

**Report of the Hong Kong
Special Administrative Region for
the United Nations Human Rights Council
Universal Periodic Review**

I. Promotion and protection of human rights in the Hong Kong Special Administrative Region

A. Methodology and consultation

In preparing this part of the report, the Hong Kong Special Administrative Region (HKSAR) Government conducted a public consultation exercise from 3 April to 7 May 2018. A consultation document published by the HKSAR Government was sent to a broad spectrum of the community, including the Legislative Council (LegCo), relevant non-governmental organisations (NGOs), interested members of the public and the media, and distributed through the District Offices and on the internet. During the consultation period, the HKSAR Government also collected views from NGO representatives at meetings of the LegCo and the Human Rights Forum. The HKSAR Government has carefully considered all comments received.

B. Framework and measures for promoting and safeguarding human rights

2. The HKSAR is an inalienable part of China. It was established in accordance with the provisions of Article 31 of the Constitution of the People's Republic of China under the "one country, two systems" principle. Its systems are prescribed in the Basic Law (BL) of the HKSAR of the People's Republic of China (PRC). In the HKSAR, human rights are fully protected by the BL, the Hong Kong Bill of Rights Ordinance (Cap. 383) (HKBORO), anti-discrimination legislation, data protection legislation and various safeguards in other legislation. The courts exercise judicial power independently and may grant remedies for contravening the human rights provisions of the BL and the HKBORO. Since the last report, the HKSAR Government has strengthened the mandate of some of the organisations which help promote and safeguard human rights. For example, the Equal Opportunities Commission (EOC) established an Ethnic Minorities Unit to promote equal opportunities for ethnic minorities (EMs) and racial integration; the Privacy Commissioner for Personal Data introduced a legal assistance scheme for individuals who intend to institute proceedings to seek compensation from data users; and more public

bodies have been included under the jurisdiction of The Ombudsman. The HKSAR Government continues to attach great importance to promoting human rights through public education and publicity.

C. Achievements and challenges

3. The HKSAR Government is fully committed to attaining universal suffrage for the election of both the Chief Executive (CE) and all the LegCo members in accordance with the BL and the relevant Interpretation and Decisions of the Standing Committee of the National People's Congress (NPCSC). In June 2015, after two rounds of extensive public consultations which lasted for a total of seven months, the HKSAR Government presented to the LegCo a package of proposals to implement universal suffrage in the selection of the CE. The proposals were drafted in accordance with the BL and the relevant Decisions of the NPCSC, and also making reference to the views collected during public consultations. Regrettably, the motion was not passed by a two-thirds majority of the LegCo. The 2017 CE election continued to adopt the existing election method (i.e. by a 1 200-member Election Committee (EC)).

4. The HKSAR Government appreciates the importance of, and the public aspiration for, implementing universal suffrage for the selection of the CE and the formation of the LegCo. The HKSAR Government will do its best to work towards a favourable atmosphere to take forward constitutional development.

5. The fifth-term CE Election took place on 26 March 2017. A total of three candidates were validly nominated at the close of the nomination period for the election. Mrs Carrie Lam Cheng Yuet-ngor, who received more than half of the total number of valid votes cast by members of the EC, was appointed by the State Council of the PRC as the fifth-term, and first-ever female, CE of the HKSAR (2017-2022).

6. The sixth-term LegCo, which comprises 70 members, was returned by election on 4 September 2016 and the election to return the fifth-term District Councils was held on 22 November 2015.

7. On improvement of people's livelihood, the HKSAR Government has devoted more resources to poverty alleviation as well as support for the disadvantaged. Under the steer of the Commission on Poverty and through effective policy interventions, recurrent cash policies lifted 360 000 persons out of poverty in 2016, with the poverty rate reduced by 5.2 percentage points. The HKSAR Government has rolled out support measures for people in need, such as the introduction of the Working Family Allowance Scheme and the injection of \$400 million into the Partnership Fund for the Disadvantaged. The Statutory Minimum Wage has also been increased three times from \$28 per hour in 2011 to \$34.5 in 2017 which is higher than that of inflation during the same period.

8. A Commission on Children chaired by the Chief Secretary for Administration (CS) has been established on 1 June 2018 to amalgamate the efforts made by relevant bureaux/departments and child concern groups, and focus on addressing children's issues as they grow. An additional \$300 million has been injected into the Child Development Fund to support children from a disadvantaged background. The first Hong Kong Children's Hospital which serves as a centre for complex and serious pediatric cases will commence operation by end 2018.

9. To enhance collaboration within the HKSAR Government on support for the EMs, the CS will set up a cross-bureau steering committee to coordinate, review and monitor support for some 250 000 EMs in 2018. The HKSAR Government has also earmarked \$500 million for this purpose. Separately, the HKSAR Government continues to monitor the progress and refine implementation details of the support measures as appropriate to help non-Chinese speaking students to learn Chinese effectively. As Hong Kong's largest employer, active steps have been taken to ensure that the Chinese language proficiency requirements for various grades in the civil service are commensurate with their job requirements so that all applicants have equal access to job opportunities in the HKSAR Government.

10. To face the challenges of ageing population, the HKSAR Government has commenced a 10-year hospital development plan (with an additional 5 000 hospital beds), introduced the Higher Old Age Living

Allowance in addition to various social security payments, and adopted employment support measures for elderly job seekers.

11. The HKSAR Government continues to promote equal opportunities for persons with different sexual orientation and transgender persons, with a view to nurturing the culture and values of inclusiveness and mutual respect in the community. Concrete measures such as the development of training resources for personnel in specific fields to enhance their sensitivity towards sexual minorities, dedicated hotlines, and introduction of a charter on non-discrimination of sexual minorities for voluntary adoption by employers, etc. have been adopted. In 2014, an Inter-departmental Working Group on Gender Recognition (IWG) was set up to consider legislation and incidental administrative measures that may be required to protect the rights of transsexual persons in Hong Kong. A public consultation exercise was conducted in 2017. The IWG is analysing the responses received and will report the proposed way forward.

12. Following a comprehensive review of the four anti-discrimination ordinances by the EOC, the HKSAR Government has decided to take forward eight recommendations made by the EOC, including prohibition of discrimination on the ground of breastfeeding and protection from racial and disability harassment of service providers by service users. The legislative proposals will be introduced into the LegCo in 2018.

13. Since March 2014, the HKSAR Government has been operating a unified screening mechanism (USM) to screen non-refoulement claims on all applicable grounds. The USM procedures follow the statutory mechanism for screening torture claims in operation since December 2012. These procedures meet high standards of fairness, including the provision of publicly-funded legal assistance to all claimants. Claimants aggrieved by Immigration Department's decisions under the USM may appeal to the independent Torture Claims Appeal Board.

14. On employees' rights and benefits, a bill was passed by the LegCo in May 2018 to empower the Labour Tribunal to, without having

to first secure the employer's agreement, make an order for reinstatement or re-engagement of an employee who is dismissed unreasonably and unlawfully. For the statutory paternity leave, the HKSAR Government will introduce legislation to increase its duration from the existing three days to five days. A review to enhance the statutory maternity leave has also commenced. Foreign domestic helpers (FDHs) enjoy the same employment rights and protection as local workers under the labour laws. The HKSAR Government does not tolerate any abuse or exploitation of FDHs by employers or employment agencies (EAs). Another piece of new legislation came into effect in February 2018 to enhance the protection of job seekers including FDHs by substantially raising the maximum penalty for the offences of overcharging and unlicensed operation by EAs. An Action Plan to Tackle Trafficking-in-Persons and to Enhance Protection of FDHs in Hong Kong was promulgated in March 2018 by a high-level inter-bureau/departmental steering committee chaired by the CS to spearhead efforts of the HKSAR Government.

15. The HKSAR Government is committed to providing a safe, secure, humane, decent and healthy custodial environment and to helping persons in custody rehabilitate and re-integrate into society. To enhance the independence and transparency of the complaint handling mechanism, the Correctional Services Department established the Complaints Appeal Board in 2016 as an appeal channel for aggrieved complainants.

16. The HKSAR Government continues to respect the rights of peaceful assembly and procession. Between 2012 and 2017, there were over 50 000 public meetings and processions in Hong Kong. The majority of these events were conducted in a peaceful and orderly manner and in accordance with the law.

17. Freedom of expression and press freedom continued to be enjoyed by Hong Kong people. The HKSAR Government maintains an environment conducive to the operation of a free and active press and does not interfere with the internal operations of media organisations. In 2017, a new arrangement was introduced to allow admission of eligible online-only media to government press conferences and media events.

18. Improving people's livelihood, meeting their needs and the development of a livable city are the key challenges ahead for the HKSAR. The HKSAR will get prepared to grasp the opportunities arising from two important national development initiatives – the Belt and Road Initiative and the Guangdong-Hong Kong-Macao Bay Area Development. Developing innovation and technology will also help nurture new industries and provide quality employment opportunities for young people.