

**Concluding Observations made by the United Nations  
Committee on Economic, Social and Cultural Rights  
on the Second Report of the Hong Kong Special Administrative Region  
under the International Covenant on Economic, Social and Cultural Rights**

**Meeting of Legislative Council  
Panel on Home Affairs on 21 June 2005**

- *Submission from the Equal Opportunities Commission* -

**Introduction**

1. In March 2005, the Equal Opportunities Commission (EOC) submitted a report entitled "*Report of the EOC on the Second Report of the Hong Kong Special Administrative Region (HKSAR) in the light of the International Covenant on Economic, Social and Cultural Rights (ICESCR)*" (Annex 1) to the United Nations' (UN) Committee on Economic, Social and Cultural Rights before the commencement of the 34<sup>th</sup> Session of the Committee. The Chairperson and the Head, Policy and Research of the EOC also attended the Session between 25<sup>th</sup> and 29<sup>th</sup> April 2005. During the non-governmental organisation session, the Chairperson made an oral presentation to the Committee and highlighted the need to set up an independent human rights commission and Mental Health Council in Hong Kong. This paper present the major concerns of the EOC in the light of the Government's implementation of ICESCR in Hong Kong and the concluding observations of the Committee's 34<sup>th</sup> Session.

**Establishment of a Mental Health Council**

2. While the Committee has recommended the Government to consider revising the current subsidized drug list to meet the needs of the mentally ill, it is noted that the suggestion to establish a mental health council in Hong Kong is not mentioned in the concluding observations.

3. For Members' information, the need to establish a mental health council in Hong Kong is further supported by the findings of a survey conducted by the Hong Kong Medical Association (HKMA) recently. The survey reveals 95% of mental patients are seen in public hospitals, only 5% are seen by private doctors. The waiting time for a new appointment for adults to the Li Ka Shing Psychiatric Clinic is 24 months. The HKMA considers it would be beneficial to mental patients if the private

health-care sector is more involved in medical care of mental patients. If patients could have medical insurance cover, this could bridge the gap of price differential between the public and private health care systems and thus address the imbalance. However, mental illnesses are often excluded in both group and individual medical plans.

4. The situation mentioned in paragraph 3 clearly demonstrates a cross-sectoral body is needed to resolve issue in which many stakeholders or interests are involved (e.g. the Health, Welfare and Foods Bureau, the Hospital Authority, the HKMA, the insurance industry, employers, employees and mental health service users etc. in this case). Hence, the EOC supports the establishment of a mental health council, operating as a multidisciplinary and cross-sectoral body to coordinate policy formulation, programme delivery, research and public education in the area of mental health, and to safeguard the rights of people with mental illness.

#### **Education for Ethnic Minority Children**

5. The EOC wants to reiterate that many ethnic minority children in Hong Kong face severe difficulties in schooling, especially learning Chinese, due to language barrier. Although this is not an issue directly linked to the EOC's current remit, the EOC is concerned with the adverse effect of these difficulties on schooling of ethnic minority children. The EOC urges the Government to take into consideration the difficulties faced by these children and to provide means to integrate them into mainstream schools, and eventually into the society.

#### **Establishment of a Human Rights Commission**

6. In its concluding observations, the Committee expressed concern about the absence of a human rights institution with a broad mandate, while noting the Government's position that the EOC has comparable functions. The EOC shares the Committee's concern and is of the view that the Government should, in the longer term, consider establishing a human rights commission with a broad mandate.

*Equal Opportunities Commission*

*15 June 2005*