

# 立法會

## *Legislative Council*

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### **Panel on Constitutional Affairs**

#### **Updated background brief prepared by Legislative Council Secretariat for the meeting on 19 July 2010**

#### **Convention on the Elimination of All Forms of Discrimination against Women**

#### **Purpose**

This paper gives an account of the discussions of the Panel on Home Affairs ("the HA Panel") on the reports submitted by the Hong Kong Special Administrative Region ("HKSAR") to the United Nations ("UN") under the Convention on the Elimination of All Forms of Discrimination against Women ("CEDAW"), including its discussion on the Concluding Comments issued by the UN Committee on the Elimination of Discrimination against Women ("the UN Committee") on the second report of HKSAR submitted under CEDAW as summarized in paragraphs 27 to 34 below.

#### **Background**

2. The Government of the United Kingdom extended CEDAW to Hong Kong in 1996. The People's Republic of China is a State Party to CEDAW. The Government of the People's Republic of China notified the Secretary-General of UN that the Convention would apply to HKSAR with effect from 1 July 1997 with a number of reservations and declarations. Apart from the reservation against paragraph 1 of Article 29 of the Convention which relates to the arbitration of disputes among States Parties by the International Court of Justice, the declarations and reservations applicable to HKSAR are substantially the same as those applicable to Hong Kong prior to 1 July 1997. These reservations and declarations include, among other things, the following -

- (a) laws, regulations, customs or practices that treat women more favourably do not constitute discrimination against women within the meaning of Article 1 of the Convention;
- (b) reservation of the right to continue to apply law enabling male indigenous villagers in the New Territories to exercise certain rights over property and to enjoy certain privileges in respect of land and property;
- (c) reservation of the right to discriminate against women in legislation relating to pensions and retirement and similar benefits; and

- (d) reservation of the right to apply any non-discriminatory requirement for a qualifying period of employment for women in respect of the application of provisions in Article 11(2) of the Convention.

3. CEDAW follows a four-year reporting cycle. The HKSAR's first report under the Convention was submitted to UN in 1998 as part of China's combined third and fourth reports. After consideration of the first report, the UN Committee issued its Concluding Comments on 3 February 1999 [Annex C to LC Paper No. CB(2)1429/98-99(02)].

4. The responsibility of drafting HKSAR's reports under CEDAW was transferred from the Home Affairs Bureau ("HAB") to the then Health, Welfare and Food Bureau ("HWFB") in May 2000. The HKSAR's second report was submitted to UN as part of China's combined fifth and sixth reports in 2004. After consideration of the second report, the UN Committee issued its Concluding Comments on 25 August 2006 [Annex B to LC Paper No. CB(2)1811/09-10(01)].

### **Issues raised by the HA Panel on the first report of HKSAR under CEDAW**

5. The HA Panel discussed the first report of HKSAR submitted to UN under CEDAW with deputations and the Administration at its meetings on 9 November and 7 December 1998. At its meeting on 8 March 1999, the HA Panel discussed the Concluding Comments issued by the UN Committee of the first report with the Administration. The major issues raised by members at these meetings included incorporation of a gender impact assessment in the public policy-making and legislative process, collection of data and statistics on gender issues, women representation on advisory and statutory bodies, setting up a high-level central mechanism for development and coordination of a women-focused policy, reviewing the applicability of the various reservations and declarations to HKSAR, coordination of services for rape victims, review of small house policy, provision of child care services, and implementation of the principle of equal pay for work of equal value.

6. Members may wish to refer the relevant background brief prepared by the Legislative Council ("LegCo") Secretariat for the meeting of the HA Panel on 9 February 2007 [LC Paper No. CB(2)1014/06-07(07)] for the detailed discussion of these issues.

### **Panel discussions on the second report of HKSAR under CEDAW**

#### Outline of topics to be covered in the second report

7. The HA Panel discussed the outline of topics to be covered in the second report of HKSAR for submission to UN under CEDAW with deputations and the Administration at its meeting on 8 November 2002. The major issues raised by members at that meeting are summarized in paragraphs 8 to 14 below.

*Status of the Women's Commission*

8. To address members' concern about the status of the Women's Commission, the Administration stressed that the Commission had been placed very high in the government structure, in line with the other major commissions and advisory bodies. Members of the Commission were appointed by the Chief Executive. There were no restrictions on the policy areas the Commission could work on, and the Commission had advised the Administration on a wide range of issues that were of concern to women.

*Participation of non-government organizations ("NGOs") in the implementation of CEDAW*

9. Ms Cyd HO was of the view that the Administration should enhance NGOs' understanding of CEDAW and form partnership with them in publicizing the Convention among members of the public and in the implementation of the Convention. She opined that the Government had not provided sufficient assistance to NGOs in this respect.

*Gender mainstreaming*

10. Ms Cyd HO considered that gender mainstreaming should apply to the formulation, implementation and evaluation of the policy address and budgeting of the Government since Government policies and programmes had a significant impact on women's well being. The Administration explained that gender mainstreaming would be introduced to different policy areas on an incremental basis. It would be difficult to apply it to policy address and budgeting when gender mainstreaming had not been introduced in most policy areas.

*Feminization of poverty*

11. Mr NG Leung-sing queried whether poverty of women was caused by an overall decrease in family income. The Equal Opportunities Commission ("EOC") explained that there was a world trend of feminization of poverty. 80% of employed persons who earned less than half of the median monthly earnings were women, and the biggest increase in recipients of Comprehensive Social Security Assistance ("CSSA") during the period from 1996 to 2001 was found in female recipients. Further, of single parent families who were CSSA recipients, 61% were headed by women, a situation unchanged since 1996. The adverse economic climate during the late 1990's and early 2000's had affected women tremendously and the Administration should adopt the concepts of gender mainstreaming and gender budgeting to ensure that Government policies and programmes would meet the needs of women and that relevant data would be available for assessing the effectiveness of these policies and programmes in this respect.

### *Consultation process on the second report*

12. Some members were of the view that the Administration should release the initial draft of the second report for another round of consultation. Mr Andrew WONG held a different view. He said that the second report to be submitted by the HKSAR under CEDAW was a government report, and there was no need for that report to incorporate all the views expressed by organizations concerned.

13. The Administration explained to the Panel that HWFB had involved LegCo and NGOs in the report preparation process by inviting views on the implementation of the Convention and the draft outline of the report. HWFB would try to address and incorporate the comments and suggestions made in the report as appropriate. Although it might not be able to reflect each and every concern expressed in the text of the report, in accordance with established practice, HWFB would send full copies of each written submission to the UN Committee after the second report had been submitted. Furthermore, any organization could forward its comments directly to the UN Committee. The Administration considered that such arrangements would obviate the need for a further round of consultation, which would unduly prolong the report preparation process.

14. The Administration further explained that HWFB would consult the Women's Commission on the draft report before submitting it to the Chief Executive's Office for approval. The report would then be submitted to Central People's Government ("CPG") for incorporation into the China's report. After the China's report was submitted to UN, the HKSAR's second report would be released through the media and uploaded onto the websites of HWFB and the Women's Commission.

### Second report submitted in 2004

15. The HA Panel discussed the second report of HKSAR submitted to UN under CEDAW with deputations and the Administration at its meeting on 9 June 2006. The major issues raised by members at that meeting are summarized in paragraphs 16 to 26 below.

### *Composition of the Women's Commission*

16. Miss CHAN Yuen-han pointed out that feminization of poverty was serious as women made up some 70% of employees who received a monthly earning of less than \$5,000, and the discrepancies in wages earned by men and women were great. She and Mr WONG Kwok-hing were worried that the Women's Commission might not pursue proactive measures for the protection of the interests of women who belonged to the working class unless its membership included representatives of labour unions and women from the grassroots. They expressed the view that as the problem of serious discrepancies in wages earned by men and women might be related to gender discrimination, the Administration should make legislative proposals and empower the Women's Commission to implement more effective measures.

17. The Administration responded that the current membership of the Women's Commission had already included female employees and women from the grassroots. The Administration pointed out that the economic and other needs of women were being addressed by different bureaux and departments. 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.

18. Ms Emily LAU enquired about the criteria of appointment of members to the Women's Commission and urged the Administration to 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 might not be feasible to have representatives of each sector on the Women's Commission. She suggested that the 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.

19. The Administration responded that it would not set a predetermined 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. The Administration, however, undertook to take into consideration members' views in making appointments to the Women's Commission in future.

#### *Domestic violence and sexual violence*

20. Miss TAM Heung-man expressed concern about inadequate protection for women against domestic violence and sexual violence. Mrs Sophie LEUNG considered that the problem of domestic violence could not be tackled merely by prosecution as shown by international experience and echoed by the Women's Commission in its report entitled "Women's Safety in Hong Kong: Eliminating Domestic Violence". She urged the Administration to enhance the promotion of the Batterer Intervention Programme ("BIP") which she considered to be effective in tackling domestic violence. Mr Albert HO considered that there might still be room for improvement in the handling of domestic violence cases by frontline police officers.

21. The Administration pointed out that in the past two years, it had strengthened support services for women and children who fell victims to domestic violence cases as well as measures to be taken by frontline police officers in handling domestic violence cases. Since March 2006, the Social Welfare Department ("SWD") and the Hong Kong Family Welfare Society had launched two pilot projects of BIP which would last for two years. The experience drawn from these projects would provide useful reference for defining the goals, contents and standards of BIPs.

### *Mission of EOC*

22. Ms Emily LAU expressed concern about the observation that EOC had, after conducting a review in 2004, changed its mission, resulting in the adoption of a narrower and more conservative approach for implementation of the three anti-discrimination ordinances.

23. Mr Raymond TANG, the former EOC Chairperson, explained to the Panel that the review 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. It was suggested that the mission statement should be suitably revised in order to give clearer messages to the public. Mr TANG clarified that the changes made to the mission statement would not bring about any change to the role and functions of EOC which had been clearly stipulated under the existing legal framework.

### *Gender mainstreaming*

24. Mrs Sophie LEUNG considered it appropriate for the Women's Commission to continue to promote the application of gender mainstreaming within the Administration on an incremental basis. Dr Fernando CHEUNG, however, considered that the Women's Commission should adopt a more proactive approach for examining the Administration's policies and programmes to ensure that they adopted gender perspective. He said that many new arrival women had become victims of the policy of introducing the seven-year residence requirement as a criterion for eligibility to social security benefits and the policy should be reviewed from a gender perspective.

25. The Administration explained that it was an established policy that women's needs and perspectives had to be taken into account in the formulation and review of public policies, programmes and legislation. It considered that as the Gender Mainstreaming Checklist had only been introduced recently, more time would be needed for the Checklist to be gradually introduced into more policy areas.

### *Accessibility of Maternal and Child Health Centres ("MCHCs") and women's health centres to women with disabilities*

26. Dr Fernando CHEUNG expressed concern about the serious problem of inaccessibility of MCHCs under the Department of Health to women with disabilities. He requested the Administration to review how far the public hospitals, public clinics and MCHCs had complied with the requirements of the Design Manual: Barrier Free Access 1997, and to provide the outcome of the review. The Administration provided the information which was issued vide LC Paper No. CB(2)321/06-07(02). The Administration also undertook to consider applying the Gender Mainstreaming Checklist to services for women with disabilities to address their needs.

### Concluding Comments on the second report

27. The HA Panel discussed the Concluding Comments issued by the UN Committee on the second report of HKSAR under CEDAW with the Administration and deputations at its meeting on 9 February 2007. The major issues raised by members at that meeting are summarized in paragraphs 28 to 34 below.

#### *Domestic and sexual violence*

28. Some members expressed concern about the prevalence of domestic violence and the measures taken by frontline officers to combat these cases. The Administration advised that the Police would refer all reported domestic violence cases to SWD for follow-up. The more serious cases would be dealt with by the Family and Child Protective Services Units of SWD. Resources for SWD had been enhanced continuously. With the emphasis on early identification/intervention of domestic violence, prevention, education and outreach through various service platforms, people in Hong Kong had become more aware of domestic violence and the need to report such cases.

29. Some members criticized that while the Administration had stated its determination in meeting its international obligations under CEDAW, it failed to respond to a number of the UN Committee's specific recommendations, including the provision of a specialized one-stop service to victims of sexual violence. They pointed out that the new Multi-purpose Crisis Intervention and Support Centre had a mixed clientele and it was inadequate to provide specialized services for victims of sexual violence.

30. The Administration explained that apart from providing 24-hour service to victims of sexual/domestic violence, the Administration acknowledged the need to provide a one-stop service and sensitivity in service-delivery to victims of sexual violence, the main target group of the Centre. The Centre was just one of the many facets of the client-oriented services offered. Outreach services could be delivered flexibly at various locations to accommodate the needs of clients.

31. Some members, however, were disappointed that the Administration had insisted on adopting the new service model for victims of sexual violence, which had deviated from the aspirations of the community/concerned women groups and the recommendations of the UN Committee. They were also concerned about the Police's handling of sex workers/persons suspected of engaging in prostitution, and called for a comprehensive review of the code of practice governing the conduct of such investigations and arrests.

#### *Treatment of foreign domestic helpers ("FDHs")*

32. Some members were of the view that the protection of women's rights in Hong Kong was clearly inadequate. They expressed concern about the

exploitative/discriminatory treatment of FDHs by agents/employers and urged the Administration to adopt UN Committee's recommendation that the Government should provide simple complaint/redress mechanism for FDHs and enhance FDHs' awareness of their legal rights.

33. The Administration advised that FDHs enjoyed the same rights and benefits provided under labour laws as local workers. FDHs were further protected by a standard employment contract and minimum allowable wage. Employment agencies, including those placing FDHs, would be liable to prosecution and revocation of licenses for overcharging of placement fee. The Labour Department conducted regular inspections of employment agencies and liaison with relevant consulates to combat malpractices of these agencies. The Administration further advised that in administering the "Two-week Rule", under exceptional circumstances such as termination of the employment contract due to emigration or financial difficulties of the employer, the Immigration Department might allow FDHs to change employer without requiring them to return to their home countries before commencing new contracts in Hong Kong. FDHs seeking redress might apply to the Immigration Department for extension of stay. In 2006, out of some 6 800 such applications, some 4 700 cases had been approved for extension of stay while some 1 300 cases had been rejected with a number of the remaining cases withdrawn.

#### *Women's political representation and participation in public affairs*

34. Some members asked whether the Administration would consider raising the working target of 25% as a gender benchmark for appointments to advisory and statutory bodies ("ASBs") and taking more proactive steps to facilitate women's participation in the work of ASBs. The Administration explained that appointments to ASBs were made on the basis of the merit of the individual concerned, taking into account the candidate's ability, expertise, experience, integrity and commitment to public service etc, and having regard to the nature of work of the board or committee concerned. The Chairman of the Women's Commission informed members that the benchmark had been increased from about 20% in 2001 to over 25%. The Commission had recommended that the Administration should consider increasing the target to 30% in line with international standard.

#### **Relevant motions and questions moved/raised at Council meetings**

35. Ms Emily LAU moved a motion for debate at the Council meeting on 21 April 1999 urging the Administration to implement expeditiously the recommendations made by the UN Committee after consideration of the initial report submitted by the HKSAR under CEDAW. The motion was carried.

36. Ms Cyd HO moved a motion for debate on the setting up of the Women's Commission at the Council meeting on 31 May 2000. The motion urged the Government, among others, to set up a central mechanism to examine various government policies, public finance and legislative proposals from the angle of



safeguarding equality for both sexes, and to entrust the Women's Commission with the responsibility for overseeing the operation of the central mechanism and include women representatives from the grassroots in the Commission's membership. The motion was negatived.

37. Miss Christine LOH raised a written question on the initiatives taken to eliminate discrimination against women at the Council meeting on 26 January 2000. Ms Cyd HO raised a written question on the second report of the HKSAR under CEDAW at the Council meeting on 11 February 2004. Ms Emily LAU raised an oral question on Administration's response to the Concluding Comments of the UN Committee concerning the low prosecution rate of domestic violence and participation of women in public affairs at the Council meeting on 4 November 2009. The replies from the Secretary for Labour and Welfare and the Secretary for Constitutional and Mainland Affairs are in **Appendix I**.

### **Latest development**

38. The Administration issued in mid-June 2010 an outline of the topics to be covered in the third report of HKSAR under CEDAW for public consultation until 31 July 2010.

### **Relevant papers**

39. A list of relevant papers, minutes of meetings and reports is in **Appendix II**. Soft copies of these documents are also available on the LegCo website.

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Legislative Council Secretariat  
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~~given to fairness cannot override other considerations. On lawfulness, I have just expressed my views. Since we should be fair and reasonable, although the Government is not bound by certain legislation in Hong Kong, we still think that the policies must be implemented in accordance with such legislation in order to be fair and reasonable. I believe that Mr LEE and I have different views on the extent of fairness — a key element among the three elements.~~

~~**PRESIDENT** (in Cantonese): This Council has spent more than 23 minutes on this question. We will now proceed to the fifth question.~~

### **Comments of United Nations Committee on Elimination of Discrimination Against Women**

5. **MS EMILY LAU** (in Cantonese): *President, in 2006, the United Nations Committee on the Elimination of Discrimination against Women (the Committee) conducted a hearing on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women by the Hong Kong Special Administrative Region and put forward comments and recommendations, including concern at the low prosecution rate of domestic violence (DV), recommendation for improving gender-sensitivity training for judicial and law-enforcement officials, and concern at the low level of representation of women in the functional constituencies (FCs) of the Legislative Council, which may constitute indirect discrimination against women. In this connection, will the executive authorities inform this Council:*

- (a) *of the respective numbers of cases seeking assistance, which involved DV, received by the Social Welfare Department (SWD) and the Integrated Family Service Centres (IFSCs) of non-governmental organizations (NGOs), as well as the respective numbers of reports received and prosecutions instituted by the police, which involved DV, in the past three years; whether they have studied the reasons for the differences between the figures; if they have, of the details; if not, the reasons for that;*
- (b) *whether they have provided gender-sensitivity training for judicial and law-enforcement officials since 2006; if they have, of the details; if not, the reasons for that; and*

- (c) *given the Committee's comment that "the electoral system of functional constituencies may constitute indirect discrimination against women", what improvement measures the Government had taken to address this concern?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): President,

- (a) Statistics on cases concerning DV collected by the SWD, the IFSCs operated by NGOs and the police in 2006, 2007 and 2008 are set out at Annex.

According to the statistics collected by the SWD and the police respectively, the first half of 2009 saw a downward trend in the overall number of DV cases. Comparing with the figures in the first half of 2008, the statistics compiled by the SWD show that the overall number of DV cases in the first half of 2009 dropped by nearly 10%, whereas the figures collected by the police show a drop of nearly 30%.

On the statistics collated by the police, the DV cases handled by the police include crime cases and miscellaneous cases (miscellaneous cases include in general incidents of dispute, common assaults, and request for police assistance or investigation, and so on, that involve breach of peace). The police would handle and investigate all reports of DV cases. Depending on the circumstances of and evidence shown in individual cases, the police will decide whether to initiate prosecution action. As DV cases are commonly "one-on-one" cases involving the victim and the abuser only, the police may encounter difficulty in verifying the testimonies of both parties in the absence of other witnesses. If, for various reasons, the victim declines to provide further information or testify against the abuser, it would be difficult for the police to initiate prosecution against the abuser despite the existence of medical reports or other circumstantial evidence.

The police received and handled 1 811, 2 505 and 2 341 DV crime cases in 2006, 2007 and 2008 respectively. Of these crime cases, 1 408, 2 199 and 2 060 were dealt with by the Court in the respective

years, accounting for 77.7%, 87.8% and 88% of the total number of DV crime cases reported to the police during the respective periods. As regards DV miscellaneous cases, there were 760, 1 690 and 1 637 cases involving common assaults in 2006, 2007 and 2008 respectively. Of these common assaults cases, 463, 1 220 and 1 330 were dealt with by the Court, accounting for 60.9%, 72.2% and 81.7% of the total number of DV common assault cases reported to the police respectively.

Given the different statistical definitions and basis adopted by the SWD and the police, there are naturally differences between the statistics captured by the two departments. First, the police record the number of cases according to the number of reported abuse incidents, regardless of whether the incidents involve the same victim; whereas the central system of the SWD records the number of abuse cases on the basis of individual victim. For example, if there are two reported DV incidents concerning the same victim within a couple of months, the police will count it as two cases while the central system of the SWD will record it as one case.

In addition, the number of child abuse cases recorded by the police is collected based on the statutory definition of the "Crimes Against Children". It includes all crimes against children, irrespective of the relationships between the victims and the offenders. The SWD, on the other hand, captures child abuse cases committed by individuals who, because of their specific identities (for example, in terms of age, status, knowledge, organizational form), are in a position of differential power that renders a child vulnerable.

There are also some differences between the two departments as to what would constitute a recordable incident or case. For example, the SWD generally would not regard unlawful, voluntary sexual intercourse between children in a couple relationship as a child abuse case. In contrast, the police would, irrespective of the relationship between the victim and the abuser, record the incident in its statistics as it constitutes a criminal offence.

- (b) On training, the Judicial Studies Board provides training programmes for judges and judicial officers (JJOs) at all levels.

According to the information provided by the Judiciary, the Board organizes and co-ordinates JJOs' participation in various professional training courses, international/local conferences, seminars and visits every year. In June and December 2007, experience-sharing sessions on dealing with DV cases and related issues were organized. As part of its ongoing efforts to update JJOs on issues of public concern, new legislation and crime trends, the Judiciary will continue to organize suitable training programmes for JJOs.

In tandem, the police have, over the years, strengthened its training programmes so as to enhance the capability of police officers in handling and investigating DV cases, with particular focus on risk assessment, questioning techniques, conflict management, sensitivity and awareness of family dynamics, and victims' psychology, and so on. Whenever laws are enacted or amended, the police will consider to strengthen the relevant handling procedures and the provision of relevant training to front-line officers. In light of further amendments to the Domestic Violence Ordinance to extend protection to same-sex cohabitants, the police are actively considering the provision of relevant training so as to enhance the sensitivity of the police officers in handling DV cases.

In addition, the Government has been providing training for civil servants to enhance their knowledge on gender issues and gender sensitivity in daily work. Apart from classroom training, we are planning to launch a set of gender-related online training programme. The programme is scheduled to be uploaded onto a web-portal on gender mainstreaming in early 2010 for reference of all civil servants.

- (c) In respect of women's representation in politics, the current electoral system does not contain structural obstacles to women's equal political participation. In Hong Kong, women and men enjoy the same right to vote as well as to stand for election. This right is safeguarded by the Basic Law. It is a gross simplification to say that the FCs are dominated by business organizations and professional bodies. The constituencies represent substantial and

important sectors of the community, such as education, labour, social welfare, health care, and so on, in addition to businesses. The electorate of the 28 FCs is delineated in accordance with a set of clearly established criteria.

Indeed, in the current Legislative Council term, there are 11 female Legislative Council Members. Four of them were returned from the FC elections and seven from the Geographical Constituencies. There is no evidence that the FC elections have disadvantaged female candidates.

Annex

Statistics on Domestic Violence Cases  
Collected by SWD, IFSCs Operated by NGOs and the police  
in 2006, 2007 and 2008

*(i) SWD*

The number of newly reported battered spouse, child abuse and elder abuse cases captured by the Central Information System on Battered Spouse Cases and Sexual Violence Cases, the Child Protection Registry and the Central Information System on Elder Abuse Cases in 2006, 2007 and 2008 are as follows:

	2006	2007	2008
Battered spouse	4 424	6 404	6 843
Child abuse	806	944	882
Elder abuse	522	612	647
Total	5 752	7 960	8 372

*(ii) IFSCs operated by NGOs*

The number of battered spouse, child abuse and elder abuse cases handled by IFSCs operated by NGOs are as follows<sup>(1)</sup>:

	2006	2007	2008
Battered spouse	272	293	280
Child abuse	58	65	53

	2006	2007	2008
Elder abuse	43		44
Total	373	402	390

Note:

- (1) According to the relevant procedural guidelines of handling battered spouse, child abuse and elder abuse cases, IFSCs operated by NGOs would report the relevant cases to the respective central information systems of SWD by completing information inputting forms. Hence, the numbers of relevant cases handled by IFSCs operated by NGOs are reflected in the statistics captured by the central system of SWD.

*(iii) The police*

The number of domestic violence, child abuse and elder abuse cases handled by the police are as follows:

	2006	2007	2008
Domestic Violence <sup>(2)</sup>	4 704	7 509	7 278
Child abuse <sup>(3)</sup>	1 255	1 550	1 643
Elder abuse	338	315	315
Total	6 297	9 374	9 236

Notes:

- (2) According to the statistical definition adopted by the police, domestic violence is generally defined as any incident involving an assault or breach of peace between persons generally regarded as having marital or intimate partner relationships. "Persons having marital or intimate partner relationships" include spouses, spouses who are separated or divorced, (former) cohabitants and (former) lovers of opposite sex.
- (3) Includes statistics on cases of "Sexual Crimes Against Children" and "Crimes Against Children".

**MS EMILY LAU** (in Cantonese): *President, the Secretary said the current electoral system does not contain structural obstacles to women's equal political participation, but this was exactly the comment made by the United Nations back then. President, just take a look at the existing provision governing the Legislative Council elections: 30 seats from 28 FCs, shall be returned by the FC elections. In the 2004 Legislative Council election, there were 19 male candidates. Then, let us take a look at the FCs: Heung Yee Kuk, Agriculture and Fisheries, Insurance, Transport, Real Estate, Tourism, Commercial (First),*

*Commercial ( Second), Industrial ( First), Industrial ( Second), and so on. A survey shows that a great majority of proprietors and directors are male, and this is also why the United Nations (UN) commented that it is structurally unfair to women. In the 2004 election, there were 19 FCs in which there were only male candidates; and last year, there were 22 FCs in which there were only male candidates, and the male candidates of 11 of these FCs were uncontested. If this cannot be regarded as evidence, does it mean the Government of the Hong Kong Special Administration Region (SAR) is blind?*

**PRESIDENT** (in Cantonese): Which Secretary will give a reply? Secretary for Constitutional and Mainland Affairs, please reply.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, I have certainly noticed this situation in the elections mentioned by Ms Emily LAU, but I would like to provide Members with a few additional important facts.

First of all, the register of electors contains 3.37 million electors at present. There is an almost equal distribution of male and female electors, with female electors accounting for 49.8% and male electors accounting for 50.2%. Second, the register for Geographical Constituencies contains about 225 000 electors, with female electors actually taking up a larger proportion, accounting for 54%. Third, what I would like to point out to Members is that these elections are fair, open and just, and they are open to fair competition by all. In fact, in this Legislative Council, there are four female Members who were returned by FC elections, and the FCs they belong to, namely the Transport, Legal, Labour and Textiles and Garment FCs, have a larger proportion of male electors. On the contrary, in three FCs with more female electors than male electors, including Education, Health Services and Social Welfare, the Members returned were male. Therefore, there is no established principle on whether or not having a larger proportion of female electors will be more favourable to female candidates or vice versa. The elections of Hong Kong are fair, open and just, and there is fair competition for all.



**MR CHEUNG MAN-KWONG** (in Cantonese): *There is a very deep structure in the fact pointed out by Ms Emily LAU just now, that is, in the 30 FC seats this year, over 70% of the candidates contesting 22 seats, were male, with no female candidate at all. Which FCs are they? They are the Commercial, Industrial and Finance FCs. In some FCs with primarily corporate electors, such as Heung Yee Kuk, the number of male electors is even 30 times that of female electors. Even though there are many female practitioners in these FCs, as pointed out by the Secretary, the number of female candidate was zero, and it has always been so in previous elections over the years. Is this phenomenon of zero-female-participation in the elections of those 22 seats a proof for the query raised by the UN, that is, the electoral system of FCs may constitute indirect discrimination against women? What is the reason for that? How can one explain this long-standing situation of zero-female-participation in the elections of the 22 FCs?*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, one fact is that even for FCs with corporate votes, two female Members in this Legislative Council were successfully returned from the Labour FC and the Textile and Garment FC, which are constituencies with corporate votes.

**PRESIDENT** (in Cantonese): Which part of your supplementary question has not been answered?

**MR CHEUNG MAN-KWONG** (in Cantonese): *He has definitely evaded my key question concerning the 22 FC seats which have been dominated by corporate electors and have zero female participation. These seats account for the largest proportion of FC seats, but he has not mentioned them. Just citing a couple of isolated examples does not entail that the general phenomenon has been addressed.*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, there is no provision in our election legislation governing

the gender of candidates, and both males and females are free to stand in the elections.

**MR CHEUNG KWOK-CHE** (in Cantonese): *President, I would like to speak on the issue of DV victims again. Just now, the Secretary mentioned that some DV victims backed off and decided not to pursue their cases after arriving at the police station due to various circumstances, or there were difficulties in collecting evidence. May I ask the Secretary whether the authorities have provided DV victims with some support measures, so that they will have the confidence to reveal the truth and bring the abusers to justice?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): I would like to thank Mr CHEUNG for raising this question, about which we are also very concerned. Actually, if Members have paid attention to the policy address this year, they may have noticed that the Chief Executive has already announced that the SWD will introduce a support programme for DV victims next year. This programme seeks to provide these victims with targeted assistance. Specifically, our objective is to enhance support for DV victims, in particular, victims of spouse battering and child abuse. We are especially concerned about spouse battering cases. Support will be provided to the relevant victims, in particular, those who have to appear in judicial proceedings, that is, appear in court.

Perhaps, let me give a brief account of the individualized services available to them. First, we will provide them with information on legal proceedings and community support services, such as how to apply for legal aid. As some of them may be new immigrants to Hong Kong, we have to assist them on matters such as housing, so that they may live apart from their spouses, which would be safer for them; and another example is health care information, such as how to take care of kids or abused children. Second, emotional support is also very important. We will arrange for social workers to accompany victims to court proceedings when necessary in order to ease their worries and sense of helplessness, which is also very important. Lastly, we will enhance their abilities by working closely with social workers in order to help them resume their normal life as soon as possible. We will identify some operators, and

according to our timetable, we hope this service will roll out around April to June in the next financial year. I hope more individualized and effective services will be provided to victims by then.

**MS CYD HO** (in Cantonese): *The Secretary for Constitutional and Mainland Affairs just said that 54% of the electors in FCs are female. May I ask the Secretary to inform us of the one or two FC(s) in which there is a large concentration of female electors, and whether a great majority of them belong to the Education, Social Welfare and Health Services FCs? Actually, the structural problem arises from the fact that we have many "nil-gender" FCs, that is, those 22 FCs, in which the gender of the electors is not specified. May I ask the Secretary how to raise the chance of returning female candidates in these "nil-gender" FCs? (Laughter)*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, I have already pointed out just now that there is a larger proportion of female electors in number of FCs. For example, there are 59 000 female electors in the Education FC, accounting for 66% of its total number of electors; there are more than 8 800 female electors in the Social Welfare FC, accounting for about 71.8% of its total number of electors; and in other FCs including the Health Services FC, there are more than 28 000 female electors, accounting for 77% of its total number of electors.

As for the issue highlighted by Ms Cyd HO that there are primarily corporate electors in some FCs, such as the Commercial and Industrial FCs, I have to reiterate that all candidates, be they male or female, are free to solicit the support of their respective FCs. I would also like to point out that there are actually many very successful females in the commercial and professional sectors in Hong Kong. Over the years, different sectors in Hong Kong have made plenty of efforts, and some of them even succeeded in gaining entry to this Council.

**PRESIDENT** (in Cantonese): Which part of your supplementary question has not been answered?

**MS CYD HO** (in Cantonese): *President, my final question put to the Secretary was how to make it easier for female candidates in FCs with the gender of electors not specified to be elected, but the Secretary only indicated just now that they are .....*

**PRESIDENT** (in Cantonese): You have already raised your follow-up question. Secretary for Constitutional and Mainland Affairs, please reply to it.

**MS CYD HO** (in Cantonese): *..... free to stand in elections, but no solutions have been provided.*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, I think it is most important to continue to maintain the free and open system as well as the fair, open and just elections in Hong Kong so that all individuals are free to stand in elections.

**PRESIDENT** (in Cantonese): Last supplementary question.

**MR LEUNG YI U-CHUNG** (in Cantonese): *President, when the Secretary mentioned the number of electors in FC elections just now, he merely gave a general list of the numbers of female electors in certain FCs. However, there are only some FCs with more female electors than male electors, while the situation in some other FCs is exactly like what Ms Cyd HO described. The status and power of females are not clearly represented in some FCs with corporate electors.*

*Ms Emily LAU pointed out in the main question the concern of the United Nations Committee on the Elimination of Discrimination against Women that the low level of representation of women in the FCs of the Legislative Council may constitute indirect discrimination against women. This main question is a direct censure. Therefore, may I ask the Secretary whether the concern expressed by the Committee is superfluous? What is the Government's view on this concern? If the Government regards this as superfluous, what is the reason for that? If it*

*is not superfluous, why does the Government adopt this practice? How would the Government respond to this comment which is not superfluous?*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, regarding the view of the United Nations, we will certainly consider it very carefully, but we have to look at the facts after all. The Legislative Council electoral system has already undergone changes after the reunification. One third of the seats in the First Legislative Council in 1998 were returned by direct election, and subsequently already half of the seats in the Third and the Fourth Legislative Council were returned by direct election. In fact, this change has enabled the introduction of more seats returned by direct election, and an equal distribution of registered male and female electors may vote for the male or female candidates. As you may notice, under an environment of fair competition and with the electoral system gradually becoming more and more open from the First to the Fourth Legislative Council, there were full participation by both male and female candidates, and the gender distribution of candidates who succeeded in gaining entry to the Legislative Council has basically remained stable. In the First Legislative Council in 1998, there were a total of 10 female Members, and in the Second Legislative Council, there were 11, and subsequently in the Third and the Fourth Legislative Council, there were 12 and 11 female Members respectively.

Therefore, the existing electoral system has already undergone changes, with a larger proportion of Members being returned by direct elections. Under an environment of fair competition, both male and female candidates may stand in these elections and compete for the seats. Generally speaking, the existing record is that 10 to 12 female candidates have succeeded in being elected as Members of the Legislative Council.

**PRESIDENT** (in Cantonese): Which part of your supplementary question has not been answered?

**MR LEUNG YIU-CHUNG** (in Cantonese): *President, the Secretary was not answering my question. His answer was .....*

**PRESIDENT** (in Cantonese): Mr LEUNG Yiu-chung, I know you are not satisfied with the Secretary's reply.

**MR LEUNG YIU-CHUNG** (in Cantonese): *It is not that I am not satisfied, I just said he has not answered my supplementary question.*

**PRESIDENT** (in Cantonese): But I think the Secretary has already given an answer.

**MR LEUNG YIU-CHUNG** (in Cantonese): *I have not pointed out which part of my question has not been answered, so how can you say that I am not satisfied?*

**PRESIDENT** (in Cantonese): Please point out immediately which part of your supplementary question has not been answered by the Secretary.

**MR LEUNG YIU-CHUNG** (in Cantonese): *I hope that in future, President, you will allow me to make my point before you make your judgment, alright?*

**PRESIDENT** (in Cantonese): Please point out which part of your question has not been answered by the Secretary.

**MR LEUNG YIU-CHUNG** (in Cantonese): *President, I have just asked the Secretary what he thinks about the Committee's concern, and whether this concern is superfluous and incorrect. If it is superfluous and incorrect, he should give a clarification. What exactly does he think about it? Does or does he not think it is the case? What should be done?*

**PRESIDENT** (in Cantonese): Mr LEUNG, your follow-up question is very clear. I think the Secretary has already given a reply. Let me see if the Secretary has anything to add.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, I do not have anything to add.

**Relevant documents on the Convention on the Elimination  
of All Forms of Discrimination against Women**

Meeting	Date of meeting	Paper
Panel on Home Affairs	9 November 1998	<p>Initial report on the Hong Kong Special Administrative Region ("HKSAR") under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW") [LC Paper No. CB(2)405/98-99] <a href="http://www.legco.gov.hk/yr98-99/english/panels/ha/papers/p405e.pdf">http://www.legco.gov.hk/yr98-99/english/panels/ha/papers/p405e.pdf</a></p> <p>Minutes of meeting [LC Paper No. CB(2)853/98-99] <a href="http://www.legco.gov.hk/yr98-99/english/panels/ha/minutes/ha091198.htm">http://www.legco.gov.hk/yr98-99/english/panels/ha/minutes/ha091198.htm</a></p>
	7 December 1998	<p>Minutes of meeting [LC Paper No. CB(2)1404/98-99] <a href="http://www.legco.gov.hk/yr98-99/english/panels/ha/minutes/ha071298.htm">http://www.legco.gov.hk/yr98-99/english/panels/ha/minutes/ha071298.htm</a></p>
	8 March 1999	<p>Administration's paper on "Hearing of the United Nations ("UN") Committee on the Elimination of Discrimination against Women on the initial report on HKSAR under Article 18 of CEDAW" [LC Paper No. CB(2)1429/98-99(02)] <a href="http://www.legco.gov.hk/yr98-99/english/panels/ha/papers/p1429e2.pdf">http://www.legco.gov.hk/yr98-99/english/panels/ha/papers/p1429e2.pdf</a></p> <p>Minutes of meeting [LC Paper No. CB(2)1650/98-99] <a href="http://www.legco.gov.hk/yr98-99/english/panels/ha/minutes/ha080399.htm">http://www.legco.gov.hk/yr98-99/english/panels/ha/minutes/ha080399.htm</a></p>
	--	<p>Concluding Comments of the UN Committee on the Initial Report on HKSAR under CEDAW [LC Paper No. CB(2)122/99-00] <a href="http://www.legco.gov.hk/yr99-00/english/panels/ha/papers/122e.pdf">http://www.legco.gov.hk/yr99-00/english/panels/ha/papers/122e.pdf</a></p>



Meeting	Date of meeting	Paper
	2 June 2000	<p>Progress report by the Administration on "Follow-up on Concluding Comments of the UN Committee on the Elimination of Discrimination against Women on the initial report on HKSAR under CEDAW"                      [LC Paper No. CB(2)2159/99-00(02)]  <a href="http://www.legco.gov.hk/yr99-00/english/panels/ha/papers/b2159e02.pdf">http://www.legco.gov.hk/yr99-00/english/panels/ha/papers/b2159e02.pdf</a></p> <p>Minutes of meeting                      [LC Paper No. CB(2)2574/99-00]  <a href="http://www.legco.gov.hk/yr99-00/english/panels/ha/minutes/ha020600.pdf">http://www.legco.gov.hk/yr99-00/english/panels/ha/minutes/ha020600.pdf</a></p>
	8 November 2002	<p>Administration's paper on "A draft outline of the topics to be covered in the second report on HKSAR under CEDAW"                      [LC Paper No. CB(2)2812/01-02(01)]  <a href="http://www.legco.gov.hk/yr01-02/english/panels/ha/papers/ha_cb2-2812-1e.pdf">http://www.legco.gov.hk/yr01-02/english/panels/ha/papers/ha_cb2-2812-1e.pdf</a></p> <p>Administration's paper on "Second report under CEDAW"                      [LC Paper No. CB(2)244/02-03(01)]  <a href="http://www.legco.gov.hk/yr02-03/english/panels/ha/papers/ha1108cb2-244-1e.pdf">http://www.legco.gov.hk/yr02-03/english/panels/ha/papers/ha1108cb2-244-1e.pdf</a></p> <p>Administration's response dated 27 February 2003 on the second report under CEDAW                      [LC Paper No. CB(2)1341/02-03(01)]  <a href="http://www.legco.gov.hk/yr02-03/english/panels/ha/papers/ha1108cb2-1341-1e.pdf">http://www.legco.gov.hk/yr02-03/english/panels/ha/papers/ha1108cb2-1341-1e.pdf</a></p> <p>Minutes of meeting                      [LC Paper No. CB(2)590/02-03]  <a href="http://www.legco.gov.hk/yr02-03/english/panels/ha/minutes/ha021108.pdf">http://www.legco.gov.hk/yr02-03/english/panels/ha/minutes/ha021108.pdf</a></p>
Panel on Home Affairs	9 June 2006	<p>Second report on HKSAR of the People's Republic of China under CEDAW  <a href="http://www.legco.gov.hk/yr03-04/english/panels/ha/papers/hacb2-cedaw-2rpt-e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ha/papers/hacb2-cedaw-2rpt-e.pdf</a></p>

Meeting	Date of meeting	Paper
		<p>Administration's paper on "Hearing of the UN Committee on the Elimination of Discrimination against Women on the Second Report of HKSAR under CEDAW" [LC Paper No. CB(2)2219/05-06(03)] <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0609cb2-2219-3e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0609cb2-2219-3e.pdf</a></p> <p>Women's Commission's paper on "Accomplishments of the Women's Commission in promoting the well-being and interests of women in Hong Kong" [LC Paper No. CB(2)2219/05-06(04)] <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0609cb2-2219-4e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0609cb2-2219-4e.pdf</a></p> <p>Background brief on "CEDAW" prepared by the Legislative Council ("LegCo") Secretariat [LC Paper No. CB(2)2219/05-06(05)] <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0609cb2-2219-5e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0609cb2-2219-5e.pdf</a></p> <p>Minutes of meeting [LC Paper No. CB(2)2953/05-06] <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/minutes/ha060609.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/minutes/ha060609.pdf</a></p>
	9 February 2007	<p>Administration's response to the Concluding Comments of the UN Committee on the Elimination of Discrimination against Women on the Second Report of HKSAR under CEDAW [LC Paper No. CB(2)1014/06-07(06)] <a href="http://www.legco.gov.hk/yr06-07/english/panels/ha/papers/ha0209cb2-1014-6-e.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ha/papers/ha0209cb2-1014-6-e.pdf</a></p> <p>Background brief on "CEDAW" prepared by the LegCo Secretariat [LC Paper No. CB(2)1014/06-07(07)] <a href="http://www.legco.gov.hk/yr06-07/english/panels/ha/papers/ha0209cb2-1014-7-e.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ha/papers/ha0209cb2-1014-7-e.pdf</a></p>

<b>Meeting</b>	<b>Date of meeting</b>	<b>Paper</b>
		Minutes of meeting [LC Paper No. CB(2)1501/06-07] <a href="http://www.legco.gov.hk/yr06-07/english/panels/ha/minutes/ha070209.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ha/minutes/ha070209.pdf</a>

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