CB(2)2280/05-06(01)]

42. Miss YIM Kit-sum of Action for Reach Out presented the views of the group as detailed in its submission. She said that Action for Reach Out was concerned about measures taken to combat the exploitation of prostitution, and actions taken to follow up the concerns raised in the concluding observations adopted by the United Nations Committee on Elimination of Discrimination against Women (UNCEDAW) in 1999 on the initial report of HKSAR under CEDAW about unclear provisions to ensure the health and safety of sex workers and possible discrimination against women in the enforcement of related crimes.

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Equal Opportunities Commission
[LC Paper No. CB(2)2219/05-06(06)]

43. Mr Raymond TANG, Chairperson of EOC, presented the views of EOC as detailed in its submission. He informed members that the report on Equal Pay for Work of Equal Value Study was being finalised and planned to be released within 2006. He also urged the Administration to follow up the following issues and suggestions –

- (a) the legislative amendments proposed by EOC in 1999 to be made to the Sex Discrimination Ordinance (SDO);
- (b) the working target of 25% as a gender benchmark for appointments to the advisory and statutory bodies (ASBs) should be raised; and
- (c) more active measures should be taken to assist women with disabilities to ensure that they enjoyed equal opportunities in different fields of activities and provision of services.

Women Coalition of Equal Opportunity
[LC Paper No. CB(2)2350/05-06(02)]

44. Miss CHUNG Yuen-yi of Women Coalition of Equal Opportunity presented the views of the Coalition as detailed in its submission. She said that the Administration should establish a high-level central mechanism with appropriate powers and resources to develop and coordinate a women-focused policy as recommended by UNCEDAW. The Coalition was dissatisfied that the Women's Commission was only an advisory body which was not given any real power. The Coalition urged the Administration to amend the Domestic Violence Ordinance to provide better protection to victims and to follow up the proposal of criminalising stalking behaviour as proposed by the Law Reform Commission (LRC) in 2000. The Coalition also urged the Administration to scrap the seven years residence requirement as one of the criteria for eligibility to social security benefits, as it considered that such a requirement had created undue hardship to new arrival women.

Democratic Party
[LC Paper No. CB(2)2350/05-06(03)]

45. Miss CHAN Shu-ying of DP presented the views of DP as detailed in its submission. She said that DP was concerned about the inadequacies of the Administration's proposed amendments to the Domestic Violence Ordinance. For example, DP was of the view that the definition of domestic violence should be extended to cover mental and psychological harm and damage caused to the victim. DP was also concerned about the inadequacies of the

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existing shelter service for victims of domestic violence and urged the Administration to strengthen the provision of support services for these victims. Miss CHAN also raised concern about the need to improve the provision of health check-up service to women. She urged the Administration to speed up the conversion of the Maternal and Child Health Centres (MCHCs) overseen by the Department of Health (DH) into women health centres as pledged by the Administration previously, and to provide a timetable in this regard.

The Association for the Advancement of Feminism
[LC Paper Nos. CB(2)2219/05-06(07) and CB(2)2288/05-06(01)]

46. Miss CHOI Wing-size of the Association for the Advancement of Feminism presented the views of the Association as detailed in its submission. She said that the Administration should set up a high-level central mechanism with appropriate powers and resources to develop and coordinate a women-focused policy as recommended by UNCEDAW instead of the Women's Commission which only played an advisory role and lacked powers to develop and coordinate long-term strategy to promote gender equality. The Association was also concerned that the mechanisms for making appointments to EOC and the Women's Commission lacked transparency, and both of them had no members from the grassroots or sexual minorities.

47. Miss CHOI further invited members to note that the Association had submitted a report on monitoring the work of EOC in 2005 [LC Paper No. CB(2)2288/05-06(01)] for members' reference.

Association Concerning Sexual Violence Against Women
[LC Paper No. CB(2)2350/05-06(04)]

48. Ms Eleanor LAM of the Association Concerning Sexual Violence Against Women (ACSVAW) presented the views of ACSVAW as detailed in its submission. She said that ACSVAW was dissatisfied with the lack of progress made by the Administration in implementing the LRC's proposal of criminalising stalking behaviour. ACSVAW was of the view that the Administration should strengthen the provision of one-stop service for victims of sexual violence. It criticised the Administration for refusing to provide funding support to the RainLily (a pilot sexual violence crisis centre) after completion of the centre's five-year pilot scheme in 2005, and it was only under pressure exerted by LegCo that the Administration had agreed to conduct a review on the existing service model for victims of sexual violence in 2006.

49. Ms LAM said that ACSVAW further suggested that official data on number of victims of sex violence should not only include cases of rape and indecent assault but also those of incest, unlawful sexual intercourse with girl under 16, and sexual intercourse with mentally retarded female. ACSVAW urged the Administration to implement the improvements as set out in the last paragraph of its submission in order to enhance effectiveness in tackling sex violence.

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Islands District Council

[LC Paper No. CB(2)2280/05-06(02)]

50. Ms CHAU Chuen-heung of Islands District Council (IsDC) presented the views of IsDC as detailed in its submission. She said that IsDC was concerned about the low level of political participation of women in Hong Kong, and that some Areas Committees still had no female members. She said that IsDC was also concerned about the problem of feminisation of poverty, as shown in the fact that women had made up the majority of the low-income employee group (i.e. monthly earning below \$5,000) and the majority of CSSA recipients. IsDC also urged the Administration to enhance provision of health care services for women and to implement the improvement measures proposed in its submission.

Hong Kong Women Development Association

[LC Paper No. CB(2)2219/05-06(08)]

51. Ms WONG Mo-tei of Hong Kong Women Development Association (HKWDA) presented the views of HKWDA as detailed in its submission. She said that HKWDA was also concerned about the low level of political participation of women in Hong Kong as the current rate of female membership of DCs, LegCo or the Executive Council was below 20%. HKWDA considered that the Administration should adopt the recommendation of UNCEDAW and establish a Women's Commission which should be a high-powered institution and play a central coordinating role in developing a women-focused policy. Moreover, it should include more female members from the grassroots. HKWDA also urged the Administration to take all necessary active measures to tackle the problem of feminisation of poverty.

The Hong Kong Federation of Women's Centres

[LC Paper No. CB(2)2350/05-06(06)]

52. Mr TAM Wai-pang of the Hong Kong Federation of Women's Centres presented the views of the Federation as detailed in its submission. The Federation urged the Administration to put in place a central mechanism to assume a central coordinating and monitoring role in respect of women issues. It should be tasked to implement gender mainstreaming in all areas of public policies. The Federation also urged the Administration to take measures to tackle the problem of feminisation of poverty, and to offer better employment and retirement protection to women especially those who belonged to the low-income employee group.

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*Hong Kong Association for the Survivors of Women Abuse
[LC Paper No. CB(2)2350/05-06(07)]*

53. Ms LIU Ngan-fung of Hong Kong Association for the Survivors of Women Abuse (HKASWA) presented the views of HKASWA as detailed in its submission. HKASWA had put forward in its submission a package of recommendations on improvements required for tackling domestic violence and enhancing protection of the victims. HKASWA further suggested that the Administration should invite members of UNCEDAW to come to Hong Kong to meet with representatives of NGOs. HKASWA also hoped that the Mainland authorities could sign the optional protocol on CEDAW as soon as possible so that Hong Kong residents could make representations at hearings held by UNCEDAW. Referring to the family tragedy involving a woman killed by her husband in their public housing flat in Shatin two days ago, Ms LIU considered that the tragedy could have been prevented if the public housing policy had given consideration to the situation of divorced women, and provided separate accommodation to these women in need. She urged the Administration to implement the strategy of gendering mainstreaming in all areas of public polices.

Civic Party

[LC Paper No. CB(2)2350/05-06(08)]

54. Ms Linda WONG of the Civic Party (CP) presented the views of CP as detailed in its submission. She said that the submission provided to the Panel was an executive summary of the submission of CP on domestic violence to be submitted to UN in response to HKSAR's Second Report under CEDAW. She highlighted that the percentages of domestic violence cases prosecuted and of those convicted were very low, and victims would lack confidence in reporting such cases to the Police and in bringing legal proceedings against their spouses. CP had made a package of recommendations of improvement measures in its submission, including the establishment of a domestic violence court for handling the criminal and civil aspects of all domestic violence cases.

Hong Kong Women Workers' Association

55. Ms WU Mei-lin of Hong Kong Women Workers' Association (HKWWA) said that the Administration should invite members of UNCEDAW to come to Hong Kong to meet with representatives of NGOs and urge the Mainland authorities to sign the Optional Protocol on CEDAW. She further said that the Commission on Poverty should take steps to alleviate problems faced by women in poverty and consider measures to provide protection of wages and working hours as well as retirement protection for low-income female workers, and to eliminate discrimination against women in employment, including age discrimination. She pointed out that according to government statistics, the number of full-time female employees (excluding foreign domestic helpers) receiving a monthly earning less than \$5,000 had increased by 38% from 2001 to 2005.

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Women's Committee, Hong Kong Confederation of Trade Unions

56. Ms IP Pui-yu of Women's Committee, Hong Kong Confederation of Trade Unions (HKCTU), said that UNCEDAW had already raised concern about the “highly disproportionate number of women in the lowest wage levels” and “large discrepancies in wages earned by men and women” in the concluding observations adopted by UNCEDAW in 1999. Ms IP pointed out that no improvement had been made to resolve the problems, and HKCTU was of the view that minimum wage and anti-age discrimination laws should be enacted to provide better protection to women in employment. HKCTU also urged the Administration to review the statutory maternity leave and extend it to 14 weeks in line with the international standard. HKCTU suggested that in order to provide employment to low-skilled woman, all government uniforms should be manufactured in Hong Kong in order to boost employment opportunities in the manufacturing sector. HKCTU also suggested that the Administration should consider providing a universal retirement scheme in Hong Kong.

Society for Community Organization
[LC Paper No. CB(2)2350/05-06(09)]

57. Ms SZE Lai-shan of SOCo presented the views of SOCo as detailed in its submission. SOCo put forward a series of recommendations on measures that should be taken to enhance support and protection to new arrival women, as many of whom had fallen victim to the feminisation of poverty and domestic violence in the past few years and such problems were increasingly serious. SOCo urged the Administration to review and amend the Domestic Violence Ordinance to enhance protection to women against violence. SOCo considered that the Administration should ensure that new arrival women enjoyed equal opportunities in employment through enactment of legislation, implementation of administrative measures and review of its policies such as the seven years residence requirement. Ms Annie LIN expressed concern about the problem of inadequate assistance provided to asylum seeking women in Hong Kong.

Hong Kong Human Rights Monitor

58. Mr LAW Yuk-kai of HKHRM said that the Administration should fulfill its obligations under CEDAW and adopt proactive measures to eliminate discrimination against women of the vulnerable minorities and to promote gender equality. He considered that gender mainstreaming strategy should be applied in government budgetary planning so as to allow allocation of resources for the purpose of eliminating discrimination against women and promoting gender equality. He further suggested that EOC should be tasked to examine the effectiveness of Government's actions in the promotion and elimination of discrimination against women.

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*Association of Women with Disabilities
[LC Paper No. CB(2)2350/05-06(05)]*

59. Miss WONG Hoi-fai of the Association of Women with Disabilities (AWD) presented the views of AWD as detailed in its submission. She said that women with disabilities encountered both discrimination against women and discrimination against people with disabilities, and the problem was getting increasingly serious. Ms WONG Ka-ling pointed out that the unemployment and poverty problem of women with disabilities were very serious, as a quarter of them were unemployed. To enhance the employment opportunities of people with disabilities, AWD urged the Administration to introduce legislation to provide for a quota for women with disabilities. Ms WONG also pointed out that none of the women's health centres were completely barrier-free to women with disabilities, and only one bed provided in a women's health centre under DH was suitable for use by women with disabilities for conducting gynecological examination. AWD further considered that there should be women with disabilities appointed to the Women's Commission to represent their interests.

Other submissions received

[LC Paper No. CB(2)2219/05-06(30) and CB(2)2280/05-06(03)]

60. Members noted the following submissions from organisations/individuals not attending the meeting –

- (a) submission from Kugen;
- (b) submission from Zi Teng and 326 identical joint statements from the individuals/organizations; and
- (c) joint submission from HKHRC and Committee on Concern for New Immigrant Women.

Administration's response to concerns raised by deputations

Review of the Domestic Violence Ordinance and handling of cases of domestic violence

61. DSHWF(F&W) said that the Administration had put forward preliminary proposed amendments to the Ordinance to LegCo for discussion. The Administration would continue to consult LegCo Members and concerned organisations on the proposed amendments in the next few months, and aimed to submit the legislative proposal to LegCo at the end of 2006.

62. DSHWF(F&W) pointed out that in the past two years, the Administration had stepped up its efforts in strengthening support services for women and children who fell victims to domestic violence cases and in

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enhancing frontline police officers' handling of domestic violence. For example, the Police had designed an Action Checklist, which provided guidance on the necessary and proper actions for handling domestic violence cases for the frontline officers. DSHWF(F&W) added that since March 2006, the Social Welfare Department (SWD) and the Hong Kong Family Welfare Society had launched two 2-year pilot projects of the Batterer Intervention Programmes (BIP). The experience drawn from these projects would provide useful reference for defining the goals, contents and standards of BIPs. SWD was also in the process of establishing an advisory group to provide advice on and assist in the evaluation of the pilot projects.

Women's Commission

63. DSHWF(F&W) said that the Women's Commission was not just an advisory body. She pointed out that it was a high level, central mechanism tasked to advise the Government on a long-term vision and strategy for the development of women. It was assisted by the Women's Division of the Health, Welfare and Food Bureau (HWFB), and worked very closely with the Administration in following up issues relating to the elimination of gender prejudices and in enabling women to fully realise their due rights and status in all aspects of life.

Gender mainstreaming

64. DSHWF(F&W) said that it was the Administration's policy to take into account women's needs and perspectives in the formulation and review of public policies, programmes and legislation. She explained that as the gender mainstreaming checklist had only been introduced in recent years, it would need more time for the checklist to be gradually introduced into more policy areas. She added that the Administration would consider applying the gender mainstreaming checklist to services for women with disabilities to address their needs.

Invitation of members of UNCEDAW to Hong Kong

65. DSHWF(F&W) said that the Administration had extended invitation to UNCEDAW to visit Hong Kong to meet with representatives of NGOs before the hearing. In response to Ms Emily LAU, the Administration agreed to provide further information to the Panel when the visit materialised.

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Briefing by the Chairperson of the Women's Commission

66. Ms Sophia KAO, Chairperson of the Women's Commission, said that the Commission had provided a paper giving an overview of the accomplishments of the Commission in promoting the well-being and interests of women, as well as its efforts in advising and assisting the Government in the implementation of CEDAW in Hong Kong. She further said that the mission

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of the Women's Commission was "To enable women in Hong Kong to fully realise their due status, rights and opportunities in all aspects of life". To achieve this mission, the Women's Commission had adopted a three-pronged strategy, namely the provision of an enabling environment, empowerment of women through capacity building and public education. She pointed out that the Women's Commission had made remarkable progress in advancing the status of women in Hong Kong with the support rendered by the Administration and through its collaboration with all sectors in the society.

67. Ms Sophia KAO also informed members that the Women's Commission had set the theme "Together We Build a Harmonious Community" as the goal for the next five years. She said that the Women's Commission's conference to be held in June 2006 with the theme on "Together We Build a Harmonious Community" would provide a good opportunity to all parties interested in women issues for discussion and exploration of the future direction and strategies in further promoting gender equality and advancing the status of women in Hong Kong.

Issues raised by members

Women's Commission

68. Mr WONG Kwok-hing and Miss CHAN Yuen-han considered that the representativeness of the Women's Commission should be enhanced by including representatives of labour unions and more women from the grassroots in its composition. He said that as the issue of employment protection for women was one of the major concerns of women's groups and NGOs, there should be more women who were employees to be appointed to the Women's Commission in order to better represent female employees' interests.

69. Miss CHAN further pointed out that feminisation of poverty was serious in Hong Kong as reflected in the fact that women had made up some 70% of employees who received a monthly earning of less than \$5,000, and the great discrepancies in wages earned by men and women. She considered that the Administration should appoint more women who were employees to the Women's Commission in order to exert greater pressure on the Commission to pursue proactive measures for the protection of the interests of women who belonged to the working class. She further said that the Administration should consider more effective measures to address the problem of serious discrepancies in wages earned by men and women which in her view was the result of gender discrimination. She suggested that the Administration should tackle this problem by legislation, and consideration should be given to raising the status of the Women's Commission by giving it powers to implement more effective measures. She added that LegCo might also need to consider the need for a new Panel on Women to be set up to monitor women's issues.

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70. DSHWF(F&W) said that the current membership of the Women's Commission also included women who were employees and from the grassroots. She further said that the Administration would not set a pre-determined number of members for specific categories in relation to the composition of the Women's Commission, and each appointment was made on the basis of merit. She added that the Administration would take into consideration the Panel's views in making appointments to the Women's Commission in future.

71. DSHWF(F&W) further said that the economic and other needs of women were actually being addressed by different bureaux and departments. She pointed out that HWFB and the Women's Commission had also implemented a series of programmes to encourage women to pursue self-development and to empower women through capacity building.

72. Mr WONG Kwok-hing expressed deep regret at the Administration's response as it failed to provide a concrete timetable for the appointment of more women who were employees and from the grassroots to the Women's Commission. Ms Emily LAU considered that the Administration should explain the criteria of appointment and enhance the transparency of the appointment mechanism. Mrs Sophie LEUNG considered that given the varied social stratum and different sectors of the Hong Kong community, it was doubtful whether it was feasible to have representatives of each of them on the Women's Commission. She suggested that the Women's Commission should have more collaboration with different women's groups, NGOs and various sectors of the community in order to gain wider recognition of its work.

Domestic violence and sex violence

73. The Deputy Chairman sought the views of the representatives of HKASWA and CP on the inadequacy in protection provided to women against domestic violence. Ms LIU Ngan-fung of HKASWA said that the scope of the proposed amendments to the Domestic Violence Ordinance was too limited. She suggested that reference should be made to relevant ordinances in Taiwan and the United States (US), where more effective legislation on domestic violence had been introduced. She pointed out that the relevant ordinance in Taiwan had clearly spelt out civil and criminal liabilities of batterers and provided official inter-sectoral programmes for helping the victims seek employment. She pointed out that the relevant ordinance in US had provided for the establishment of a specialised team to assist victims in bringing legal proceedings and address the psychological stress of the victims in the course of legal proceedings. She also urged the Administration to take prompt actions to follow up the recommendations on enhancing the preventive and supportive services for tackling domestic violence as made by Members during the motion debate on the subject at the Council meeting on 8 March 2006.

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74. Ms Linda WONG of CP said that although the Police had strengthened its guidelines issued to frontline police officers on tackling domestic violence in the past two years, not much improvement had been made to the situation as seen from the official statistics on the number of reported domestic violence cases in 2005 as set out in the CP's submission. She suggested that consideration should be given to taking disciplinary action against police officers who failed to tackle domestic violence in accordance with the strengthened guidelines in order to enhance the effectiveness of implementing the guidelines.

75. Mrs Sophie LEUNG said that as pointed out by the Women's Commission in its report entitled "Women's Safety in Hong Kong: Eliminating Domestic Violence", the problem could not be merely tackled by prosecution as shown by international experience. The Women's Commission had, instead, urged the Administration to enhance the promotion of BIPs and it had expressed dissatisfaction with the slow progress made by the Administration in taking forward such programmes.

76. Mr Albert HO sought the views of the deputations as to whether there was still room for improvement in frontline police officers' handling domestic violence cases, as their effectiveness in the prevention of such cases might be curtailed by their ability to assess the potential risk involved and their tendency to persuade the couples involved to settle their disputes by reconciliation. Mrs Sophie LEUNG said that she supported the principle of "zero tolerance on sex violence" and sought the views of representatives of ACSVAW as to what concrete measures should be implemented to achieve this target.

77. Mrs Eleanor LAM of ACSVAW responded that the public should be given a full picture of the scale of the problem, and ACSVAW found that the statistical information provided by the Police on the number of reported sex violence cases did not fulfill such a purpose. She said that only 40% of the victims who had approached the RainLily for assistance had reported their cases to the police, and the police had taken prosecutions only in a very small proportion of the reported cases. She agreed that there was room for improvement in the training provided to frontline police officers, teachers and healthcare personnel to enhance their awareness of domestic violence and sex violence as well as their knowledge on the prevention and the proper approach for handling of such cases. She also urged the Administration to strengthen its supportive services for victims of sex violence, such as by enhancing provision of one-stop service for the victims.

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78. At the request of Dr Fernando CHEUNG, DSHWF(F&W) agreed to provide information on the way forward regarding the review on the existing service model for victims of sexual violence after completion of the RainLily's five-year pilot scheme.

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79. Ms LIU Ngan-fung of HKASWA considered that traditional value had hindered battered spouses from coming forward to report domestic violence cases to the Police and some frontline police officers from taking timely action to intervene into such cases. She agreed with the view that some frontline police officers were bound by traditional value and still had the tendency to persuade the couples involved to settle their disputes by reconciliation.

Mission of EOC

80. Referring to page 4 of the report on monitoring the work of EOC in 2005 [LC Paper No. CB(2)2288/05-06(01)] made by the Association for the Advancement of Feminism, Ms Emily LAU expressed concern about the observation that EOC had conducted a review in 2004 and had changed its mission afterwards, resulting in the adoption of a narrower and more conservative approach for its implementation of the three anti-discrimination ordinances as compared with the past.

81. Mr Raymond TANG, EOC Chairperson, explained to the Panel that the review, which was conducted by Professor CHOW Wing-sun and Mrs LING LAU Yuet-fun, had found that the general public seemed to have expectations on the powers and functions of EOC which had exceeded those vested in EOC under the relevant legislation and had suggested that the mission statement might need to be suitably revised in order not to mislead the public and relevant sectors to have such expectations on EOC and to give clearer messages to the public. Mr TANG added that the changes made to the mission statement would not bring about any change to the role and functions of EOC. EOC had striven to meet the expectations of the community as far as possible by discharging its duties and responsibilities as stipulated under the existing legal framework.

Gender mainstreaming

82. Mrs Sophie LEUNG said that in order to achieve better results in the implementation of gender mainstreaming, the Women's Commission should continue to promote the application of gender mainstreaming within the Administration on an incremental basis instead of requesting the Administration to implement it by issuing administrative directives.

83. Dr Fernando CHEUNG pointed out many new arrival women had become victims of the policy of introducing the seven years residence requirement as a criterion for eligibility to social security benefits. He asked whether the Women's Commission would change to adopt a proactive approach in examining the Administration's policies and programmes to ensure that they had adopted gender perspective.

84. Ms Sophia KAO, Chairperson of the Women's Commission, responded that the Administration had undertaken that it would apply gender mainstreaming on an incremental basis. She said that the Administration had

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applied the Gender Mainstreaming Checklist to 19 policy areas or programmes. In addition, the Commission had assisted the Administration in setting up a network of "Gender Focal Points" from bureaux and departments who served as the contact/resource persons for their respective organisations. A core group of Gender Focal Points had recently been set up to devise plans to further promote gender mainstreaming within their respective organisations. Ms KAO further suggested that LegCo Members could help promote the application of gender mainstreaming by asking the Administration to confirm whether each proposed policy had been assessed from the gender perspective.

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85. At the request of Dr Fernando CHEUNG, DSHWF(F&W) agreed to provide information on the way forward regarding the five single-parent centres which had all been closed already and the provision of New Arrivals Employment and Guidance Centres after a review of the operation of the Integrated Family Services Centres.

Accessibility of Maternal and Child Health Centres and women's health centres to women with disabilities

86. Referring to the respective submissions of EOC and AWD, Dr Fernando CHEUNG expressed concern about the serious problem of inaccessibility of MCHCs under DH to women with disabilities. He noted that although DH had acknowledged that its MCHCs were inaccessible to women with disabilities and had undertaken to refer them to women's health centres which were accessible to women with disabilities, AWD had pointed out that almost not one single women's health centre was found to be really barrier-free to them.

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87. DSHWF(F&W) said that according to the information available, some MCHCs were accessible to women with disabilities and she undertook to provide the information to the Panel. Dr CHEUNG further requested the Administration to conduct a review on how far the public hospitals, public clinics and MCHC had complied with the requirements of the Design Manual: Barrier Free Access 1997, and to provide the outcome of the review to the Panel. DSHWF(F&W) agreed to provide the information.

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88. There being no other business, the meeting ended at 2:00 pm.