

THE HONG KONG COMMITTEE ON CHILDREN'S RIGHTS
Responding to the outline of the topics to be covered in the second report
on the Hong Kong Special Administration Region under the
International Covenant on Economic, Social and Cultural Rights

General Profile of the HKSAR (Paragraph 8)

It was stated that the updated version will include data on the ethnic composition of the population by ethnicity, derived from an analysis of the 2000 Census. We suggest the **data shall include the new arrivals from the mainland China** as well.

Article 2 – Progressive realization of the rights recognized in the Covenant and the exercise of those rights without discrimination

Human Rights Commission (Paragraph 18)

We suggest the Government **to establish a national human rights institution** as concluded by the Committee. Though at present, various NGOs have been working hard to monitor the rights said in the UN Conventions are being implemented in the territory, the lack of a centralized one has failed to draw attention from the public, thus lacking authority. Furthermore, majority of the right-based NGOs is receiving no

funding/subsidy from the Government at present. They are facing a shortage of resources to implement mass programmes for the society as a whole.

Article 3 – Equal rights of men and women

Review of the Equal Opportunities Commission (Paragraphs 21, 22 & 23)

We **welcome to add the Equal Opportunities Commission as a new topic** in the report as the Commission has addressed many issues and cases in the past in an independent and impartial manner highly appreciated by the public. Nevertheless, we suggest the **EOC to include children in their domain** to ensure their equal opportunity in the society. Adults often neglect children's opinions. As a result, their practical needs, wants, views and role in the society cannot be ensured. We hope the EOC can study the possibility with reference to the United Nations Convention on the Rights of the Child (UNCRC).

Article 10 – Protection of the family

Definition of family (Paragraph 37)

We suggest that the **definition of “family” shall properly address the single parent families and split families** whereas their number has been practically surging in the recent years.

The **recent wave of tragic homicide and suicide** involving parents killing children before killing themselves, between spouses, or cohabited partners as a consequence of extramarital affairs, financial problems, divorce, separation, jealousy and illness, shall be properly addressed. We also wish to know **what actions have been taken** to deal with the problem that has aroused much public concern.

The **increased number of new child abuse cases and actions to tackle with it** shall also be included in the report.

Single parent families and split families (Paragraph 38)

We shared the same deep concern with the Committee about the **hardship arising from HKSAR’s policies on permanent residence and split families,**

and that shall be properly addressed. We respect the freedom of choice of marriage of people between Hong Kong and China, in particular, among the people with low education level. The Government, however, has **repeatedly rejected the call to allow family to come to the territory in a unit** (i.e. through the existing quota system) **to end families being torn apart**. It has resulted in a lot of unhappy stories such as children being left unattended as one parent is stranded in China and the other is working day and night outside or vice versa. Many parents took the risk to smuggle into Hong Kong with their children for family reunion and making themselves and the children stateless in the end and many more.

Comprehensive child protection policy (Paragraphs 39 & 40)

We together with many local child welfare/right counterparts have been **reiterated the call for a comprehensive policy for the protection of children from all forms of abuse**. The existing approach has been piecemeal and lack of strategic plan. In some cases, resources might be duplicated.

We agreed that the **increase of incidence on youth suicide and child abuse shall be clearly addressed**. The latter shall include all forms of abuse including physical, psychological and sexual abuse. The Government shall

also address the issue of **children being left unattended** which is being considered as a form of child abuse too.

While corporal punishment has been banned from the penal system and schools, still parents or legal guardians commonly keep it as a “way” to discipline children. The **tolerance of corporal punishment often contributes to child abuse in a later stage**. We would like to know if there is any plan of the Government to address the problem, as more and more countries are attempting to put a zero tolerance on corporal punishment in all areas including family.

Age of criminal responsibility (Paragraph 41)

We shared the same concern with the Committee on the **low age of criminal responsibility** (i.e. 7 at present) in Hong Kong. We together with many child welfare/right agencies proposed to raise it to 14 to go in par with the neighbouring countries such as China and Taiwan.

Mainland children adopted by Hong Kong (Paragraph 42)

Though this group of children will be mentioned as in the initial report,

special attention shall be given on these children having lost in a court battle for their legal status to stay with their parents in Hong Kong. The decision tragically allows these poor children being abandoned twice causing irreparable harm to them. The **Government shall inform what actions they have taken** to mend the tragedy.

Care for the elderly (Paragraph 46)

The Government shall address to the **problem of elderly abuse** here, such as elderly parents are battered by their children, not being cared of by their children, forced to complete impossible work task, and many more. Incidence of such has been reported increasingly in the recent years.

Article 11 – Right to an adequate standard of living

Housing (Paragraphs 50 & 51)

Though various housing schemes have been introduced by the Government to meet the wants of people at different income levels, there are **still about 100,000 people cramming in poor-conditioned bedspace apartments, cage homes and illegal roof top structures.** They included 17,000 single elderly, 80,000 women and 34,300 children according to an unofficial survey. These invulnerable groups are deprived of privacy in these shared apartments

lacking in basic facilities and often resulted in communal disputes.

Article 12 – The right to health

Health and healthcare (Paragraph 52)

The Government shall **inform the progress of promoting health education, in particular, among school children.** Many surveys have suggested that school children have been suffered from obesity as a consequence of habitual eating on fried and sweet food. Their health conditions will deteriorate as they grow up. The surveys also showed that they have a misconception on the recent wave of commercials advertising slimming products and slimming packages. Many of them risked to try with their pocket money.

Environmental and industrial hygiene (Paragraph 55)

When the Government addresses the control of air pollution, the figures of **new borns and children with asthma** shall also be included to indicate the seriousness of the problem.

Article 13 – Right to education

Education of Mailand children pending verification of residential status

The Government **shall indicate clearly its policy on these children to ensure their right to education will not be denied.** We have repeatedly urged the Government to inform us her policy on these children but the answer we have got is always “handle them strictly on a case by case basis”. However, we have found several cases who have been stranded in Hong Kong for two years and were not being allowed to go to schools. Moreover, the remarks given by some Government officials that schools admitting these children might face breaching the civil code was also threatening. Though the number of these children has been largely reduced from 180 two years ago, the lack of such a clear policy cannot ensure same thing will not happen again in future.

Access to education of ethnic minority

The Government shall address that **school children of ethnic minority have problems in finding school places** in the recent years as reported by the press recently.

Educational reform

The local newspapers have been filling up with a **wave of educational**

reforms in the recent years. The frequent changes have made teachers, students and parents in a dilemma. The Government shall address the reforms and its effects on school children properly.

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