

立法會
Legislative Council

LC Paper No. CB(2) 2823/05-06

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Subcommittee to Study the Subject of Combating Poverty

**Minutes of meeting
held on Thursday, 18 May 2006 at 4:30 pm
in Conference Room B of the Legislative Council Building**

- Members Present** : Hon Frederick FUNG Kin-kee, JP (Chairman)
Hon James TIEN Pei-chun, GBS, JP (Deputy Chairman)
Hon LEE Cheuk-yan
Hon Margaret NG
Hon CHAN Yuen-han, JP
Hon LEUNG Yiu-chung
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon Fernando CHEUNG Chiu-hung
Hon Ronny TONG Ka-wah, SC
Hon Albert Jinghan CHENG
- Members attending** : Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon TAM Heung-man
- Members absent** : Hon Albert HO Chun-yan
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon LEUNG Kwok-hung
- Clerk in attendance** : Mrs Constance LI
Chief Council Secretary (2)5

Staff in attendance : Miss Betty MA
Senior Council Secretary (2)1

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I. Confirmation of minutes of meeting

[LC Paper No. CB(2) 1959/05-06]

The minutes of the internal meeting held on 17 January 2006 were confirmed.

II. Draft report on “Women in poverty”

[LC Paper No. CB(2)2006/05-06(01)]

[LC Paper No. CB(2) 1785/05-06(01)]

[LC Paper No. CB(2) 1215/05-06]

2. The Chairman said that the Legislative Council (LegCo) Secretariat had prepared a draft report on women in poverty [LC Paper No. CB(2)2006/05-06(01)].

3. The Chairman further said that Hong Kong Federation of Women’s Centres had asked him to convey to members its further views on the subject of women in poverty. The Federation urged the Administration to fully implement gender mainstreaming in all policy areas and programmes so that women’s needs and perspective would be taken into account in the formulation and implementation of policies. The Federation also requested the Administration to set up a fund for assisting women in poverty.

4. The Chairman then took members through the draft report. Members raised no questions on Chapters 1 and 2. Members’ views on Chapter 3 (Causes of women in poverty and problems faced by women) and Chapter 4 (Measures to assist women in poverty) were summarised below.

Causes of women in poverty and problems faced by women

5. Referring to paragraphs 2.11 and 2.12 of the draft report, Ms Emily LAU said that the lack of educational opportunities of some women should be highlighted as one of the major causes of women in paragraphs 3.1 of the draft report. The Clerk advised that the phenomenon was elaborated under the heading of gender prejudice and stereotyping in paragraph 3.12.

6. Mr James TIEN said that the lack of educational opportunities as a cause of poverty was common to both men and women. However, he agreed that many single parents and new arrivals had relatively lower educational attainment, and it was difficult for them to find suitable employment with a reasonable income.

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7. Ms Emily LAU considered that the lack of educational opportunities of some women should be highlighted and placed under a separate heading in Chapter 3, instead of being grouped under gender prejudice and stereotyping. Members agreed.

8. Responding to Dr Fernando CHEUNG, the Chairman said that Chapter 3 gave an account of the causes of women in poverty and problems faced by women, whereas measures to assist women in poverty were outlined in Chapter 4. Chapter 3 also highlighted the inadequate assistance to single parents and new arrivals, and the suggestions on providing support services to disadvantaged women (such as re-opening of centres for single parents and new arrivals to cater for the special needs of these groups of women) were given in Chapter 4.

9. Members raised no further questions on Chapter 3.

Measures to assist women in poverty

10. Ms Emily LAU said that the concept of “gender mainstreaming” was not user-friendly. She believed that the vast majority did not understand the meaning of “gender mainstreaming” or the Government’s work in this respect.

11. Mr Ronny TONG shared a similar view with Ms Emily LAU. Mr TONG said that while he understood that women organisations had urged for the implementation of “gender mainstreaming”, the use of the term “gender mainstreaming” was no more than a slogan and was not useful in making people understand the concept.

12. Mr LEE Cheuk-yan said that women organisations had urged the Government to take into account women’s needs and perspectives in formulating policies, legislation and funding proposals, and the Administration should evaluate the gender impact of public policies, legislation and programmes. Since the Commission on Poverty (CoP) and Women’s Commission (WoC) claimed that they should not be responsible for dealing with the poverty problem faced by women, the Administration should designate a bureau/department to assume the overall responsibility for coordinating policies and measures for alleviating the problems faced by women in poverty.

13. Dr Fernando CHEUNG said that “gender mainstreaming” was not difficult to understand and the term referred to adopting a gender perspective in legislation, policies or programmes, in any area and at all levels. The concerns and experiences of both men and women would become an integral dimension in the design, implementation, monitoring and evaluation of all legislation, public policies and programmes. He pointed out that WoC had adopted “gender mainstreaming” as one of the key strategies in achieving women’s advancement and gender equality. He therefore preferred to use the term “gender mainstreaming” in the report.

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14. Dr CHEUNG further said that while CoP considered that the problem of women in poverty should be followed up by WoC, the latter had not included the subject matter in its work plan. Some non-governmental organisations (NGOs) also agreed that there was no appropriate forum under WoC for discussion of the problem of women in poverty. Dr CHEUNG considered that the Subcommittee should urge CoP and the relevant authorities to play a role in addressing the poverty problem faced by women.

15. The Chairman said that Government should incorporate a gender impact assessment, similar to environmental impact assessment and human rights implication, when formulating policies and legislation. As WoC had not included women in poverty in its work plan and that the tenure of CoP would last till March 2007, the Chairman said that the Subcommittee might wish to consider which Government body was more appropriate to assume the overall responsibility for coordinating policies and measures for addressing issues relating to women in poverty.

16. Ms Emily LAU said that she fully agreed that “gender mainstreaming” was important. However, even though WoC had been promoting the concept for several years, and some NGOs had urged for the full implementation of “gender mainstreaming”, the community only had little knowledge of the concept or the work done by the Government in reducing gender inequalities and addressing the needs of women. She recalled that there was only lukewarm response to the seminar organised by WoC for Members of the Legislative Council (LegCo) in 2005.

17. Ms LAU further said that although the United Nations Committee on Convention on the Elimination of All Forms of Discrimination Against Women had urged the Administration to set up a central mechanism to deal with gender inequalities, the Administration had not taken any action in this respect. The Subcommittee should highlight in its report that notwithstanding the numerous problems faced by women, there was no designated bureau or department to assume overall responsibility for coordinating policies and measures to tackle the problem.

18. Mrs Sophie LEUNG declared that she was the former Chairperson of WoC. She advised that WoC was a central mechanism set up in 2001 to promote the well-being and interests of women. It advocated “gender mainstreaming” which was a global strategy to achieve gender equality. WoC had made reference to overseas experience and practices in implementing “gender mainstreaming”. Although Hong Kong was not a pioneer in the area, the progress made so far was remarkable. The rolling out of Gender Mainstreaming Checklist to the policy and programme areas had enhanced the awareness of government officials of the specific needs of the two genders. One example was applying the Checklist to the provision of public toilet facilities. Mrs LEUNG further said that as Ms Emily LAU had pointed out, WoC had invited Members of LegCo and their assistants to attend a seminar to exchange views on “gender mainstreaming” in 2005, but the response was disappointing. She hoped that there would be better response to sharing sessions in future.

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19. Responding to the Chairman, Mrs Sophie LEUNG said that it would be more appropriate for CoP, instead of WoC, to follow up the subject of women in poverty.

20. Ms LI Fung-ying said that paragraph 4.1(a) to (g) had summarised the views of the deputations and the previous discussions of the Subcommittee on the subject matter. Referring to paragraph 4.5 of the draft report, Ms LI said that apart from urging the Government and Equal Opportunities Commission (EOC) to eliminate gender stereotyping, the Subcommittee should also urge for protecting women against discrimination in employment. She pointed out that most of the complaints received by EOC on discrimination in employment related to pregnancy discrimination such as dismissal upon return from maternity leave.

21. Ms LI further said that as the tenure of CoP would end in March 2007, the Subcommittee should urge the Government to designate a bureau/department to assume the overall responsibility for coordinating policies and measures for alleviating the problems faced by women in poverty.

22. Mr LEE Cheuk-yan said that CoP should have a role to play in addressing the poverty problem faced by women. CoP should be criticised for not including the study of women in poverty and the Gender Mainstreaming Checklist in its work plan.

23. Mr Ronny TONG expressed doubts that the Administration would follow up the recommendations in the Subcommittee's report on women in poverty, if the Subcommittee did not draw up specific strategies and measures. Ms LI Fung-ying concurred with Mr TONG. Ms LI said that the Subcommittee should set out concrete measures in its report so that the Subcommittee could monitor the progress made by the relevant bureaux and departments in addressing the problems.

24. The Chairman said that the Subcommittee could make specific recommendations on measures to alleviate problems faced by women in poverty in Chapter 5 of the report. However, the Chairman stressed that it was the Administration's responsibility to implement measures to alleviate such problems.

25. Members raised no further questions on Chapter 4 of the draft report.

Recommendations to alleviate problems faced by women in poverty

26. The Chairman invited members' views on the strategies and recommendations to alleviate and address problems faced by women in poverty.

27. Mr Alan LEONG said that the Subcommittee should highlight the importance of the development of social enterprises in enhancing social and economic participation of women. He considered that the formation of women co-operatives would facilitate women to take care of their families and also participate in community activities. The Subcommittee should urge for a review of the

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Co-operative Societies Ordinance to relax the requirement for 10 members to form a co-operative.

28. The Chairman suggested that to further develop social enterprises and assist women to start their business in the local community, the Government should establish a fund to provide seed money for such purpose.

29. Ms Emily LAU suggested that to enable women who had missed the opportunity to receive formal education to continue education, the Administration should allocate more resources for adult education including the provision of evening secondary school courses. Mr LEE Cheuk-yan expressed full support for Ms LAU's proposal. Ms Emily LAU further said that the Subcommittee should obtain more information on the allocation for adult education courses to substantiate the recommendation.

(Post-meeting note : The information requested by Ms Emily LAU was issued to members vide LC Paper No CB(2) 2122/05-06 on 25 May 2006.)

30. Ms LI Fung-ying emphasised that the Subcommittee should urge the Government to designate a bureau/department to assume the overall responsibility for coordinating policies and measures for alleviating the problems faced by women in poverty.

31. The Chairman advised that various bureaux and governments responsible for portfolios relating to labour, social welfare, home affairs and education would be involved in implementing measures to alleviate the problems faced by women in poverty. Apparently, both WoC and CoP had indicated that they would not assume the coordinating role for implementing such measures.

32. Mr LEE Cheuk-yan said that he saw no reason why CoP did not play a role in addressing the poverty problem faced by women. He considered that the Subcommittee should press CoP to assume the coordinating role. He stressed that CoP should have placed the subject of women in poverty on its agenda for future discussion, even if it did not have the resources to deal with the subject right now.

33. Miss CHAN Yuen-han said that although the subject of women in poverty had been discussed by LegCo and its committees for some time, the Administration had not taken proactive actions to address the problems. Miss CHAN further said that according to the surveys conducted by the Hong Kong Federation of Trade Union, most of the low-income workers were women, and many of them were married with children. The discrimination against women in employment remained serious even after the enactment of the Sex Discrimination Ordinance and Family Status Discrimination Ordinance. She considered that the crux of the problem was that there was no designated department to assume the overall responsibility for alleviating the problem of women in poverty. Miss CHAN added that while some NGOs had suggested WoC to discuss the subject of women in poverty, they were unable to obtain

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support for including the subject in the agenda of WoC. Miss CHAN considered that CoP definitely had a role to play in addressing the poverty problem faced by women, and the Subcommittee should urge CoP to take up the responsibility.

34. The Chairman said that in the light of members' comments, the Subcommittee would urge CoP to assume a role in addressing the poverty problem faced by women.

35. The Chairman added that the Administration should consider establishing "one-stop" service centres to provide service to low-income families in each of the 18 districts, with separate units to cater for the specific needs of single parents and new arrivals.

36. Mr LEE Cheuk-yan suggested that the Administration should take proactive steps to eradicate age discrimination. Referring to paragraph 4.8 of the draft report, Mr LEE said that there was a substantial number of women engaging in part-time employment and many of them received unreasonably low wages and had little employment protection. The Administration should consider amending the Employment Ordinance to enable those who were not employed under a continuous contract to entitle to the full range of employment benefits on a pro rata basis. He suggested more information be obtained in this respect.

(Post-meeting note : The additional information requested by Mr LEE Cheuk-yan was issued to members vide LC Paper No. CB(2)2123/05-06 on 25 May 2006.)

37. Mr LEE Cheuk-yan further suggested that the Administration should review and relax the criteria for providing child care services to women who were looking for employment. Mr LEE added that the Subcommittee should also urge EOC to expedite its study on "equal pay for equal value of work" (EPEV).

38. Miss TAM Heung-man declared that she was a member of EOC. She advised that some serving EOC members considered that the concept of EPEV was very complex and expressed reservations about implementing EPEV. She considered that instead of urging EOC to implement the principle of EPEV, the Subcommittee might wish to explore other options, for example, requesting the Home Affairs Bureau to expedite the implementation of the study.

39. Miss CHAN Yuen-han agreed that it was not an easy task to implement the principle of EPEV. Notwithstanding this, the Subcommittee should request the Administration to provide a framework to implement the principle of EPEV.

40. Mr TAM Yiu-chung said that some local domestic helpers who had passed the competency tests of the Employees Retraining Board (ERB) could not get employment because some prospective employers were reluctant to take out employee insurance for hiring part-time domestic helpers. He considered that the Government should assist in removing this obstacle by providing insurance cover for all domestic

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helpers registered with ERB. Responding to Ms Emily LAU, Mr TAM Yiu-chung said that it was estimated that about 30% to 40% of the prospective employers had not pursued their original request of employing local domestic helpers registered with ERB, after being advised that they had to take out employee insurance for these helpers. Ms LI Fung-ying and Ms Emily LAU expressed support for Mr TAM Yiu-chung's suggestion.

41. Ms LI Fung-ying said that as she was very concerned about discrimination against women in employment, particularly cases involving dismissal upon return from maternity leave. She considered that the Administration should take proactive steps to plug the loophole in the legislation. Miss CHAN Yuen-han agreed with Ms LI Fung-ying and said that the Administration should review the anti-discrimination legislation to identify improvements to eliminate discrimination against women in employment.

42. Miss CHAN Yuen-han further said that to provide practical assistance to women in poverty, the Administration should consider providing subsidy to kindergarten education and providing 12-year universal education.

43. The Chairman said that the LegCo Secretariat would incorporate members' views and suggestions in the draft report and prepare the draft Chapter 5 on the recommendations for members' consideration at the next meeting on 30 May 2006.

44. The Chairman further said that members had previously agreed that the Subcommittee would provide a report to the House Committee, and move a motion on the report at a Council meeting. Members agreed that the Subcommittee should seek the support of the House Committee, under rule 14A(h) of the House Rules, for priority allocation of a debate slot to the Chairman for moving a motion on the report. Members noted that such debate slot allocated would not be counted as the Chairman's own slot.

III. Any other business

45. The Chairman said that further meetings would be scheduled to discuss with CoP and the Administration the implementation of the Subcommittee's previous report on working poverty. The Chairman further said that members would be informed of the meeting dates later.

46. There being no other business, the meeting ended at 6:05 pm.