

**For discussion
on 20 December 2010**

Legislative Council Panel on Constitutional Affairs

**Third Report of the Hong Kong Special Administrative Region under
the International Covenant on Economic, Social and Cultural Rights**

Purpose

This paper invites Members' attention to the Third Report of the Hong Kong Special Administrative Region (HKSAR) under the International Covenant on Economic, Social and Cultural Rights (ICESCR), which has been incorporated as part of the Second Report of the People's Republic of China under the Covenant.

Background

2. We consulted the Panel on the outline of the Report at its meetings on 18 January 2010 and 10 February 2010. In drafting the Report, we have taken into account the comments and views received from Members and the community during the public consultation on the proposed outline of the report from January to February 2010. The Report has been submitted as part of China's Second Report under the Covenant to the United Nations (UN).

3. In accordance with established practice, we have published the Report locally and distributed it to the public and interested non-government organisations. Copies of the same were sent to Members on 21 October 2010. The Report is also available on the website of the Constitutional and Mainland Affairs Bureau.

The Report

4. The Report was prepared in accordance with the “harmonized guidelines on reporting under the international human rights treaties” issued by the UN. It consists of two parts :

- (a) the **Common Core Document** provides general factual and statistical information of the HKSAR, and explains the legal framework within which human rights are protected, including the rule of law maintained by an independent Judiciary, the relevant provisions guaranteeing human rights in the Basic Law, the other legal instruments in the local legislation, legal aid services, various statutory bodies concerned and relevant mechanisms for handling complaints and investigations; as well as information and publicity activities to promote public awareness of human rights; and
- (b) the **treaty-specific document on the ICESCR**, which, following the outline of the Report, responds to the concluding observations of the previous hearing of the UN Committee on Economic, Social and Cultural Rights held in April 2005, and updates the position in respect of the articles of the ICESCR. The major issues addressed in the Report include the general human rights situation and protection (Articles 1-5); labour and related rights (Articles 6-8); right to social security, protection of family, and an adequate standard of living (Articles 9-11); right to health (Article 12); right to education (Articles 13-14) and right to cultural life, scientific progress and its application (Article 15).

UN Hearing

5. In line with the established practice, the Report will be examined by the UN Committee on Economic, Social and Cultural Rights in a future hearing, the date of which has yet to be fixed.

Constitutional and Mainland Affairs Bureau
December 2010