

**Fourth Report
of the Hong Kong
Special Administrative Region
of the People's Republic of China
in the light of the
International Covenant on
Civil and Political Rights**

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List of abbreviations

APIs	Announcement of Public Interests
ASBs	Advisory and statutory bodies
BOR	Hong Kong Bill of Rights
BWVCs	Body worn video cameras
C&ED	Customs and Excise Department
CA Panel	Panel on Constitutional Affairs of the Legislative Council
CAPO	Complaints Against Police Office
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CCTV	Closed-circuit television
CE	The Chief Executive
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CFA	The Court of Final Appeal
CGO	Central Government Offices
CGs	Consulates General
CIBS	Community involvement broadcasting service
CMAB	Constitutional and Mainland Affairs Bureau
CoE	Certificate of Entitlement
CPG	The Central People's Government
CRC	Convention on the Rights of the Child
CRPD	Convention on Rights of Persons with Disabilities
CSD	Correctional Services Department
CSSA	Comprehensive Social Security Assistance
CTO	Crimes (Torture) Ordinance (Cap. 427)
DAB	Digital audio broadcasting

List of abbreviations

DC	District Council
DDO	Disability Discrimination Ordinance (Cap. 487)
DH	Department of Health
DI report	Domestic incident report
DLR	Discrimination Law Review
DoJ	Department of Justice
DV report	Domestic violence report
EAs	Employment agencies
EC	Election Committee for electing the Chief Executive
ECDVD	Enhanced Central Domestic Violence Database
EDB	Education Bureau
EM	Ethnic minority
EM Unit	Ethnic Minorities Unit of the EOC
EOC	Equal Opportunities Commission
EPEV	Equal Pay for Work of Equal Value
FCPSUs	Family and Child Protective Services Units
FCs	Functional constituencies
FCSV	Family Conflict and Sexual Violence Policy Unit of the Police
FDHs	Foreign domestic helpers
FEHD	Food and Environmental Hygiene Department
FSDO	Family Status Discrimination Ordinance (Cap. 527)
GCE	General Certificate of Education
GCs	Geographical constituencies
GCSE	General Certificate of Secondary Education

List of abbreviations

HKBORO	Hong Kong Bill of Rights Ordinance (Cap. 383)
HKDSE	Hong Kong Diploma of Secondary Education
HKSAR	The Hong Kong Special Administrative Region of the People's Republic of China
ICAC	Independent Commission Against Corruption
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICSO	Interception of Communications and Surveillance Ordinance (Cap. 589)
IFSC	Integrated Family Service Centre
IGCSE	International General Certificate of Secondary Education
ImmD	Immigration Department
IPCC	Independent Police Complaints Council
ISSHK	International Social Service Hong Kong
IWG	Inter-departmental Working Group on Gender Recognition
JPs	Justice of the Peace
KFR	Kaifong Representatives
KG	Kindergarten
LAD	Legal Aid Department
LASC	Legal Aid Services Council
LCSD	Leisure and Cultural Services Department
LD	Labour Department
Learning Framework	Chinese Language Curriculum Second Language Learning Framework
LEAs	Law enforcement agencies
LegCo	Legislative Council
LIFA	Low-income Working Family Allowance

List of abbreviations

LRC	Law Reform Commission
MAC	Museum Advisory Committee
MHO	Mental Health Ordinance
MIPs	Mentally incapacitated persons
NC	Nominating Committee
NCS	Non-Chinese speaking
NECIIs	Non-ethnic Chinese illegal immigrants
NGOs	Non-governmental organisations
NPCSC	Standing Committee of the National People's Congress of the People's Republic of China
ODO	Oaths and Declarations Ordinance (Cap. 11)
OWP	One-Way Permit (i.e. Permits for Proceeding to Hong Kong and Macao)
PCPD	Office of the Privacy Commissioner for Personal Data
PCSOs	Probation and community service orders offices
PDPO	Personal Data (Privacy) Ordinance (Cap. 486)
PELA	Publicly-funded legal assistance
Police	Hong Kong Police Force
PRC	People's Republic of China
Previous Concluding Observations	The Committee's Concluding Observations adopted on 26 March 2013
PRH	Public rental housing
PSB	Public service broadcaster
RDO	Race Discrimination Ordinance (Cap. 602)
REO	Registration and Electoral Office
RTHK	Radio Television Hong Kong

List of abbreviations

Scheme-KG	Kindergarten under Kindergarten Education Scheme
SDCS	School Dental Care Service
SDO	Sex Discrimination Ordinance (Cap. 480)
SEC	Standard Employment Contract
SWD	Social Welfare Department
TCAB	Torture Claims Appeal Board
The 8.31 Decision	The Decision on Issues Relating to the Selection of the Chief Executive of the HKSAR by Universal Suffrage and on the Method for Forming the Legislative Council of the HKSAR in the Year 2016 on 31 August 2014
The Committee	The Human Rights Committee
The Covenant	International Covenant on Civil and Political Rights
The Government	The HKSAR Government
The Guidelines	Administrative Guidelines on Promotion of Racial Equality
The initial report	The initial report of the HKSAR in the light of the Covenant submitted in 1999
The Report	The fourth report of the HKSAR in the light of the Covenant
The second report	The second report of the HKSAR in the light of the Covenant submitted in January 2005
The Ombudsman	The Office of the Ombudsman
The previous report	The third report of the HKSAR in the light of the Covenant submitted in May 2011
TIP	Trafficking-in-Persons
TWP	Two-Way Permit (i.e. Exit-Entry Permit for Travelling to and from Hong Kong and Macao)
UGC	University Grants Committee

List of abbreviations

USM	Unified screening mechanism
VREO	Village Representative Election Ordinance (Cap. 576)
WoC	Women's Commission

Fourth Report of the Hong Kong Special Administrative Region of the People's Republic of China in the light of the International Covenant on Civil and Political Rights

Preamble

1. This is the fourth report of the Hong Kong Special Administrative Region of the People's Republic of China (HKSAR) in the light of the International Covenant on Civil and Political Rights (the Covenant) (the Report). It updates the Human Rights Committee (the Committee) on developments since the submission of the third report of the HKSAR (the previous report) in May 2011. It also responds to the Committee's Concluding Observations of March 2013 (previous Concluding Observations) which were adopted after the Committee had considered the previous report earlier that month, and the Committee's "Report on follow-up to the concluding observations of the Human Rights Committee" published in November 2017.

2. In preparing the Report, the HKSAR Government (the Government) has, in accordance with established practice, invited the public to submit their views on the Government's implementation of the Covenant in respect of the topics covered in the report outline and suggest additional topics that ought to be included in the Report from 1 December 2017 to 12 January 2018.

3. The outline was discussed at the Panel on Constitutional Affairs (CA Panel) of the Legislative Council (LegCo), and representatives of interested non-governmental organisations (NGOs) were invited to attend. We have carefully considered the views received in drafting the Report. Issues raised by commentators, together with the respective responses of the Government where applicable, have been incorporated in the relevant sections of the Report.

Article 1: Implementation of “one country, two systems”

4. The HKSAR is established under the principle of “one country, two systems”. As stipulated in Articles 1 and 2 of the Basic Law, the HKSAR is an inalienable part of the People's Republic of China (PRC) and enjoys executive, legislative and independent judicial power, including that of final adjudication.

5. Since the establishment of the HKSAR, the Central Authorities have been upholding Hong Kong’s high degree of autonomy, supporting the Government to act according to the law, and respecting Hong Kong’s judicial independence in accordance with the principle of “one country, two systems” and the Basic Law. Judicial independence is guaranteed by the Basic Law. The courts of HKSAR exercise judicial power independently and are free from interference. The Government spares no effort in preserving the rule of law and freedom, being Hong Kong’s two core values.

6. The executive authorities, the legislature and the Judiciary of the HKSAR will continue to discharge their respective duties in accordance with the Basic Law.

7. The progress and development of democracy in the HKSAR is covered under Article 25 of this Report.

Article 2: Ensuring to all individuals the rights recognised in the Covenant

Human rights institution

8. In paragraph 7 of the previous Concluding Observations, the Committee recommended strengthening the mandate and independence of the existing bodies (including the Office of The Ombudsman (The Ombudsman) and the Equal Opportunities Commission (EOC)), and reiterated its previous recommendation to establish an independent human rights institution, which was echoed by some local commentators.

9. In Hong Kong, human rights are fully protected by law. The legal safeguards are provided for in the Basic Law, the Hong Kong Bill of Rights Ordinance (Cap. 383) (HKBORO) and other relevant ordinances. They are buttressed by the rule of law and an independent judiciary. Under Hong Kong's existing institutional framework, there are a number of organisations which help promote and safeguard different rights. These organisations include the EOC, the Office of the Privacy Commissioner for Personal Data (PCPD), The Ombudsman, and the legal aid services. Over the years, the Government has continued to strengthen the mandate of these organisations as elaborated in **Annex 2A**. The existing mechanism of protecting human rights has worked well and that there is no need to establish another human rights institution to duplicate the functions of or supersede the existing mechanism.

Independent Police Complaints Council

10. Under the two-tier police complaints system, the Complaints Against Police Office (CAPO) is responsible for handling and investigating complaints lodged by members of the public against members of the Hong Kong Police Force (Police). It operates independently from other Police formations to ensure its impartiality in handling complaints. The Independent Police Complaints Council (IPCC) is an independent statutory oversight body specifically appointed to monitor and review the CAPO's handling and investigation of complaints. Members of the IPCC appointed by the Chief Executive (CE) are civilians drawn from a wide spectrum of the community, and persons who hold

office of emolument in a Government bureau or department (including any member of the Police) are not eligible for appointment. Further information on the police complaints system is provided in paragraph 57 of the HKSAR Common Core Document.

11. In gist, CAPO submits a detailed investigation report on each reportable complaint to the IPCC and is required to address queries and suggestions from the IPCC on the report. Where the IPCC members have doubts about the investigation of a particular complaint, they may invite the complainants, complainees and any other person who is or may be able to provide information or other assistance to attend interviews. If the IPCC is not satisfied with the result of a CAPO investigation, it may ask CAPO to clarify any doubts or reinvestigate the complaint. It may also bring the case to the personal attention of the CE. In 2016-17, the IPCC received investigation reports of 1 567 new cases and endorsed the investigation results for 1 550 cases involving 2 807 allegations. The IPCC also monitors CAPO's investigation into reportable complaints through the IPCC Observers Scheme, under which IPCC members and a wide pool of observers may, on a scheduled or surprise basis, attend any interviews or observe the collection of evidence conducted by the Police during investigation of complaints to ensure that these processes are conducted in a fair and impartial manner. In 2016-17, the IPCC observers conducted 1 817 observations, including 1 570 interviews and 247 collection of evidence. Over the past three years, the IPCC have also made more than 40 recommendations to the Police for improvement, including the improvement of procedure for dealing with mentally incapacitated persons (MIPs).

12. The statutory framework provided for under the Independent Police Complaints Council Ordinance (Cap. 604) as described above enhances the transparency of the police complaints system and reinforces the independent monitoring role of the IPCC.

Human rights education

13. The updated framework for the promotion of human rights is set out in paragraphs 61 to 85 of the HKSAR Common Core Document. Detailed information on human rights education in schools, human rights

education to government officers and Government Counsel of the Department of Justice (DoJ) is set out at **Annex 2B**.

Article 3: Equal rights of men and women

14. The Basic Law and the Hong Kong Bill of Rights (BOR) guarantee permanent residents of the HKSAR the right to vote and the right to stand for elections in accordance with law without distinction on the ground of sex. We enhanced publicity to encourage women to register as electors and to participate as candidates for the rural ordinary elections held in 2011 and 2015 respectively. In addition to the publicity programmes of a series of Announcement of Public Interests (APIs) on TV and radio as well as advertisement in newspaper and websites, etc., letters were sent to the Heung Yee Kuk, Rural Committees and women organisations of rural communities to encourage women participation in rural elections. The percentage of female registered electors increased from 47.3% in 2011 to 47.66% in 2015. The percentage of female candidates also increased from 2.23% in 2011 to 3.75% in 2015. The number of elected female rural representatives increased from 30 in 2011 to 49 in 2015, representing an increase of 63%.

15. The Committee expressed concern at paragraph 18 of its previous Concluding Observations in relation to domestic violence in Hong Kong, including domestic violence against women and girls with disabilities. The measures taken by the Government in combating domestic violence are elaborated in paragraphs 155 to 156 of this Report in respect of Article 24, and those measures equally protect women and girls with disabilities.

Equal pay for work of equal value (EPEV)

16. As explained in paragraph 72 of the previous report, the EOC has continued to promote the concept of EPEV through publications and organising training sessions. For details, please see **Annex 3A**.

Women in advisory and statutory bodies (ASBs)

17. The Government introduced the gender benchmark of 25% as an initial working target for appointment by the Government to ASBs in 2004, which was later raised to 30% in 2010. On the recommendation of the Women's Commission (WoC), the Government further raised the

target from 30% to 35% in April 2015 to further enhance the participation of women in ASBs. As at June 2017, the women's participation rate of ASBs with Government-appointed non-official members was 31.8%. The Government will closely monitor the situation and continue its efforts in promoting women's participation in ASBs. Further discussion on ASBs is at paragraph 185 below, in relation to Article 25.

Women in public office

18. As explained in paragraph 74 of the previous report, the number of women in the civil service directorate increased steadily from 1999 to 2009. That trend has continued. The number of female directorate officers in the civil service has increased from 316 (26.3%) in 2004 to 396 (32.3%) in 2009, and to 454 (34.2%) in 2014. In June 2017, the number of female directorate officers was 475 (35.7%). The percentage of female staff in the civil service stood at 37.4% in June 2017. In the 5th Term Government of the HKSAR, the CE (who is the head of the HKSAR) and the Secretary for Food and Health are women. As at end of 2017, half of the 18 top civil service positions (Permanent Secretary posts ranked at Point 8 of the Directorate Pay Scale) were filled by female officers.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

19. We are in parallel preparing the fourth report of the HKSAR under the CEDAW, which would form part of the ninth report of the PRC under CEDAW, at the time of finalising this report. Our work to fulfil our obligations under CEDAW and to advance the status of women in Hong Kong would be explained in detail in our fourth CEDAW report.

Women's Commission

20. The WoC is a high-level central mechanism on women's issues. Its mission is to enable women in Hong Kong to fully realise their due status, rights and opportunities in all aspects of life. Highlights of WoC's work are set out at **Annex 3B**.

21. WoC receives an annual Government funding to implement its programmes and secretarial support from the Labour and Welfare Bureau. Further details of the work of WoC would be discussed in our fourth CEDAW report.

Legislation against sex discrimination

Sex Discrimination (Amendment) Ordinance 2014

22. In 2014, the Government extended the protection and territorial scope of the Sex Discrimination Ordinance (Cap. 480) (SDO) to render unlawful any sexual harassment by customers against providers or prospective providers of goods, facilities or services. The prohibition of sexual harassment has also been expanded to cover harassment which occurs on a Hong Kong registered ship or aircraft even if it is outside the territory. The amendment affords protection to service providers in Hong Kong including approximately over 45 000 nurses, 12 000 flight attendants, 230 000 food and beverage workers and 260 000 retail workers.

Discrimination Law Review (DLR)

23. The EOC reviews the operation of the four pieces of anti-discrimination legislation on a regular basis and puts forward legislative proposals where necessary. As explained in paragraphs 186 to 187 below, the EOC made submission on the DLR to the Government in 2016, and the Government's target is to submit legislative proposals covering eight of the recommendations of priority in the form of a composite bill to the LegCo in 2018. Among these eight recommendations of higher priority, four are related to amendments to the SDO such as prohibiting discrimination on the ground of breastfeeding and expanding the scope of protection from sexual harassment to persons in a common workplace.

Article 4: Public emergencies

24. The position is as explained in paragraphs 88 to 92 of Part II of the initial report.

Article 5: Prohibition on the destruction of any rights and freedoms recognised in the Covenant

25. The position is as explained in paragraph 93 of Part II of the initial report. In short, Article 5 has been implemented by section 2(4) and (5) of the HKBORO.

Article 6: Right to life

26. The latest position in relation to deaths in custody of the Police, the Correctional Services Department (CSD), the Customs and Excise Department (C&ED), the Immigration Department (ImmD) and the Independent Commission Against Corruption (ICAC) is set out at **Annex 6A**.

Child Fatality

27. As mentioned in paragraph 90 of the previous report, the Social Welfare Department (SWD) has launched the Pilot Project on Child Fatality Review in February 2008 and set up a Review Panel. Upon the evaluation of the Pilot Project in 2010, this led to the setting up of the standing child fatality review mechanism in June 2011. Please see **Annex 6B** for details.

Article 7: No torture or inhuman treatment and no experimentation without consent

28. In paragraph 8 of the previous Concluding Observations, the Committee expressed concern over sections 2(1) and 3(4) of the Crimes (Torture) Ordinance (Cap. 427) (CTO) and recommended that the HKSAR should bring its legislation in line with international standards.

29. The HKSAR wishes to clarify that section 2(1) of the CTO defines “public official” as including “any person holding in Hong Kong an office described in the Schedule”, which refers to an office in the Police, the C&ED, the CSD, the ICAC and the ImmD. The use of the word “includes” in the definition of “public official” makes it clear that a person not holding an office described in the Schedule may still be a “public official” (or a “person acting in an official capacity”) within the meaning of section 2(1) and may be prosecuted for the offence of torture.

30. Section 3(1) of the CTO makes it an offence for a public official or a person acting in an official capacity to “intentionally inflict severe pain or suffering on another in the performance or purported performance of his or her official duties”. In comparison with the definition of “torture” in Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the offence of torture in section 3(1) of the CTO is wider in scope. The offence is not limited by the purpose for which the perpetrator commits the act.

31. In light of the broad scope of the offence of torture in section 3(1) of the CTO, the HKSAR remains of the view that it is necessary to provide for a defence in section 3(4) where the accused can prove that he had lawful authority, justification or excuse for the conduct in respect of which he is charged. The defence of “lawful authority, justification or excuse” is intended to cover matters such as the use of reasonable force to restrain a violent prisoner or to treat a patient. It is not intended to cover, nor would the courts be asked to interpret section 3(4) as authorising, conduct intrinsically equivalent to torture as defined in Article 1 of the CAT.

32. The non-derogable character of the prohibition of torture is clearly provided for in section 5(2)(c) of the HKBORO and has been recognised by the courts in various rulings. In light of Article 39 of the Basic Law, the courts will give full consideration to the absolute and non-derogable character of the prohibition of torture under the Covenant and the HKBORO when considering whether or not an accused person is entitled to the defence in section 3(4) of the CTO.

Instances of the alleged use of torture or other forms of ill-treatment

33. The position remains as mentioned under paragraph 92 of the previous report.

34. Since the submission of the previous report in 2011, the CAPO has not received any complaint of torture as defined in the CTO. As at 31 December 2017, there has not been any prosecution for the offence of torture under the CTO.

Training of disciplined forces and the ICAC

35. The position remains as mentioned under paragraphs 116 to 123 of Part II of the initial report.

36. At paragraph 11 of its previous Concluding Observations, the Committee recommended increasing efforts to provide training to the Police with regard to the principle of proportionality when using force, taking due account of the United Nations Principles on the Use of Force and Firearms by Law Enforcement Officials.

37. The Police have established guidelines and training in the use of force. The training materials cover the principle of proportionality when using force. Police officers may use minimum force as appropriate only when such an action is absolutely necessary and there are no other means to accomplish the lawful duty. Police officers shall give verbal warning prior to the use of force as far as circumstances permit, while the person(s) involved shall be given every opportunity, whenever practicable, to obey police orders before force is used.

38. Details on the training of the Police and the ICAC are set out at **Annex 7A**.

Screening of claims for non-refoulement protection

39. Foreigners who have smuggled into the HKSAR, who have overstayed their limit of stay allowed by the ImmD or who have been refused entry upon arrival (collectively “illegal immigrants” below) are liable to be removed from the HKSAR in accordance with the law. To maintain effective immigration control and for public interest, they should be removed as soon as practicable.

Refugee Convention not applicable

40. The 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol have never been applied to the HKSAR, and illegal immigrants seeking non-refoulement protection in the HKSAR are not to be treated as “asylum seekers” or “refugees”. The Government has a long-established policy of not granting asylum, and not determining or recognising refugee status.

41. The HKSAR is a very densely populated city with long coastlines, a liberal visa regime and a regional transportation hub, making us particularly vulnerable to the ill-effects of illegal immigration. We must maintain effective immigration control to safeguard the livelihood and employment opportunities of local workers, including preventing illegal immigrants from seeking to enter and effectively removing them. By experience, any sign (however tenuous) of potential relaxation in the Government’s attitude towards illegal immigrants could mislead would-be migrants into believing that they may seek to enter and remain here, bringing to the HKSAR a significant risk of mass influx of illegal immigrants which would greatly jeopardise public safety and social stability.

42. That said, ImmD will not remove illegal immigrants to another country where they would face a real risk of being subjected to persecution¹.

Screening for non-refoulement claims

43. Following various decisions of the Hong Kong courts², the Government enacted the Immigration (Amendment) Ordinance 2012 to ensure that procedures to screen torture claims would meet the common law requirements of high standards of fairness, under which –

- (a) claimants to set out the basis of their claims by completing claim forms;
- (b) claimants to attend screening interviews with immigration officers to answer questions relating to their claims; and
- (c) the immigration officer who has interviewed the claimant to decide the claim having regard to all relevant considerations, and to inform claimant of the decision and reasons in writing.

44. Any claimant aggrieved by the officer's decision may appeal to the Torture Claims Appeal Board (TCAB), comprising members who either have a judicial background (former judges or magistrates), are legally qualified, or have substantial experience in adjudicating asylum claims in other common law jurisdictions.

¹ In March 2013, the Court of Final Appeal ruled in *C & Others v Director of Immigration* (2013) 16 HKCFAR 280 that, given it is the Director of Immigration's policy to take into consideration a person's claimed fear of persecution as a relevant factor when deciding whether or not to remove the person to another country, the Director is required to make an independent assessment as to whether the claimed fear of persecution is well-founded before executing such removal. Prior to this decision, the Government maintained, on humanitarian grounds, a practice of withholding removal of foreigners who had applied to the United Nations High Commissioner for Refugees (the HKSAR for recognition of their refugee status in the HKSAR, despite the Government's prevailing long-established policy of not determining anyone's refugee status and not granting asylum. However, UNHCR has ceased refugee status determination in the HKSAR after commencement of the Unified Screening Mechanism.

² Including the CFA's decision in *Secretary for Security v Sakthevel Prabakar* (2004) 7 HKCFAR 187, and the Court of First Instance's decision in *FB v Director of Immigration* [2009] 2 HKLRD 346, amongst others.

45. In paragraph 9 of its previous Concluding Observations, the Committee recommended that the HKSAR should recognise the absolute character of prohibition of return to a location where the individual faces a real risk of torture or CIDTP. In light of the Court of Final Appeal's (CFA) ruling in *Ubamaka Edward Wilson v Secretary for Security* (2012) 15 HKCFAR 743 in December 2012³, a claimant who has established a real risk of torture or CIDTP is entitled to non-refoulement protection under Article 3 of BOR and may not be returned to his country so long as the real risk of torture or CIDTP persists – this is consistent with the absolute character of the principle of non-refoulement under Article 7 of the Covenant.

46. In March 2014, the Government commenced operating a unified screening mechanism (USM) to screen claims made by illegal immigrants resisting removal to another country on all applicable grounds (non-refoulement claims), under which an illegal immigrant cannot be removed to another country where he would face substantiated risks of torture or a violation of an absolute and non-derogable right under the BOR, and will not be removed to another country where he would face a substantiated risk of persecution. Procedures of USM follow the statutory mechanism for torture claims in operation since December 2012 (see paragraph 43 above) to ensure that the common law requirements of high standards of fairness are met.

47. In determining each claim, the case officer will take into account all relevant considerations, including the facts and supporting evidence submitted by the claimant and country of origin information, as well as local and overseas jurisprudence. As for the Committee's recommendation, also at paragraph 9 of its previous Concluding Observations, that the HKSAR should not set an inappropriate high threshold for recognising a real risk of ill-treatment on return, it should be noted that ImmD adopts the same threshold as that laid down by the CFA in *Ubamaka* in determining non-refoulement claims, that a claimant who invokes protection from CIDTP must establish that he faces a real risk of

³ In *Ubamaka*, the CFA ruled that the right not to be subjected to cruel, inhuman or degrading treatment or punishment (CIDTP) enshrined in Article 3 of the BOR (which implements Article 7 of the Covenant) is absolute and non-derogable and the Government must not remove a foreigner to a country where he has a genuine and substantial risk of being subjected to CIDTP, however objectionable his conduct or character may be.

being subjected to ill-treatment which attains a “minimum level of severity”; the CFA observed that “a very high threshold must be surmounted” to establish such. This is consistent with the requirements of Article 7 of the Covenant.

48. Since 2009, publicly-funded legal assistance (PFLA) is available to all claimants during the entire screening process, with hundreds of barristers and solicitors who have received relevant training to provide PFLA to claimants during the screening process.

49. Aside from PFLA, qualified interpretation and translation services (also publicly-funded) would be provided to claimants as appropriate. If the physical or mental condition of a claimant is in dispute and is relevant to the consideration of a claim, ImmD may arrange qualified medical practitioners to conduct a medical examination which is also publicly funded. ImmD’s case officers also received suitable training to attend to special needs of vulnerable claimants as necessary⁴.

50. USM procedures are published on ImmD’s departmental website. Translated copies are available at ImmD’s Recognizance Reporting Offices.

51. All non-refoulement claims are individually screened under the USM, under which each non-refoulement claimant would be given all reasonable opportunities to submit his grounds and supporting evidence (including his own medical expert evidence, if any) to establish his claim, including procedures and support set out in paragraphs 43, 44, 48 to 50 above.

52. As mentioned in paragraph 44 above, claimants aggrieved by a decision of an immigration officer to reject a non-refoulement claim may appeal to the independent statutory TCAB. Over 90% of appeals are decided after an oral hearing. PFLA is also available to appellants where the lawyer assisting the claimant is of the view that an appeal is meritorious.

⁴ For example: arranging female case officers for female claimants who allege to have been sexually abused or who so request on religious grounds; allowing a relative/guardian to accompany minors or mentally incapacitated claimants in interview(s); providing barrier-free access for claimants with disabilities, etc.

53. In determining whether a claim is substantiated, the decision maker in ImmD or TCAB must, having regard to the individual circumstances of the case, take into account all relevant considerations including, if applicable, relevant country information and whether there is any region within the risk country in which the claimant would not face a risk of harm under any applicable grounds. If the claim is found to be substantiated, the claimant will not be removed from Hong Kong to the risk country until the said risk no longer exists. ImmD and TCAB would inform a claimant of their decisions and reasons in writing.

54. Issues relating to Government's humanitarian assistance, the number of non-refoulement claimants and the comprehensive review of the strategy of handling non-refoulement claimants are set out at **Annex 7B**.

Article 8: No slavery or servitude; no forced or compulsory labour

55. The position remains as set out in paragraph 102 of the previous report. Articles 4(1) and (2) of the BOR prohibit slavery and the slave trade in all their forms and also the holding of any person in servitude. Forced or compulsory labour is prohibited by Article 4(3) of the BOR. Proven instances of slavery, servitude, forced and compulsory labour remain rare in Hong Kong. Although the Court of First Instance has decided in *ZN v Secretary for Justice* [2017] 1 HKLRD 559 that the applicant was a victim of human trafficking for the purpose of forced labour, the Government is appealing against the Court's decision.

Protection of foreign domestic helpers

56. Some commentators expressed concerns on the protection of the basic rights of foreign domestic helpers (FDHs) in Hong Kong. The Government remains committed to protecting the rights of all migrant workers (including FDHs). FDHs enjoy the same rights and protection as local workers under the labour laws, regardless of their race or country of origin, in relation to their entitlement to weekly rest days, paid statutory holidays, paid annual leave, sickness allowance, maternity protection, long service payment, severance payment, compensation for work-related injuries or death, right to form and join trade unions, and protection against anti-union discrimination, etc. FDHs are further protected through the government-prescribed Standard Employment Contract (SEC), under which they enjoy the Minimum Allowable Wage, free accommodation, free food (or food allowance), free medical care and free return passage to/from their home countries. The regulation of Employment Agencies (EAs) has also been substantially strengthened (see **Annex 8A**).

Protection of FDHs against abuse or exploitation

57. The Government does not tolerate any abuse or exploitation of FDHs. In respect of protecting the employment rights of FDHs, any violation of the Employment Ordinance (Cap. 57) that is supported by sufficient evidence will be prosecuted by the Labour Department (LD). The prompt investigation and prosecution actions taken by the law enforcement authorities and the subsequent six-year jail term imposed on

the former employer of an Indonesian domestic helper for assault and breaches of labour laws in 2015 demonstrate the high importance that the Government attaches to protecting FDHs. From July 2010 to July 2017, LD secured 190 convicted summonses against employers of FDHs for wage offences. Among the convicted employers, eight were sentenced to perform community service for up to 240 hours, while four were sentenced to imprisonment for up to 4 months.

58. FDHs abused or assaulted by their employers are advised to make a report to the Police as soon as possible. The Police will take statements from the FDH in his or her language or dialect through an interpreter. The Police may also co-ordinate with the SWD, NGOs and the FDH's employment agency to arrange for emergency assistance, counseling and temporary residence. With sufficient evidence, the Police will arrest the offenders and take further action as appropriate.

59. Between July 2010 and July 2017, the Police received 259 reports of wounding and serious assault cases involving FDHs who alleged that they had been attacked by their employers. The Police do not maintain statistics on the sentencing outcomes.

60. Clause 3 of the SEC specified that all FDHs shall only work and reside in their employers' residences. If employers breach their undertaking in the SEC and the relevant application forms, ImmD will take into consideration such records in assessing their future applications for employing FDHs. ImmD has strengthened the assessment of contract renewal applications by employers and may refuse such applications in cases where the FDHs are found to be absent from Hong Kong for a prolonged period and/or there are irregularities in the movement patterns of the FDHs. Furthermore, any employer and/or FDH who furnishes false information in the course of an application may contravene the Immigration Ordinance (Cap. 115). We encourage any FDHs who consider that their employers have contravened any contractual terms to report their cases to LD and/or ImmD for assistance and investigation. LD has made extensive efforts in promoting the rights of FDHs (see **Annex 8B** for details).

“Two-week rule”

61. The Committee recommended the Government to consider repealing the “two-week rule”⁵ at paragraph 21 of its previous Concluding Observations.

62. The main purpose of the “two-week rule” is to allow sufficient time for FDHs to prepare for the departure but not for them to find new employers. It is required for maintaining effective immigration control and preventing FDHs from job-hopping and working illegally after contract termination. The Government does not intend to repeal the “two-week rule”.

63. The “two-week rule” does not preclude FDHs from working in the HKSAR again after returning to their home countries. Under exceptional circumstances⁶, ImmD may allow the FDH to change employer in the HKSAR without having to return to his/her home country. In the event that an FDH is involved in a labour dispute and is required to remain in the HKSAR for the proceedings and attending hearings after the completion or termination of his/her employment contract, the FDH may apply to ImmD for extension of stay as a visitor with relevant proof. Each of these applications will be determined on its individual merits. As at 30 November 2017, ImmD approved 6 478 cases for change of employer after premature termination.

Live-in requirement for FDHs

64. At paragraph 21 of its previous Concluding Observations, the Committee recommended the Government to consider repealing the “live-in” requirement, which forms the cornerstone of Hong Kong’s policy of importing FDHs.

⁵ Under the prevailing policy, an FDH must leave the HKSAR upon completion of his/her employment contract or within two weeks from the date of termination of the contract, whichever is earlier. To this end, employers are required under the SEC to provide return passage to their FDHs upon completion or termination of the employment contracts.

⁶ Such as an FDH’s previous employment contract being prematurely terminated owing to the employer’s migration, external transfer, death or financial difficulty, or there being evidence that the FDH has been abused or exploited

65. As in many other jurisdictions in the world, priority in employment should be given to local workforce, and importation of workers should only be allowed where there is confirmed manpower shortage that cannot be filled by local workers. Against this principle, FDHs have been imported since the early-1970s to meet the shortfall of local live-in domestic workers. Given that there is no shortage in supply of local non-live-in domestic workers, any change to the “live-in requirement” will go against the rationale for importing FDHs and the fundamental policy that local employees should enjoy priority in employment.

66. This live-in requirement has been made known to FDHs before their admission into Hong Kong, and specified in the SEC which is signed by both the employer and the FDH beforehand. To safeguard the rights of FDHs, the employers are required to undertake to the Government that they will provide the FDH with free, suitable and furnished accommodation and with reasonable privacy. If an employer fails to provide such accommodation, the FDH may terminate the SEC and/or report to LD for free consultation or conciliation services. The FDH may also report it to ImmD which will take this into account in determining whether the employer’s future applications for FDHs should be refused.

Minimum Allowable Wage and Employees Retraining Levy on employers

67. We would take the opportunity to update paragraph 108 of the previous report – there were seven adjustments to FDHs’ monthly Minimum Allowable Wage since the submission of the previous report, all upward, to the prevailing amount of \$4,410, applicable to contracts signed on or after 30 September 2017. The Employees Retraining Levy on employers of FDHs was abolished on 14 May 2013 so as to ease the burden on families employing FDHs.

Overall regime on combating trafficking in person and victim protection

68. First of all, whilst we note the Committee’s recommendation at paragraph 20 of its previous Concluding Observations to take steps

which could lead to the extension of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* (the Palermo Protocol) to the HKSAR, we are mindful, given the HKSAR's liberal visa regime, of the adverse implications to our effective immigration controls and possible abuses by overstayers and illegal migrants if the Palermo Protocol, in particular the provision to permit victims of Trafficking-in-Persons (TIP) to remain in the territory, is applied to the HKSAR. Upon considering these implications, we have no plan to extend the Palermo Protocol to the HKSAR.

69. There is no sign that the HKSAR is being actively used by syndicates as a destination or transit point for TIP, or that TIP is a prevalent or widespread problem in the HKSAR. The Government attaches great importance to combating TIP. We have put in place a package of effective and comprehensive legislative and administrative measures to combat TIP with continuous enhancements over the years, and our law enforcement agencies (LEAs) will continue to take proactive enforcement actions in combating human trafficking and protecting victims. Our efforts are set out in the ensuing paragraphs.

Legislative Framework

70. As regards the Committee's recommendation to include certain practices regarding FDHs in the definition of the crime of human trafficking, the Committee is invited to note that the HKSAR addresses TIP through various pieces of local legislation, encompassing offences such as physical assault, false imprisonment, criminal intimidation, unlawful custody of personal valuables, child abduction, child pornography and exploitation of children, illegal employment, trafficking in persons for the purpose of prostitution, control over persons for purpose of prostitution, causing prostitution, living on earnings of prostitution of others, etc. Some of the offences attract penalty of up to life imprisonment. In addition, there is dedicated labour legislation to protect the rights of workers, including FDHs, particularly in respect of withholding of wages, non-granting of rest days or statutory holidays. This 'multiple-legislation' approach provides LEAs and prosecutors with more flexibility in investigating and prosecuting TIP cases.

71. To enhance prosecutors' awareness of TIP and forced labour, the Prosecution Code published in 2013 by the DoJ added a new paragraph on "Human Exploitation Cases", with the aim and purpose of providing guidance to prosecutors as to what may amount to TIP and exploitation as well as the proper approach to be adopted in cases involving these elements. The definition of TIP as set out under the Palermo Protocol is adopted in the Code.

Inter-departmental co-operation

72. There are established mechanisms for inter-departmental co-operation in combating TIP. At the operational level, the Inter-departmental Joint Investigation Team, set up in 1998, enables intelligence exchange among various departments and joint investigation / co-operation on TIP activities in day-to-day operations, discussion on the current trends in TIP, monitoring of case statistics and law enforcement initiatives to combat the crime. At the policy level, an inter-departmental TIP Working Group was established in 2010 to enhance enforcement strategy against TIP, monitor the overall situation of TIP and formulate the overall strategy for combating TIP in the HKSAR.

73. In 2016, a "Guideline on Inter-departmental Cooperation for the Handling of Suspected Cases of Trafficking in Persons" was issued to provide guidance on the general principles and procedures to enhance inter-departmental co-operation among Government bureaux / departments in anti-TIP work. In April 2017, the Prosecutions Division of the DoJ has assigned a designated desk to oversee and co-ordinate cases involving TIP issues handled or submitted by various LEAs for legal advice.

Victim Identification

74. As regards the Committee's recommendation to intensify efforts for victim identification, the Committee is invited to note that the Police and ImmD have put in place an enhanced mechanism for TIP victim screening and identification since July 2016. The C&ED has also implemented the same since March 2017. Under the mechanism, the officers will conduct a two-tier screening on vulnerable persons who are

arrested or who put themselves forward to the authorities with a view to ascertaining whether they are TIP victims.

Protection for Victims

75. As regards the Committee's recommendation on strengthening assistance, protection and support provided to TIP victims, the Committee is invited to note that the Government already provides holistic and humane protection, support, and assistance to TIP victims, details of which are set out at **Annex 8C**.

Training and Partnership

76. Training on anti-TIP is offered to the officers of LEAs, LD, SWD and prosecutors, etc. In 2017, about 2 000 government officials have received local / overseas anti-TIP training. Relevant LEAs have included the theme of TIP into their induction training for all officers.

77. The Government also co-operates with other jurisdictions, including Australia, the United States and the European Union, etc. and other NGOs to provide specialised training workshops on TIP to officers from various bureaux / departments. The Government also actively participates in international conferences and workshops to identify the best practice to combat TIP and share TIP intelligence and experience. Our anti-TIP efforts are kept under regular review.

Article 9: Liberty and security of person

78. The position on legal protection of the right to liberty and security of person in HKSAR remains as mentioned in paragraphs 150 and 151 of Part II of the initial report, i.e. it is guaranteed under Article 28 of the Basic Law, and Article 5 of the BOR which corresponds to Article 9 of the Covenant.

Immigration detention in respect of foreign illegal migrants

79. The legal position on the liberty and security of persons who are detained pending removal from the HKSAR was clarified by the CFA in a judicial review case in 2014. For details, please see **Annex 9A**.

Article 10: Right of persons deprived of their liberty

The rights of persons in custody

80. The position regarding legal protection of the rights of persons in custody is essentially as explained in paragraph 177 of Part II of the initial report. The latest position with respect to avenues for complaints, Justice of the Peace (JPs) Visit Programme as well as complaints to The Ombudsman is set out at **Annex 10A**.

Regulation and management of penal establishments

81. The position remains the same as explained in paragraph 129 of the previous report. The updated position of the prison population and ethnic minority (EM) population are set out at **Annex 10B**.

Rehabilitation of juvenile offenders and other offenders

82. The position regarding the rehabilitation of offenders, and rehabilitation of juvenile offenders remain largely the same as explained in paragraphs 134 to 139 of the previous report, and paragraphs 103, and 105 to 108 of Part II of the second report respectively. Please see **Annex 10C** for details.

Assistance for Hong Kong residents detained in the Mainland of China

83. The position regarding the assistance for Hong Kong residents detained in the Mainland of China (the Mainland) remains largely the same as explained in paragraphs 142 to 144 of the previous report. Updates on the reciprocal notification mechanism is set out at **Annex 10D**.

Article 11: No imprisonment for non-fulfilment of contract

84. The position remains the same as explained in paragraphs 217 to 221 of Part II of the initial report.

Article 12: Liberty of movement

Legal protection of liberty of movement

85. The legal protection remains essentially as mentioned in paragraphs 222 to 225 of Part II of the initial report. Hong Kong residents' freedom of movement within the HKSAR and the freedom to enter or leave the HKSAR continues to be protected under Article 31 of the Basic Law and Article 8 of the BOR (which implements Article 12 of the Covenant).

86. At paragraph 17 of its previous Concluding Observations, the Committee expressed concerns on the right of movement of Falun Gong practitioners in Hong Kong. Falun Gong practitioners enjoy the right to freedom of movement on equal terms as other Hong Kong residents. There are no specific measures that are aimed at curtailing their freedom of movement in Hong Kong.

Travel documents for permanent residents and non-permanent residents

87. Under Article 154 of the Basic Law, the Government is authorised to issue HKSAR passports to all Chinese citizens who hold Hong Kong permanent identity cards (persons who hold such cards have the right of abode in Hong Kong). The ImmD is the sole authority for the issue of HKSAR passports. Please see **Annex 12A** for details.

Immigration control on entry into Hong Kong by visitors

88. The position was essentially as explained in paragraphs 152 to 155 of the previous report. Under the “one country, two systems” principle enshrined in the Basic Law, the HKSAR enjoys a high degree of autonomy. Article 154(2) of the Basic Law provides that the Government may apply immigration controls on entry into, stay in and departure from the Region by persons from foreign states and regions. Please refer to **Annex 12B** for details.

Assistance for Hong Kong residents in distress outside Hong Kong

89. The position was essentially as explained in paragraphs 156 to 157 of the previous report.

Article 13: Restrictions on expulsion from Hong Kong

Legal position

90. The legal position, including the powers of deportation and removal under the Immigration Ordinance (Cap. 115), remains as explained in paragraphs 246 to 248 of Part II of the initial report.

91. The updated figures on deportation orders and removal orders issued since the preparation of the previous report, and the position of Immigration Tribunal are set out at **Annex 13A**.

Article 14: Equality before courts and right to fair and public hearing

Right of access to courts

92. Our legal aid policy remains that no one with reasonable grounds for taking or defending legal action in a Hong Kong court is prevented from doing so because of a lack of means. Paragraphs 45 to 48 of the HKSAR Common Core Document provide an overview of the legal aid services in the HKSAR, and paragraph 32(f) of that document provides statistics on legal aid applications in recent years. The Government regularly reviews the criteria for assessing the financial eligibility of legal aid applicants as well as the scope of legal aid schemes.

93. On the issue of independence of the legal aid system, the Legal Aid Services Council⁷ (LASC) conducted a review in 2009 and the findings were set out in paragraph 175 of the previous report. Further to the 2009 review, LASC carried out another review on the issue and made recommendations in 2013. In this review, LASC considered that there was no immediate need to establish an independent legal aid authority though it would be worthwhile to revisit the independence issue from time to time. Please see **Annex 14A** for details.

Legal representation for children

94. The position remains largely as explained in paragraphs 177 to 178 of the previous report.

Live television link for victims of specified sexual offences

95. Currently, the court may, on its own motion or upon application, permit certain persons, including a child, a mentally incapacitated person and a “witness in fear”, to testify by way of a live television link in criminal proceedings in certain circumstances. In June 2017, the Government introduced a Bill into the LegCo seeking to enable

⁷ LASC is a statutory body set up in 1996 under the Legal Aid Services Council Ordinance (Cap. 489) to oversee the administration of legal aid services provided by the Legal Aid Department and advise the CE on legal aid policy. LASC is chaired by a non-official and includes eight other members (two barrister members, two solicitor members and four lay members), with the Director of Legal Aid as an ex officio member.

the court to permit complainants of specified sexual offences to give evidence by way of a live television link, so as to protect them from the embarrassment or ordeal of being exposed to public sight, any indignity of treatment, and the anxiety arising from the need to physically face the assailants during the trial.

Impact of interpretation of the Basic Law by the Standing Committee of the National People's Congress (NPCSC) on the rule of law and independence of judiciary in HKSAR

96. In paragraph 5 of the previous Concluding Observations, the Committee expressed concern that the interpretations of the Basic Law by the NPCSC may weaken and undermine the rule of law and the independence of the judiciary. Since the previous report, there have been two interpretations of the Basic Law by the NPCSC.

Interpretation of Articles 13(1) and 19 of the Basic Law in 2011

97. The first NPCSC interpretation concerns the case of *Democratic Republic of the Congo v FG Hemisphere Associates LLC* (2011) 14 HKCFAR 95 in connection with the nature and scope of state immunity which applies to foreign States being sued in the HKSAR. Article 158(2) of the Basic Law provides that in adjudicating cases, the courts of the HKSAR may interpret on their own the provisions of the Basic Law which are within the limits of the autonomy of the Region. Article 158(3) further provides that, if the courts of the Region, in adjudicating cases, need to interpret the provisions of the Basic Law concerning affairs which are the responsibility of the Central People's Government (CPG), or concerning the relationship between the Central Authorities and the Region, and if such interpretation will affect the judgments on the cases, the courts shall, before making their final judgments which are not appealable, seek an interpretation of the relevant provisions from the NPCSC through the CFA. In matters falling within the ambit of Article 158(3), the CFA has a duty to seek an interpretation from the NPCSC.

98. Upon referral by the CFA in *Democratic Republic of the Congo*, the NPCSC issued an interpretation on Articles 13(1)⁸ and 19⁹ of the Basic Law in August 2011. In this interpretation, the NPCSC clarified the application of the doctrine of state immunity in the HKSAR, stating that the determination as to rules or policies on state immunity is an act of state involving foreign affairs, and that the laws previously in force in Hong Kong concerning the rules on state immunity may continue to be applied after 1 July 1997, subject to such modifications, adaptations, limitations or exceptions as are necessary to make them consistent with the rules or policies on state immunity that the CPG has determined.

99. The NPCSC interpretation is consistent with the provisional judgment of the majority of the CFA in that case. The decision to refer the matter to the NPCSC for an interpretation was made by the CFA in accordance with the law. While the HKSAR is vested with independent judicial power and the courts have jurisdiction over all cases, the courts of the HKSAR have no jurisdiction over acts of state such as defence and foreign affairs under Article 19(3) of the Basic Law. The CFA's referral and the NPCSC's interpretation are entirely consistent with the principles of "one country, two systems" and the independence of the judiciary under the Basic Law.

Interpretation of Article 104 of the Basic Law in 2016

100. Article 104 of the Basic Law provides that when assuming office, the CE, principal officials, members of the Executive Council and of the LegCo, judges of the courts at all levels and other members of the

⁸ Article 13(1) of the Basic Law provides that "The Central People's Government shall be responsible for the foreign affairs relating to the HKSAR."

⁹ Article 19 of the Basic Law provides as follows:
"[1] The HKSAR shall be vested with independent judicial power, including that of final adjudication. [2] The courts of the HKSAR shall have jurisdiction over all cases in the Region, except that the restrictions on their jurisdiction imposed by the legal system and principles previously in force in Hong Kong shall be maintained. [3] The courts of the HKSAR shall have no jurisdiction over acts of state such as defence and foreign affairs. The courts of the Region shall obtain a certificate from the Chief Executive on questions of fact concerning acts of state such as defence and foreign affairs whenever such questions arise in the adjudication of cases. This certificate shall be binding on the courts. Before issuing such a certificate, the Chief Executive shall obtain a certifying document from the Central People's Government."

judiciary in the HKSAR must, in accordance with law, swear to uphold the Basic Law and swear allegiance to the HKSAR of the PRC.

101. On 7 November 2016, the NPCSC issued an interpretation of Article 104 of the Basic Law pursuant to Article 158(1) of the Basic Law, reiterating and explaining clearly the meaning of Article 104, and no change has been made to the content of that Article. Oath taking by public officers specified in Article 104 when assuming office continues to be conducted in accordance with Article 104 and the Oaths and Declarations Ordinance (Cap. 11) (ODO).

102. In November 2016, the Court of First Instance (HCAL 185/2016) handed down a judgment on whether the oaths purportedly taken by two LegCo Members-elect in the 2016 LegCo general election contravened the Basic Law and the ODO. The Court held that, independent of the NPCSC interpretation of Article 104 of the Basic Law, the laws of Hong Kong as set out in the relevant provisions of the ODO carry effectively the same meanings and legal effects as Article 104 as interpreted by the NPCSC. As an oath is a solemn declaration, the ODO does not allow for any real difference in the form and substance of the oath itself. The Court found that they had manifestly refused or wilfully omitted to take the oath, and held that they shall, by operation of law, be disqualified from assuming their offices and be regarded as having vacated their office under section 21 of the ODO since the date of the first LegCo meeting in October 2016.

103. Their appeal was unanimously dismissed by the Court of Appeal (CACV 224/2016). The Appeal Committee of the CFA also held that there was no reasonably arguable basis for disturbing the judgments of the lower courts and hence refused to grant them leave to appeal to the CFA.

104. Separately, on 14 July 2017, the Court of First Instance declared that the oaths purportedly taken by four other persons, all being returned by the LegCo general election held in September 2016, were invalid and that they were regarded as having been disqualified from assuming office or having vacated their office under section 21 of the ODO (HCAL 223-226/2016). Two of them filed Notices of Appeal in September 2017.

Article 15: No retrospective criminal offences or penalties

105. Article 15 of the Covenant has been implemented by Article 12 of the BOR. There is no significant update in relation to Article 15.

Article 16: Right to recognition as person before law

106. The position is as reported in paragraph 301 of Part II of the initial report. That is, the right to recognition as a person before the law is guaranteed by Article 13 of the BOR which implements Article 16 of the Covenant.

Article 17: Protection of privacy, family, home, correspondence, honour and reputation

Interception of Communications and Surveillance Ordinance (Cap. 589) (ICSO)

107. The ICSO, which was enacted in August 2006 and amended in June 2016, provides a statutory regime for the conduct of interception of communications and covert surveillance involving the use of devices. The ICSO provides stringent safeguards at all stages – from the application for an authorisation, execution of the authorisation, to the subsequent oversight. The regime is in conformity with Article 30 of the Basic Law, and seeks to protect the right to privacy under Article 14 of the BOR which implements Article 17 of the Covenant. The latest position is set out at **Annex 17A**.

Protection of data privacy

108. The position is essentially as explained in paragraphs 186 to 195 of the previous report in respect of Article 17. The Government continues to support the PCPD in promoting the protection of personal data privacy and monitoring the compliance with the requirements of the PDPO. Please refer to **Annex 17B** for the latest development.

Article 18: Freedom of thought, conscience and religion

109. At paragraph 17 of its previous Concluding Observations, the Committee recommended that the Government should ensure that its policies and practices relating to Falun Gong practitioners conform fully to the requirements of the Covenant. We reiterate that Falun Gong practitioners in Hong Kong enjoy the rights recognised in the BOR without distinction of any kind, including freedom of thought, conscience and religion and freedom of opinion and expression. They are also entitled to equality before the law and equal protection of the law.

110. As explained in paragraphs 321 and 322 of Part II of the initial report, freedom of religious belief is one of the fundamental rights enjoyed by Hong Kong residents. The Government is committed to upholding religious freedom in Hong Kong in accordance with Articles 32 and 141 of the Basic Law, Article 15 of the BOR and the relevant legislation. Religious organisations have the freedom to conduct religious activities in accordance with the laws of Hong Kong. Details are set out at **Annex 18A**.

Article 19: Freedom of opinion and expression

111. The legal protections are as explained in paragraphs 326 and 327 of Part II of the initial report.

Press freedom

112. Freedom of expression and freedom of the press are guaranteed by the Basic Law and the HKBORO. The Government supports the principle of editorial autonomy for journalistic work, and does not interfere with the internal operations of media organisations.

Prevention and protection against intimidation and harassment of legislators, media personnel and academics

113. At paragraph 13 of its previous Concluding Observations, the Committee expressed concerns on assaults and harassment of journalists and academics and recommended that effective steps be taken to investigate such attacks.

114. The Government is fully committed to protecting the safety of all members of the public, regardless of whether he or she is a person of particular categories or is an ordinary member of the public. On receiving a report of criminal intimidation or violence, the Police will conduct a thorough investigation into the case in order to bring the offender to justice. The Police attach great importance to these incidents and adopt a proactive approach in their investigations. Depending on the evidence available and subject to legal advice, the Police will arrest and lay charges against the persons concerned.

115. For the safety and well-being of victims of crime, should there be indications or suspicion that there is a threat of injury to a victim, his family and/or his properties, the Police will assess the threat and take appropriate actions commensurate with the threat level. These actions include, for example, enhancing patrol at the residence and/or work place of the victims, and providing safety advice to the victims. Pursuant to the Witness Protection Ordinance (Cap. 564), the Police have established a witness protection programme, under which protection and other

assistance are provided for witnesses whose personal safety or well-being may be at risk.

The offences of treason and sedition

116. The position remains as set out in paragraph 205 of the previous report.

Freedom of expression

Academic Freedom

117. In response to paragraph 13 of the previous Concluding Observations where the Committee expressed concerns on academic freedom, the Government wishes to reiterate that academic freedom is an important social value treasured by Hong Kong and protected by the Basic Law. It is also a cornerstone of our higher education sector. The Government is committed to upholding academic freedom and institutional autonomy.

118. Educational institutions enjoy academic freedom and institutional autonomy under the law. According to Article 137 of the Basic Law, educational institutions of all kinds may retain their autonomy and enjoy academic freedom. They may continue to recruit staff and use teaching materials from outside the HKSAR. Furthermore, Article 34 of the Basic Law states that Hong Kong residents shall have freedom to engage in academic research, literary and artistic creation, and other cultural activities.

119. The eight University Grants Committee (UGC)-funded universities are all independent and autonomous statutory bodies. They have their own governing ordinances and statutes which set out their objectives, functions and governance structure. The legislation provides the universities with the power and freedom to carry out their objectives and functions. The UGC, which acts as an intermediary between the Government and the universities, also safeguards academic freedom and institutional autonomy. In fact, the roles of the UGC, the Government and the universities in the higher education sector are clearly defined in the

UGC Notes on Procedure. In particular, the Notes set out five major areas of institutional autonomy, namely: selection of staff; selection of students; curricula and academic standards; acceptance of research programmes; and allocation of funds within the university.

120. As a matter of fact, academics in Hong Kong continue to enjoy freedom to conduct their academic work, including researching in and publishing on subjects of their choice. It is particularly worthy to note that, in line with international practice, a peer-reviewed mechanism has been adopted all along to assess research proposals submitted under the various competitive research funding schemes administered by the Research Grants Council under the aegis of UGC. The committees / panels involved in the assessment process are invariably chaired by distinguished non-local experts from foreign countries, which help ensure that assessment is based on academic quality and merits of the proposals.

Access to Government-held information

121. The latest position with respect to the Code on Access to Information and complaint cases handled by The Ombudsman is set out at **Annex 19A**.

122. In paragraph 13 of the previous Concluding Observations, the Committee recommended that effective steps should be taken to implement the right of access to information by public bodies. The LRC set up the Access to Information Sub-Committee in 2013 to study the subject of access to information. The Sub-Committee is studying Hong Kong's existing access to information regime and the laws and regimes of other jurisdictions, and will conduct a public consultation relating to proposals on reforming the access to information regime. After considering the views collected from the consultation exercise, the LRC will submit reform proposals to the Government. Options for reforming the access to information regime in Hong Kong will be considered in the light of LRC's findings and recommendations.

123. The updated position on regulation and licensing of the broadcast media, the Radio Television Hong Kong (RTHK), film classification system, appeals against the decision of the Film Censorship

Authority and the censors, regulation of obscene and indecent articles, as well as management of libraries and museums, please see **Annex 19B**.

Article 20: Prohibition on propaganda for war

124. The general situation is as explained in paragraph 373 of Part II of the initial report.

Article 21: Right of peaceful assembly

125. As explained in paragraph 375 of Part II of the initial report, freedom of assembly, of procession and of demonstration is guaranteed by Article 27 of the Basic Law and Article 17 of the BOR (which implements Article 21 of the Covenant). The provisions of the Public Order Ordinance (Cap. 245) in respect of public meetings and processions were specifically framed with a view to conforming with Article 21 of the Covenant.

The operation of the Public Order Ordinance

126. The Government respects and takes it upon itself to protect the rights of the public to peaceful assemblies and processions and to express their views. As Hong Kong is a crowded place, large-scale public assemblies and processions will affect other people or road users, and may affect public safety and order. In this connection, while facilitating expression of views by participants of processions, it is also the Government's responsibility to maintain public order, and at the same time to ensure the rights of other people to use the public place or road as well as their safety. Participants of public meetings or processions, in exercising their freedom of expression, should, under the premise of observing Hong Kong law and without affecting public order, proceed in a peaceful and orderly manner.

127. The Police have the responsibility to take necessary measures against any unlawful behavior. Where there is evidence suggesting that a person may have committed a criminal offence, the matter will be referred to the Prosecutions Division of the DoJ for deciding whether or not to prosecute the person in question, and if so, for what offence(s). DoJ will handle all prosecutions in accordance with the applicable law, relevant evidence and the Prosecution Code. The Prosecution Code provides guidelines to prosecutors on how to deal with prosecutions relating to public order events. Prosecution will only be pursued when the conduct exceeds sensible proportions or the bounds of reasonableness.

128. Under the Public Order Ordinance, any public meeting or procession with attendance exceeding the limit prescribed in the Ordinance,

i.e. public meetings of more than 50 persons and public processions of more than 30 persons, should give notice to the Commissioner of Police and only be conducted if the Commissioner has not prohibited or objected it. The Commissioner (or delegated officers) will carefully examine each case. He may impose conditions on a notified public meeting or procession as reasonably necessary to ensure public order and public safety. Generally speaking, upon receipt of a notification about a public meeting or procession, the Police will establish early contact and maintain active and close communication with the event organiser to provide advice and assistance.

129. The CFA has pointed out in a judgment that Hong Kong's legal requirement for notification is widespread in jurisdictions around the world. It has also affirmed that the statutory requirement for notification is compatible with the right of assembly, and is required to enable the Police to fulfil their duty of taking reasonable and appropriate measures to enable lawful assemblies and demonstrations to take place peacefully.

130. If the Commissioner of Police prohibits / objects to or imposes conditions on a notified public meeting or procession under the Public Order Ordinance and if the organiser disagrees, the organiser may lodge an appeal to the independent statutory Appeal Board on Public Meetings and Processions. The Appeal Board is chaired by a retired judge and consists of three other members selected in rotation from a panel of 15 independent members appointed by the CE. It may confirm, reverse or vary the prohibition, objection or condition imposed by the Commissioner of Police.

131. Between 1 July 1997 and 31 July 2017, there were over 90 000 public meetings and processions in Hong Kong.

132. It is evident that since the establishment of the HKSAR, the public continues to enjoy a high degree of freedom of assembly. The majority of these activities were conducted in a peaceful and orderly manner and in accordance with the law.

Police videotaping of public demonstrations

133. It may be necessary for the Police to make video recordings during public order events, such as recording the overall activities and movement of the crowd participating in public processions, to facilitate internal review so that the management of public order events and contingency plans can be improved continuously.

134. The recording of public order events by the Police does not target individual participants. It is only when a breach of the peace or public order has occurred or is likely to occur that a police officer would record the act or event in question. Police officers shall, where reasonably practicable, notify the subject of the recording prior to the commencement of the recording. The recording in these circumstances is reasonable and lawful as it is for the collection of evidence to facilitate investigation of crime and prosecution of offenders.

135. Officers who are responsible for making video recordings of public order events have undergone appropriate training, including that on the legal requirements, the purpose and scope of the power to conduct video recordings, proper use of videotaping equipment, and procedures on recording, etc.

136. The videotapes will only be used for investigation, evidential or internal review purposes and will not be kept longer than necessary. The Police have clear and stringent guidelines and procedures on the handling of recorded materials, including safe custody, proper handling and timely destruction of these recorded materials.

137. For details relating to the use of body worn video cameras by the Police, please see **Annex 21A**.

138. The position with respect to the confiscation of exhibits under public entertainment laws; stalls for fund raising / collecting signatures during processions; and public meetings outside Central Government Offices (CGO) is set out at **Annex 21B**.

Article 22: Freedom of association

Societies Ordinance (Cap. 151)

139. As reported in the previous report, there has been a healthy growth in the number of societies. The number of societies which have either been registered or been exempted from registration since the establishment of the HKSAR reached over 38 900 by 31 August 2017.

Regulation of trade union activities

140. The position remains as explained in paragraphs 120 to 126 of Part II of the initial report of the HKSAR under the International Covenant on Economic, Social and Cultural Rights (ICESCR) in relation to Article 8 of that Covenant. The number and membership of trade unions are set out at **Annex 22A**.

Organisations for the promotion of human rights

141. The position continues to remain as explained in paragraphs 401 to 404 of Part II of the initial report. The list at **Annex 22B** updates the same Annex in the previous report.

Article 23: The family – a vital component of society

142. The general position remains as explained in paragraph 234 of Part II of the second report.

Family welfare services

143. The latest position with respect to Integrated Family Service Centre (IFSC), Family and Child Protective Services Units (FCPSUs), review of laws relating to guardianship and custody of children by LRC, and responsibility of parenting is set out at **Annex 23A**.

Split families

144. The Government understands the wishes for family reunion, but there is no absolute right for people who are not Hong Kong residents to enter and remain in Hong Kong for the purposes of family reunion. Governments worldwide require people who wish to join their families to submit, prior to entering the jurisdictions in question, formal applications for processing in accordance with local laws and policies.

145. The Government has been handling matters of right of abode and split families in accordance with the Basic Law, the HKBORO, and relevant local legislation and policies, which are consistent with the provisions of the Covenant as applied to Hong Kong.

Split families between HKSAR and the Mainland of China

146. At paragraph 15 of its previous Concluding Observations, the Committee expressed concerns over families that are separated between the Mainland and the HKSAR. Our position, including the legislative provisions for the entitlement of right of abode and the Certificate of Entitlement (CoE) Scheme, was set out in paragraphs 126 and 127 of Part II of the second report.

147. Pursuant to Article 22 of the Basic Law, for entry into the HKSAR, people from other parts of China must apply for approval. Mainland residents who wish to settle in Hong Kong for family reunion

must apply for the One-Way Permit (OWP) (i.e. Permits for Proceeding to Hong Kong and Macao) from the relevant Mainland authorities. Details on the OWP scheme are set out at **Annex 23B**.

Split families from other countries

148. Our existing immigration policy for eligible Hong Kong residents to sponsor their dependants who are non-Mainland residents to take up residence in Hong Kong was set out in paragraph 272 of the previous report. Such applications may be favourably considered provided that normal immigration requirements and specific eligibility criteria are met. The Director of Immigration may, after considering all relevant factors, exercise his discretion on a case-by-case basis to grant permission to the applicants to enter the HKSAR as dependants if there are exceptional humanitarian or compassionate considerations. The Government will continue to review its immigration policies from time to time to ensure that they meet the needs of society.

Enforcement of Maintenance Order

149. The Government is committed to enhancing the effectiveness of the system of collection of maintenance payments and enforcement of maintenance orders. While the review on judgment summons proceedings is underway, the Government has introduced a series of improvement measures through legislative and administrative means over the years to facilitate the timely collection of maintenance payment and enforcement of maintenance orders.

New arrivals from the Mainland of China

150. Between 1 January 2010 and 31 December 2016, nearly 322 000 people from the Mainland settled in Hong Kong. The position of new arrivals from the Mainland and the initiatives that have been taken to ease the process of their settlement is set out at **Annex 23C**.

Statutory paternity leave

151. As from February 2015, eligible male employees are entitled to enjoy three days' statutory paternity leave with pay around the time of their child's birth. This family-friendly entitlement helps facilitate working fathers in providing support to their spouse/partner before and after confinement, bonding with their newborn child and sharing family responsibility with their spouse/partner.

152. The Government has conducted a review on the implementation of statutory paternity leave and recommends that the duration of paternity leave be extended to five days. Both the Labour Advisory Board and the Panel on Manpower of the LegCo are supportive of the proposal. The Government is preparing the enabling legislation.

Article 24: Rights of children

Commission on Children

153. The Government plans to establish a Commission on Children in mid-2018 to amalgamate the efforts made by relevant bureaux/departments and child concern groups, and focus on addressing children's issues as they grow, including those issues covered by this Report such as child poverty, child abuse, child fatality, child custody, protection of children and child care services. The Commission will formulate long-term targets and strategic directions concerning the holistic development and important growth stages of children.

Services for the child

154. The Government continues to provide various services for the child, as well as monitor the poverty situation and the effectiveness of poverty alleviation measures, including those relevant to children (see **Annex 24A**).

Child abuse and domestic violence

155. The Government has launched various initiatives in combating child abuse and domestic violence, as well as strengthening support for the victims and families in need. Our work in this aspect has been set out in paragraphs 10.46 to 10.57 in relation to Article 10 of HKSAR's third report under the ICESCR, as well as paragraphs 16.9 to 16.33 of HKSAR's third report under CAT. It will be explained in greater detail in HKSAR's fourth report under the CEDAW.

156. In addition to providing support and specialised services for victims of domestic violence, we also provide support to needy families through the provision of child care services, family crisis intervention and counselling services, etc. To this end, we have allocated considerable resources to the SWD to provide a co-ordinated package of preventive, supportive and specialised services for individuals involved in domestic violence as well as for families in need. The SWD's expenditure in this area has increased from \$2.1 billion in the 2012-13 financial year to

\$3.2 billion in the 2016-17 financial year. The estimated budget for the 2017-18 financial year was further increased to about \$3.4 billion. Additional manpower has also been allocated to the SWD to enhance the department's capability in handling domestic violence cases. Related issues including training for Police officers in handling child abuse and domestic violence cases as well as supportive and specialised services offered to victims of domestic violence are set out at **Annex 24B**.

157. The latest position with respect to the Convention on the Rights of the Child (CRC) and the promotion of the rights of the child is set out at **Annex 24C**.

Corporal punishment

158. In paragraph 16 of the previous Concluding Observations, the Committee recommended that practical steps be taken to put an end to corporal punishment, to encourage non-violent forms of discipline, and to conduct public information campaigns.

159. There are provisions under the Child Care Services Regulations (Cap. 243, sub. leg. A) which prohibit corporal punishment of children in registered child care centres and mutual help child care centres. According to section 27 of the Offences against the Person Ordinance (Cap. 212), it is unlawful for a person over the age of 16, including a parent, who has the custody, charge or care of a child or young person under the age of 16, to wilfully assault or ill-treat the child or young person, or cause such child or young person to be assaulted or ill-treated, in a manner likely to cause such child or young person unnecessary suffering or injury to his health.

160. Under the subvention system of SWD, the subvented day child care services (including the afore-said centres) and residential child care services are required to take all reasonable steps to protect service users from abuse, including physical abuse. In case these service providers encounter suspected child abuse incidents, they should handle the incidents pursuant to the Procedural Guide for Handling Child Abuse Cases (Revised Edition, 2015) published by the SWD.

161. Besides legal protection, to safeguard the well-being of children, SWD and NGOs provide a range of preventive, supportive and remedial welfare services, including public education, parent education, support groups, counselling services, etc. to enhance the parents' knowledge of the physical and psychological development of children, effective parenting skills, communication skills, emotion and stress management as well as dealing with children's behavioural problem.

162. SWD launches the "Strengthening Families and Combating Violence" publicity campaign every year to organise territory-wide and district-based publicity and public education programmes to arouse public awareness of the importance of family solidarity, prevention of child abuse and domestic violence as well as to encourage people in need to seek help. The publicity activities in recent years included promoting, through the means of publicity videos, animations and posters, the message that corporal punishment and verbal abuse should not be used during the course of child discipline, and that domestic violence not only harms the victims but may also cause lasting psychological damages to the children, seriously affecting their personality development and growth.

163. The Family Life Education Resource Centre of SWD provides a wide variety of multi-media resource materials on loan to Government departments and NGOs for running family life education programmes with a view to enhancing family functioning, strengthening family relationship and preventing family breakdown.

164. In relation to child abuse, the provisions under the Offences against the Person Ordinance may apply. For example, a person who is convicted of assault occasioning actual bodily harm (section 39) or common assault (section 40) is liable to imprisonment for three years and one year respectively. Furthermore, a person convicted of the offence of ill-treatment by those in charge of a child or young person pursuant to section 27(1) of the Ordinance (discussed above) is liable to 10 years' imprisonment.

165. As to whether corporal punishment in the family that do not constitute criminal offences under the existing laws should be prohibited by law, we note that the laws of other jurisdictions are developing, and the

issue is still a controversial one even in Western society. We do not consider that legislation at this stage would be the most effective means of dealing with the issue in Hong Kong.

Representation of children in care or protection cases

166. The position remains as explained in paragraph 310 of the previous report.

167. The latest position of sexual offences records check is set out at **Annex 24D**.

Article 25: Right to participate in public life

Constitutional Development

168. Since the submission of the previous report, and as explained in subsequent updates in our follow up to paragraph 6 of the previous Concluding Observations, we have continued our efforts in taking forward Hong Kong's constitutional development in strict compliance with the Basic Law.

169. According to the Basic Law and the *Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the HKSAR of the PRC* adopted on 6 April 2004 (the NPCSC's 2004 Interpretation), amendments to the method for selecting the CE and for forming the LegCo have to go through the following "Five-step Process":

First Step – the CE to make a report to the NPCSC, so as to invite the NPCSC to decide whether it is necessary to amend the methods of selection / formation;

Second Step – the NPCSC to make a determination on whether any amendment to the methods may be made;

Third Step – if the NPCSC determines that amendments to the methods may be made, the Government to introduce to the LegCo resolution(s) on the amendments to the methods for selecting the CE or forming the LegCo, to be passed by a two-thirds majority of all the LegCo Members;

Fourth Step – the CE to consent to the resolution(s) as passed by the LegCo; and

Fifth Step – the CE to lodge the relevant bill(s) to the NPCSC for approval or for the record.

As such, the Central Authorities, the CE and the LegCo have their respective roles in the constitutional development of the HKSAR.

170. As stated in the previous report, the Government put forth on 14 April 2010 a package of proposals for the methods for selecting the CE and for forming the LegCo in 2012, and announced on 21 June 2010 an adjusted package after considering the views of different sectors of the community. In brief, in respect of the method for selecting the CE, the Government proposed that:

- (a) the number of members of the Election Committee (EC) in 2012 be increased from 800 to 1 200, and the number of members of the four sectors in the EC be increased by the same proportion, i.e. the number of seats for each sector be increased by 100;
- (b) three quarters of the 100 new seats (i.e. 75 seats) in the fourth sector of the EC (i.e. the political sector) be allocated to elected District Council (DC) members; together with the existing 42 seats, the DC subsector would have a total of 117 seats, which would be returned through election from among elected DC members;
- (c) the nomination threshold be maintained at the ratio of one-eighth of the total membership of the EC (i.e. the number of subscribers required shall be not less than 150), so as to allow sufficient competition and ensure that candidates have sufficient support.

Regarding the method for forming the LegCo, the Government proposed in the adjusted package that:

- (a) the number of seats in the LegCo in 2012 be increased from 60 to 70;
- (b) the number of seats to be returned by geographical constituencies (GCs) through direct elections and that by functional constituencies (FCs) be increased from 30 to 35 respectively; and

- (c) candidates for the five new FC seats to be nominated among elected DC members and elected by all registered electors who currently did not have a right to vote in the traditional FCs on a one-person-one-vote basis (the electorate base would be about 3.2 million, being the total 3.43 million registered electors less 230 000 registered electors for the existing FCs). In other words, each elector would have two votes, one vote for the GC and one vote for the FC.

171. The motions put forth by the Government concerning the draft amendments to the methods for the selection of the CE and for the formation of the LegCo in 2012 were passed by a two-thirds majority of all Members of the LegCo on 24 and 25 June 2010 respectively. Subsequently, the draft amendments were given consent by the CE on 29 June 2010 and approved and recorded by the NPCSC respectively on 28 August 2010. The Government introduced into the LegCo two Bills in December 2010 for implementing the proposed arrangements regarding the methods for selecting the CE and for forming the LegCo in 2012. The Bills were passed by the LegCo in March 2011. The revised methods for selecting the CE and for forming the LegCo were formally implemented in the 2012 CE Election and 2012 LegCo Election as scheduled.

Universal suffrage for selection of the Chief Executive and the method for forming the LegCo in 2016

172. Article 45 of the Basic Law provides that: “The method for selecting the Chief Executive shall be specified in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.” In addition, Article 68 of the Basic Law provides that: “The method for forming the Legislative Council shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all the members of the Legislative Council by universal suffrage.” The *Decision of the NPCSC on Issues Relating to the Methods for Selecting the Chief Executive of the HKSAR and for*

Forming the Legislative Council of the HKSAR in the Year 2012 and on Issues Relating to Universal Suffrage adopted by the NPCSC on 29 December 2007 has further stipulated that the election of the fifth-term CE of the HKSAR in the year 2017 may be implemented by the method of universal suffrage; and after the CE is selected by universal suffrage, the election of the LegCo of the HKSAR may be implemented by the method of electing all the members by universal suffrage.

173. The Government is fully committed to achieving the ultimate aim of universal suffrage in strict compliance with the Basic Law and the relevant Interpretation and Decisions of the NPCSC. In this connection, the Government set up the Task Force on Constitutional Development (the Task Force) in October 2013. The Government published the *Consultation Document on the Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016* and formally commenced a five-month public consultation to collect views from various sectors of the community on major issues and related questions on the two electoral methods. The Consultation Document set out certain key issues relating to the methods of selection/formulation within the framework of the Basic Law and the relevant Interpretation and Decisions of the NPCSC, for example, the size, composition, formation method and electorate base of the Nominating Committee (NC) as required under Article 45 of the Basic Law, procedures for the NC to nominate candidates for the CE election, voting arrangements for electing the CE by universal suffrage, etc. For the method for forming the LegCo in 2016, the key issues include the number of seats and composition of the LegCo, the composition and electorate base of FCs, and the number of GCs and number of seats in each GC.

174. After an extensive and systematic public consultation which lasted for five months, the Government consolidated the views expressed by various sectors of the community on the two electoral methods during the consultation period, including those contained in over 120 000 written submissions put forth by different groups and individuals, those garnered at 226 consultation and district events attended by the Task Force and relevant Politically Appointed Officials, and those collected through opinion polls conducted by relevant organisations. The Government published the *Report on the Public Consultation on the Methods for*

Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016 on 15 July 2014. On the same day, in accordance with the NPCSC's 2004 Interpretation, the CE submitted his report to the NPCSC to invite the NPCSC to make a determination on whether there was a need to amend the methods for selecting the CE and for forming the LegCo. In the light of the results of the public consultation, the CE had come to the view that the community of Hong Kong generally hoped that universal suffrage for the CE election could be implemented in 2017 first, so that over five million eligible electors in Hong Kong could elect the next CE through "one person, one vote" in 2017, thereby taking an important step forward in the constitutional development of Hong Kong, and that there was no need to amend Annex II to the Basic Law regarding the method for forming the LegCo in 2016.

175. Having considered the report submitted by the CE and having extensively listened to views and opinions from different sectors of the Hong Kong community, the NPCSC adopted the *Decision of the NPCSC on Issues Relating to the Selection of the Chief Executive of the HKSAR by Universal Suffrage and on the Method for Forming the Legislative Council of the HKSAR in the Year 2016* on 31 August 2014 (the 8.31 Decision). The 8.31 Decision was made in accordance with the Basic Law and the NPCSC's 2004 Interpretation, and pursuant to the specific role of the Central Authorities in the constitutional development of the HKSAR. The 8.31 Decision has formally determined that starting from 2017, the selection of the CE may be implemented by the method of universal suffrage. It has also set out a clear framework for the specific method for selecting the CE by universal suffrage. As for the method for forming the LegCo in 2016, there is no need to amend the existing method and voting procedures for the LegCo as prescribed in Annex II to the Basic Law.

176. As regards how to devise a specific model for implementing universal suffrage, one must respect the fact that the electoral system of each country or place has been devised having regard to her own history, constitutional system and actual situations. In exploring the specific method for selecting the CE by universal suffrage, the Basic Law and the relevant Interpretation and Decisions of the NPCSC must be strictly adhered to, and it must be in accordance with the principle of "one country, two systems" and the basic policies of the PRC regarding Hong Kong.

177. On the basis of the Basic Law and 8.31 Decision, the Government published on 7 January 2015 the *Consultation Document on the Method for Selecting the Chief Executive by Universal Suffrage* and launched a two-month public consultation on the method for selecting the CE by universal suffrage. Subsequently, the Government published the *Consultation Report and Proposals on the Method for Selecting the Chief Executive by Universal Suffrage* on 22 April 2015, collating and consolidating the views received, and putting forward a package of proposals which were constitutionally in order, lawful, reasonable and rational. Highlights of the package of proposals put forth by the Government included the following:

- (a) the NC shall comprise of 1 200 members, the composition of which shall follow the 38 subsectors in the four major sectors of the existing EC; the existing method for returning members of the 38 subsectors and electorate base for individual subsectors should remain unchanged;
- (b) the nominating procedures shall be divided into two stages, namely the stage of “members recommendation” and the stage of “committee nomination”. A person who can obtain recommendation jointly by 120 NC members in their individual capacities can become a person seeking nomination for the CE election; each NC member may recommend only one person; each person seeking nomination shall obtain no more than 240 recommendations;
- (c) at the stage of “committee nomination”, the NC shall nominate two to three CE candidates through voting by secret ballot. Each NC member may support two to all persons seeking nomination. The two to three persons seeking nomination who can obtain endorsement of more than half of all the members of the NC and with the highest number of members’ endorsement will become the candidates; and
- (d) at the stage of electing the CE by universal suffrage, all eligible electors of Hong Kong will elect the CE-elect from the two to three candidates nominated by the NC using the

“first-past-the-post” system.

178. The Government does not agree to some commentators’ concerns that the proposal would effectively screen out some candidates. In fact, if the proposal was implemented, all eligible voters in Hong Kong would have the right to vote for the nominated CE candidates on a “one person, one vote” basis; and the right to vote would have been universal and equal.

179. During the public consultation, some members of the public as well as certain Members of the LegCo advocated for other proposals, such as “civic nomination”, that would de facto bypass or undermine the substantive powers of the NC to nominate candidates. In response, the Government has repeatedly stated that such proposals were inconsistent with the Basic Law, which explicitly stipulates that the ultimate aim is for the CE to be selected by universal suffrage upon nomination by a broadly representative NC in accordance with democratic procedures. Therefore, it would have been unconstitutional, and hence impossible, to pursue such proposals.

180. Despite the outcomes of public opinion polls conducted by different organisations which suggested that there were more members of the public supporting rather than opposing the proposals put forward by the Government, the proposals failed to obtain the endorsement by a two-thirds majority of all Members of the LegCo as prescribed in Annex I to the Basic Law at the LegCo meeting on 18 June 2015. Therefore, according to the 8.31 Decision, the method for selecting the fourth-term CE in 2012 would continue to be adopted to select the fifth-term CE in 2017, i.e. the CE was to be elected by a 1 200-member EC.

181. The 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. It is also mindful of the complicated and controversial nature of issues relating to constitutional development. The Government must prudently consider all factors and seek consensus at a suitable time and in appropriate circumstances such that it can obtain a two-thirds majority support from all Members of the LegCo, and attain the ultimate aim of implementing universal suffrage within the framework of

the Basic Law and the relevant Interpretation and Decisions of the NPCSC. In this connection, the Government will do its best to work towards creating a favourable atmosphere to take forward constitutional development.

Public Elections

182. The Covenant was extended to Hong Kong in 1976 with a reservation on the application of Article 25, sub-paragraph (b), to Hong Kong. By a Note from the Government of the PRC to the United Nations Secretary-General dated 20 June 1997, the PRC Government informed the Secretary-General that the provisions of the Covenant as applied to Hong Kong shall remain in force beginning from 1 July 1997. Article 39 of the Basic Law of the HKSAR which came into force on 1 July 1997 provides that the provisions of the Covenant as applied to Hong Kong shall remain in force and shall be implemented through the laws of the HKSAR.

183. Under Articles 45 and 68 of the Basic Law, the methods for selecting the CE and for forming the LegCo shall be specified “in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress” with the ultimate aim of selecting the CE and electing all members of the LegCo by universal suffrage. Notwithstanding the reservation in respect of Article 25, sub-paragraph (b), both the Central Authorities and the Government are fully committed to achieving the ultimate aim of universal suffrage in accordance with the Basic Law and the relevant Interpretation and Decisions of the NPCSC. The elections held in the HKSAR since the submission of the previous report are elaborated in the following paragraphs.

184. The position with respect to CE elections, LegCo elections, DC elections and Rural elections is set out at **Annex 25A**.

Government advisory bodies and statutory bodies

185. The network of Government ASBs continues to be a distinctive feature and an integral part of public administration in Hong Kong. ASBs play an important role in assisting the Government in the formulation of policy objectives and performance of statutory functions.

Details of ASBs are set out at **Annex 25B**.

Article 26: Right to equal protection before the law

Discrimination Law Review

186. The EOC is tasked with implementing the four anti-discrimination ordinances, namely, the SDO, the Disability Discrimination Ordinance (Cap. 487) (DDO), the Family Status Discrimination Ordinance (Cap. 527) (FSDO) and the Race Discrimination Ordinance (Cap. 602) (RDO). One of the EOC's functions is to keep under review the working of the four Ordinances and, either when required by the CE or as the EOC thinks it necessary, draw up and submit to the CE proposals for amending the Ordinances. In March 2016, the EOC made submissions on the DLR containing a total of 73 recommendations to the Government. 27 are considered by the EOC to be of higher priority. The Government consulted the CA Panel on those recommendations that were considered to be capable of driving consensus among society in March 2017, and the CA Panel supports the Government to implement eight recommendations of priority (see **Annex 26A**).

187. The Government's target is to submit the legislative proposals covering the eight recommendation in the form of a composite bill to be introduced to the LegCo in 2018.

Legislation against racial discrimination

188. The RDO, which came into full operation in 2009, aims to protect the rights of individuals against discrimination, harassment and vilification on the ground of race. Please see **Annex 26B** for details.

189. As mentioned in paragraphs 186 to 187 above, the Government will submit the legislative proposals to take forward the eight recommendation of priority. Among them, six are related to RDO.

190. Paragraph 19 of the previous Concluding Observations recommended rectifying the gap in the RDO by applying it to the Government in the exercise of its public functions, such as the operations of the Police and the CSD.

191. The Basic Law, the HKBORO and the RDO together provide a comprehensive legal framework to protect individuals from discrimination on any ground, including race. The Government must act in accordance with the provisions thereunder when performing or exercising its functions or powers.

192. Article 25 of the Basic Law guarantees the right to equality before the law. Article 35 guarantees the right of access to the courts and to judicial remedies, and the right to institute legal proceedings in the courts against the acts of executive authorities and their personnel. Article 64 provides that the Government must abide by the law and shall implement laws passed by the LegCo and already in force.

193. The HKBORO binds the Government and all public authorities (including the LEAs), and any person acting on behalf of the Government or a public authority. Article 1(1) of the BOR, which gives domestic effect to Article 2(1) of the Covenant, guarantees that the rights recognised by the BOR are enjoyed without distinction of any kind, such as race, colour, language, or national or social origin. Article 22 of the BOR, which implements Article 26 of the Covenant, further provides that the law shall guarantee equal and effective protection against discrimination on any ground, including race.

194. Avenues are available to address complaints against the Government and public authorities through the EOC, The Ombudsman, the CAPO, the LegCo, the complaint channels in various Bureaux and Departments, and the courts of law. In particular, an aggrieved person may seek remedy or relief by bringing legal proceedings against the Government or a public authority for violation of Article 1(1) or 22 of the BOR pursuant to section 6 of the HKBORO. It should, therefore, be emphasised that public bodies, including LEAs, have always been prohibited from committing any act that amounts to racial discrimination under the laws of the HKSAR.

195. The RDO binds the Government (section 3 of the RDO) and therefore, prohibits discriminatory acts and practices of LEAs in all the areas specified in the RDO, such as employment, education, the provision of goods, facilities or services, and the disposal or management of

premises. In particular, section 27 of the RDO renders it unlawful for the Government to discriminate against a person in the provision of the services of any department of the Government or any undertaking by or of the Government.

196. In the case of *Singh Arjun v Secretary for Justice* (DCEO 9/2011) decided in May 2016, the District Court held that the prohibition against discrimination in the provision of “services” in section 27 of the RDO includes the activity of the Police in responding to requests for assistance and investigating crimes and offences. Although the District Court held that a person who alleges to have been subject to a racially motivated arrest would not be able to bring a civil claim under section 27 of the RDO, such person would have an effective remedy in the form of a public law challenge that the arrest contravenes the right to equality before the law guaranteed by Articles 25 of the Basic Law and Articles 1 and 22 of the BOR, and may claim damages for trespass or false imprisonment in a civil action. The District Court could not find any evidence of racial profiling or institutional racism by the Police in that case. On the contrary, the evidence showed that the Police had responded to the plaintiff’s needs as appropriate in the circumstances.

Discrimination on the ground of age

197. The position remains as explained in paragraph 2.22 of the HKSAR’s third report under the ICESCR, in relation to Article 2 of that Covenant. The Government continues to promote to employers the message of equal opportunities in employment and to enhance public awareness of eliminating age discrimination in employment through various channels such as APIs on television and radio, and newspaper editorials. Moreover, the Government has published the “Practical Guidelines for Employers on Eliminating Age Discrimination in Employment” which provides best practices for employers and EAs to follow on a voluntary basis and “Eliminating Age Discrimination in Employment - A Simple Guide to Employers”.

Discrimination on the grounds of sexual orientation and gender identity

198. The Government is committed to promoting 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.

199. To better address the issues relating to sexual minorities, the Government established the Advisory Group on Eliminating Discrimination against Sexual Minorities in June 2013, which comprised non-officials from the sexual minority community, academic field, business community and the LegCo. Its function was to advise on matters relating to concerns about discrimination faced by sexual minorities in Hong Kong as well as aspects and extent of such discrimination. On that basis, it suggested strategies and measures to tackle the issues (see **Annex 26C** for details).

200. In paragraph 23 of the previous Concluding Observations, the Committee recommended that the HKSAR should enact legislation that specifically prohibits discrimination on ground of sexual orientation and gender identity. Some commentators have also enquired on the plan of the Government to legislate against discrimination on grounds of sexual orientation and gender identity. As acknowledged by the Advisory Group, the society is deeply divided as to whether legislation should be introduced to prohibit discrimination on grounds of sexual orientation and gender identity. On the one hand, there are views that the Government should introduce legislation to safeguard equal opportunities for the sexual minorities. On the other hand, there are strong views that the introduction of legislation will impact on traditional family values and freedom of religious belief. Given the complicated and highly controversial nature of this issue, the Government is conducting a further study on the experience of other jurisdictions in tackling discrimination on grounds of sexual orientation and gender identity through legislative and non-legislative measures. The findings of the study will form the basis of legislative and administrative measures to be considered to tackle discrimination on grounds of sexual orientation and gender identity. We shall examine the findings and continue to listen carefully to different

opinions in the society with a view to mapping out the way forward.

201. Regarding the issue of gender recognition, please refer to **Annex 26D**.

Disability discrimination

202. The position remains as set out in paragraphs 366 to 369 of the previous report. The general framework of the legal protection and the related measures for persons with disabilities are explained in paragraphs 92 and 113 to 114 of the HKSAR Common Core Document and the initial report of the HKSAR under the CRPD.

Voting Rights of Mentally Incapacitated Persons

203. In paragraph 24 of the previous Concluding Observations, the Committee recommended that the HKSAR should revise its legislation to ensure that it does not discriminate against persons with mental, intellectual or psychosocial disabilities by denying them the right to vote on basis that are disproportionate or that have no reasonable and objective relation to their ability to vote.

204. The relevant provisions of the Legislative Council Ordinance (Cap. 542) and the District Councils Ordinance (Cap. 547) provide for a natural person to be disqualified from being registered as an elector and from voting, if the person is found under the Mental Health Ordinance (Cap. 136) (MHO) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs. The disqualification from being registered as an elector and from voting is to ensure that the votes cast at the election truly reflect the free will of the electors and to reduce the risk of voters being subject to undue influence or manipulation, thereby ensuring the fairness of the election.

205. The restrictions are reasonable and proportionate to these legitimate aims. A person will not be disqualified merely because he or she has a mental, intellectual or psychosocial disability. The disqualification only applies to a person who is found by the Court as incapable, by reason of mental incapacity, of managing and administering

his property and affairs pursuant to the MHO. The MHO further stipulates that the Court has to go through a series of established procedures before making the aforementioned finding in relation to an individual.

206. Specifically, the Court may, on application, make an order directing an inquiry on whether a particular person is incapable, by reason of mental incapacity, of managing and administering his property and affairs. The application to the Court is required to be accompanied by two medical certificates made and signed by registered medical practitioners certifying that the mentally incapacitated person is incapable, by reason of mental incapacity, of managing and administering his property and affairs. The Court may require the person alleged to be a mentally incapacitated person to attend the inquiry for the purpose of being personally examined by the Court or by any other person specified by the Court. Moreover, the disqualification will cease to apply if the person is subsequently found under the MHO to have become capable of managing and administering his property and affairs.

207. In view of the above, it is clear that the disqualification provisions are reasonable and proportionate to the pursuit of important legitimate aims. The disqualification provisions are fully consistent with Article 25 of the Covenant.

Discrimination against rehabilitated persons

208. The position regarding the CSD's work on facilitating the reintegration of rehabilitated persons into society and promoting the acceptance of rehabilitated persons in the community remains essentially as mentioned in paragraph 371 of the previous report.

Residence requirements under social security schemes

209. Following the judgment of the CFA handed down on 17 December 2013 in relation to a judicial review of the "seven-year residence requirement" of the Comprehensive Social Security Assistance

(CSSA) Scheme ¹⁰, the SWD has restored the “one-year residence requirement” which was in effect before 1 January 2004, i.e. a CSSA applicant must have held the Hong Kong resident status for not less than one year and have resided in Hong Kong for at least one year (since acquiring the Hong Kong resident status to the date prior to the date of application). The one-year residence needs not be continuous or immediately before the date of application. Absence(s) from Hong Kong up to a maximum of 56 days (whether continuous or intermittent) before the date of application is/are treated as residence in Hong Kong. Persons aged below 18 are exempted from the residence requirements. Under special circumstances, the SWD may exercise discretion to exempt an applicant from the “one-year residence requirement” under the CSSA Scheme.

¹⁰ The CFA’s judgment was specifically in relation to the CSSA Scheme only and was not concerned with any other social welfare programmes.

Article 27: Right of ethnic minorities

Overall legal framework

210. The Government is committed to eliminating racial discrimination and promoting equal opportunities for EMs. As promulgated in the 2017 Policy Address, through enhancing relevant legislation as well as implementing measures to strengthen education support, employment and other support services for the EMs, the Government seeks to provide them with equal opportunities, facilitate their integration into the community, while preserving their cultural characteristics. Some of the measures are elaborated in the ensuing paragraphs.

211. On the legislation front, the RDO was fully implemented in 2009 and the EOC is tasked with implementing the Ordinance. The latest development is outlined in paragraphs 188 to 189 above.

Education for non-Chinese speaking (NCS) students

212. In paragraph 22 of the previous Concluding Observations, the Committee recommended that the HKSAR should intensify efforts to improve the quality of Chinese language education for EMs and NCS students with an immigrant background, and to encourage the integration of students of EMs in public school education.

213. The Government ensures equal opportunities in school admission for all eligible children (including NCS children) in public sector schools, regardless of their race. The Government is committed to encouraging and supporting NCS students' early integration into the community, including facilitating their adaptation to the local education system and mastery of the Chinese language.

Chinese Language Curriculum

214. Starting from the 2014/15 school year, the Education Bureau (EDB) has implemented the "Chinese Language Curriculum Second Language Learning Framework" (Learning Framework) in primary and

secondary schools, which is developed from the perspective of second language learners, to help NCS students overcome the difficulties in learning Chinese as a second language with a view to enabling them to bridge over to mainstream Chinese Language classes. The “Learning Framework” is applicable to all public sector and Direct Subsidy Scheme schools which admit NCS students and offer the local curriculum. In the 2016/17 school year, there were about 18 200 NCS students (including 9 200 at primary level and 9 000 at secondary level) studying in these schools.

215. Moreover, to meet NCS students’ diverse aspirations and needs, Applied Learning Chinese (for NCS Students) pegged at the Qualifications Framework Levels 1 to 3 has been implemented at senior secondary levels to provide NCS students with an additional channel to acquire an alternative Chinese language qualification which would be useful for their further studies and career pursuits. The results would be recorded in the Hong Kong Diploma of Secondary Education (HKDSE). Furthermore, for eligible NCS students, the UGC-funded universities may have flexibility for the Chinese Language requirement and consider student applications for admission on a case-by-case basis. On the other hand, eligible NCS students will continue to be provided with examination subsidy (with the subsidised examination fees being on par with the fee level of the HKDSE (Chinese Language) Examination) for obtaining internationally recognised Chinese Language qualifications, including those under the General Certificate of Secondary Education (GCSE), International General Certificate of Secondary Education (IGCSE) and General Certificate of Education (GCE), for admission to the UGC-funded universities and post-secondary institutions. Needy students may also be granted half or full remission of the subsidised examination fees. In the 2016/17 school year, about 1 750 NCS students were subsidised to sit for the afore-mentioned examinations. Among them, 164 and 123 received full and half remission of the subsidised examination fees respectively.

Professional and funding support

216. To facilitate schools’ implementation of the Learning Framework and creation of an inclusive learning environment in schools, the EDB has, starting from the 2014/15 school year, increased substantially

the provision of additional funding to schools and stepped up school-based professional support services and professional development programmes for teachers (see **Annex 27A** for details).

Multiple pathways

217. To enhance the employability of NCS school leavers, the Standing Committee on Language Education and Research has provided since April 2016 the “Vocational Chinese Language Courses for NCS School Leavers” pegged at Level 1 or 2 of the Qualifications Framework.

Research studies

218. The EDB will, based on the research framework drawn up in light of advice from research and language experts, continue to collect and analyse data to evaluate the effectiveness of the support measures for NCS students to ensure the quality of the support measures and refine them as appropriate. Having due regard to the views of teachers and learning and teaching experience of different schools, the Learning Framework will be refined in due course.

Local Kindergarten

219. The EDB encourages NCS children to attend local kindergartens (KGs) for exposure to and immersed in a Chinese language environment as early as possible for a smooth progression to mainstream primary education. Under the new KG policy implemented starting from the 2017/18 school year, KGs admitting NCS students (regardless of the number) may apply to join training courses and support programmes to enhance KG teachers’ competency in supporting NCS students (see **Annex 27B** for details).

220. With the implementation of the Learning Framework and the Applied Learning Chinese subject, NCS students’ motivation to learn Chinese and the effectiveness of their learning have improved. More schools are accepting NCS students and more parents of NCS students are willing to enrol their children in a wider range of schools. Overall speaking, the outcomes of the package of initiatives are positive thus far.

The EDB will continue to monitor progress and refine the implementation details to suit the prevailing needs of NCS students.

Access to public sector employment

221. The position remains essentially as mentioned in paragraphs 381 to 383 of the previous report. Appointments to the civil service are based on open and fair competition, and entry requirements for civil service posts are set based on the qualities or attributes as may be required for particular jobs. Race is not a relevant consideration in the assessment for recruitment or promotion of civil servants (see **Annex 27C**).

222. The latest position with respect to Administrative Guidelines on Promotion of Racial Equality (the Guidelines), support services for EMs and efforts on publicity and education is set out at **Annex 27D**.

**The Equal Opportunities Commission,
Privacy Commissioner for Personal Data,
and The Ombudsman**

The Equal Opportunities Commission

1. The EOC is an independent statutory body established under the Sex Discrimination Ordinance (Cap. 480) (SDO). Its functions include working towards the elimination of discrimination, promoting equality of opportunity and harmony, working towards the elimination of harassment and vilification, handling complaints, assisting persons aggrieved by discrimination by way of conciliation and other assistance, and issuing and revising codes of practice under the four existing anti-discrimination ordinances in the areas of sex, disability, family status and race. During 2010-2017, legal assistance has been granted to a total of 149 cases. A detailed account of the EOC's latest work is provided in paragraphs 54 to 55 and 91 to 100 of the HKSAR Common Core Document.

2. In 2014, the EOC initiated a review of its organisational structure to enhance its operational efficiency and governance. As a result, the EOC reinstated the post of Chief Operations Officer in December 2015, which would focus on internal management, specifically driving performance improvement and strengthening governance.

3. In the same year, the HKSAR Government took forward the Statute Law (Miscellaneous Provisions) Ordinance 2014 to, among others,

- (a) provide protection to members and staff of the EOC against liability when acting in good faith in the performance or purported performance of any of the EOC's functions under the Disability Discrimination Ordinance (Cap. 487) (DDO) and Family Status Discrimination Ordinance (Cap. 527) (FSDO) in alignment with the protection provided in the SDO and Race Discrimination Ordinance (Cap. 602) (RDO); and

- (b) enable enforcement notices to be served on persons by the EOC for discriminatory practices under the DDO.

4. Starting from 2014-15, the HKSAR Government provided a recurrent funding of \$4.69 million to the EOC to establish a dedicated Ethnic Minorities Unit (as elaborated at **Annex 27D**) with a view to enhancing the EOC's efforts in advancing the equal opportunities of ethnic minorities.

Privacy Commissioner for Personal Data

5. The PCPD is an independent statutory authority established in 1996 and has the key functions and powers to, among others, monitor and supervise compliance with the provisions of the Personal Data (Privacy) Ordinance (Cap. 486) (PDPO), carry out inspections of personal data systems, including those of government departments and statutory bodies; and upon receipt of complaints from data subjects or on its own initiative, investigate suspected breaches of the requirements of the PDPO. The PDPO was amended in 2012 to empower the Privacy Commissioner to provide legal assistance to a person who intends to institute proceedings to seek compensation from data users under PDPO. PCPD introduced the Legal Assistance Scheme on 1 April 2013. Such assistance includes arranging for legal advice and legal representation, including legal assistance in the steps preliminary or incidental to any proceedings, or in arriving at or giving effect to a compromise to avoid or bring to an end any proceedings. Since 1 April 2013, PCPD has received 57 legal assistance applications of which 7 were accepted, 33 were rejected, 13 were withdrawn by the applicants and 4 are under consideration. Further details on the various aspects of the work of the PCPD are set out at **Annex 17B**.

The Ombudsman

6. The Ombudsman is an independent statutory authority established by The Ombudsman Ordinance (Cap. 397). The functions of The Ombudsman are set out in paragraphs 49 to 53 of the HKSAR Common Core Document.

7. The HKSAR Government has continued to put more public bodies under the jurisdiction of The Ombudsman. Since the previous report, the Competition Commission, the Property Management Services Authority and the Insurance Authority have been placed under the purview of the Ombudsman. The Ombudsman's jurisdiction now covers 26 public bodies. In addition, the HKSAR Government plans to put other proposed public bodies under the purview of The Ombudsman upon their establishment, such as the Independent Insurance Authority.

8. The number of enquiries and complaints received by The Ombudsman during the period from 2010-11 to 2016-17 remained steady at about 12 000 and 5 000 per year respectively, with some slight fluctuations between years. Among the complaints concluded, about 60% were handled by way of inquiry, full investigation or mediation. The rest were dismissed for lack of jurisdiction or on other legal grounds. Since 2014-15, The Ombudsman has made more efforts to promote resolution of complaints by way of mediation, with very encouraging results. In 2014-15 and 2016-17, the number of complaints resolved by mediation has been standing at a level of some 130 cases per year, a sharp increase as compared to a single digit in 2010-11. The Ombudsman has also conducted more direct investigations on its own volition in recent years. The number of direct investigations completed jumped from 7 in 2010-11 to 11 in 2016-17. Over the years, The Ombudsman has made thousands of recommendations to redress grievances and improve public administration on completion of full investigations and direct investigations. For other complaints concluded by inquiry, The Ombudsman has also suggested remedial action and improvement measures where appropriate. The Government has accepted and acted on almost all of The Ombudsman's recommendations. The practices to ensure transparency remain as explained in paragraph 39 of Part II of the initial report.

9. To enhance the public's understanding of their right to information kept by Government departments and specified public bodies, The Ombudsman launched on the official website in 2015 a new section on "selected cases relating to the Code on Access to Information". Government departments and public bodies can refer to these cases when handling future requests for information from the public.

10. In the Annual Report 2013, The Ombudsman encouraged public officers to apologise to complainants for any injustice that they had sustained and further urged the Government to initiate a study and discussion on legislation in this area with a view to formulating laws for the protection of parties making apologies. After consulting the public on the enactment of apology legislation in Hong Kong, the Government introduced the Apology Bill which was passed in July 2017.

Human Rights Education

Human rights education in schools

1. The core subject of Liberal Studies implemented at senior secondary level comprises areas of study which represent broad human and societal concerns, and provides opportunities to engage students in in-depth enquiry and reflection on issues related to human rights. Through the exploration of human rights-related issues, Liberal Studies helps students develop values and attitudes such as self-esteem, equity, respect for others, human rights and responsibilities, respect for the rule of law, justice and plurality.
2. Ethics and Religious Studies, a senior secondary elective subject, covers important concepts in human rights such as inherent dignity, civil and political rights, economic, social and cultural rights, and prevention of discrimination.
3. The Life and Society (Secondary 1 - 3) curriculum comprises areas of foundation knowledge in personal and social development, local, national and global economy and socio-political system. A broad range of human rights-related topics are included in the curriculum, such as strategies to tackle bullying; respect for diversified classes, cultural background and values; protection of the rights of Hong Kong residents by the rule of law; international humanitarian relief work, etc., with the aim of nurturing students' positive values and attitudes such as freedom, social justice, equal opportunities and plurality. Diversified learning and teaching strategies are suggested to enhance students' enquiries of social issues including human rights-related issues, with the aim of helping students make reasoned judgements, make responsible and informed decisions, and contribute to a better world.
4. Students may also get acquainted with the concepts and values of human rights through various school-based programmes, such as class periods, assemblies, talks, as well as other learning experiences, such as discussion forums, debates, services and visits.

5. The Education Bureau (EDB) has been organising human rights-related civic education seminars for teachers to empower their competency in teaching related concepts and values. The themes of these seminars include “non-discrimination”, “freedom”, “human rights and the Basic Law”, “freedom of press and the media”, “equality and social harmony”, and “rights and responsibilities” .

6. Resource materials, including web-based resources, in support of the promotion of human rights education, have been produced for reference and use by schools. The Government has also produced bilingual booklets and leaflets on the human rights treaties with illustrations of the principal provisions and in language which is easy to understand.

7. We have continued to raise public awareness and understanding of human’s rights through various means, including producing television advertisement and providing financial support for community organisations to carry out educational projects.

Human rights training provided to Government officers

8. The Civil Service Bureau provides training and education to Government officers at different ranks on the Basic Law, equal opportunities and other areas of human rights. Details are elaborated in paragraphs 66 to 68 of the HKSAR Common Core Document.

Human rights education to Government counsel

9. The Prosecutions Division of the DoJ has been organising “Prosecution Week” as an annual event since 2012 to reach out to the society and to enhance community’s understanding of criminal justice and the operation of the Division. It has also been running a “Meet the Community” Programme since 2014 whereby prosecutors visit schools and other community institutions to give talks on diversified topics, including how prosecutors carry out their duties. A number of seminars and training programmes have also been organised to provide continuing legal education to its prosecution counsel, including those on human trafficking, human rights considerations in prosecuting public order event offences,

and the handling of vulnerable witnesses in domestic violence and sexual abuse cases.

10. The Law Drafting Division of the DoJ regularly organises in-house talks and workshops for its law drafting counsel, covering a wide range of topics, including human rights, international law and the offence-creating provisions.

Operational staff of disciplined forces

11. Training of disciplined services invariably includes reference to human rights. Details are elaborated in paragraphs 70 to 71 of the HKSAR Common Core Document.

Equal pay for work of equal value

1. Since EOC's establishment in 1996, it has worked steadily to advance the principle of EPEV by first including it in the Code of Practice on Employment issued under the Sex Discrimination Ordinance; and commissioning the *Feasibility Study on Equal Pay for Work of Equal Value* and the *Consultancy Study on Equal Pay for Work of Equal Value in the Public Sector*. In light of the findings of these studies, EOC issued the *Guide to Employers on Equal Pay between Men and Women under the Sex Discrimination Ordinance*, which covers a wide range of practical guidelines to facilitate the implementation of EPEV in the workplace, and to explain the circumstances in which EPEV complaints can be lodged in order to help the employers set up salary practices without gender bias.
2. The EOC also produced three supplementary informative booklets to provide other practical information on equal pay issues. The booklets are: (i) *An Illustration on Developing an Analytical Job Evaluation System Free of Sex Bias*; (ii) *A Systematic Approach to Pay Determination Free of Sex Bias*; and (iii) *Equal Pay Self-audit Kit: A Proactive Approach for Employers to Achieve Equal Pay*.
3. In addition, the EOC has arranged talks and workshops for employers, women's groups and other stakeholders. The principles and best practices of EPEV are included in the training programs for different stakeholders and members of the public.
4. Efforts of EOC in promoting the concept of EPEV include conducting studies, preparing consultation reports, organising conferences, drawing up and producing the guidelines of EPEV. The EOC has not received any complaints in relation to EPEV since the previous report in 2011.

Women's Commission

1. In discharging its duties, the WoC has been active in advising the Government on the development of appropriate policies and initiatives, identifying priority areas for action, engaging in surveys and research studies and maintaining close ties with local and international women's groups and service agencies, etc.
2. To facilitate the application of gender mainstreaming, WoC has developed a Gender Mainstreaming Checklist, and promotes gender mainstreaming to the Government, District Councils, NGOs in the social welfare sector, listed companies and the public from time to time. Starting from 2015-16, all Government bureaux and departments are required to refer to the Checklist and apply gender mainstreaming when formulating major government policies and initiatives. WoC also published in 2015 a guidebook entitled "Gender Mainstreaming" to facilitate public officers to apply gender mainstreaming at work, so that public policies and services can take proper account of the needs and concerns of both women and men.

Deaths in custody of the Police, the Correctional Services Department, the Customs and Excise Department, the Immigration Department and the Independent Commission Against Corruption

Deaths in Police custody

1. During the last seven years between 1 July 2010 and 30 June 2017, 16 persons died in the custody of the Police. The Coroner has examined 13 cases so far while the remaining cases are pending the Coroner's inquest. For the 13 cases examined, none of them was found to be caused by unlawful killing. Four of the deceased were found to have committed suicide, six to have died by natural causes, two by accident, and the remaining one was concluded by the Coroner as an open verdict case.

2. Having studied the recommendations by the Coroner, the Police have implemented the following measures: (i) arranging contractors to regularly inspect the imaging system and video-recording function of closed-circuit television (CCTV); (ii) ensuring the availability of designated screens for continuous display of the passage and exits / entrances of detention cells; and (iii) improving the image quality of CCTV for monitoring the passage of detention cells.

3. In addition, the Police are actively following up on the recommendation to increase the number of CCTVs in detention facilities or adjust their angles for monitoring the situation in detention facilities. To such end, the Police have made reference to the practices adopted by overseas law enforcement authorities, looked into the implications of the practices on detained persons' privacy, and studied the implementation details. The Police are of the view that implementation of the practices can help prevent detained persons from harming themselves at an early stage, and provide full footage of the detention for the purpose of handling complaints, investigations and coroner's inquests. The Police will continue to work out the implementation details and consult the stakeholders when appropriate.

Deaths in custody of the Correctional Services Department

4. Between 1 July 2010 and 31 July 2017, 91 persons died in the custody of the CSD. As at 8 September 2017, the Coroner has examined 72 cases, and the other 19 cases are pending the Coroner's inquest. For the 72 cases examined, six of the deceased were found to have committed suicide, 63 to have died by natural causes, one to have died of misadventure, one to have died accidentally and one was concluded by the Coroner as an open verdict case due to insufficient evidence.

5. The CSD is committed to ensuring a secure, safe, humane, decent and healthy custodial environment. Various measures have been put in place, including regular monitoring of inmates with a view to identifying those who need special attention, installation of CCTV systems, modifications of cells and building structure, and provision of training to CSD's staff regularly.

Deaths in custody of the Customs and Excise Department

6. Between 1 July 2010 and 30 June 2017, there was no death of person under the custody of the C&ED. The C&ED has laid down a set of internal guidelines strictly governing customs officers in handling persons under their custody. Due regard is particularly given to the safe and proper treatment of arrested and detained persons. Structured training is organised regularly to officers with a view to enhancing their awareness of the rights of arrested and detained persons.

Deaths in custody of the Immigration Department

7. Between 1 July 2010 and 31 December 2017, there was no death of person under the custody of the ImmD.

Deaths in custody of the Independent Commission Against Corruption

8. There was no death of person in the custody of the ICAC in the period between 1 July 2010 and 30 June 2017.

Child Fatality

1. The SWD has launched the Pilot Project on Child Fatality Review in February 2008 and set up a Review Panel. The Review Panel aims to identify patterns and trends for formulation of prevention strategies and promoting multi-disciplinary and inter-agency cooperation in the prevention of child death. The Review Panel comprises medical doctors, clinical psychologists, academics, social workers and parents. Chaired by a person who is not a public official, the Review Panel conducts its reviews independently of the Government. Upon the evaluation of the Pilot Project in 2010, the value and worth of child fatality review in facilitating the improvement of social service systems to enhance child welfare was confirmed. This led to the setting up of the standing child fatality review mechanism in June 2011. Currently, the Review Panel comprises 17 members all of whom are not public officials, and four sub-groups have been formed according to the members' expertise to look into cases of different nature.

2. Since its formation in June 2011, the Review Panel has completed the review of child death cases from 2008 to 2013 and published its First Report in May 2013 with 21 recommendations, Second Report in July 2015 with 47 recommendations and Third Report in August 2017 with 45 recommendations.

Training of the Police and the ICAC

Police

1. All police officers are trained – in their basic training and in subsequent courses – to treat all persons as individuals with humanity and to respect and act within the law at all times. A major purpose of these courses is to ensure the proper treatment of arrested and detained persons. They cover the procedures governing the questioning of suspects, as well as the relevant requirements as stipulated in the Police Force Ordinance (Cap. 232), Police General Orders and Headquarter Orders. All police officers are made aware that an infringement of a person's legal rights may in some circumstances constitute a criminal offence.

Independent Commission Against Corruption

2. The ICAC provides training and issues orders to all investigating officers to ensure that victims, witnesses and suspects are treated in accordance with the Basic Law, the HKBORO and the statutory requirements.

3. To this end, the ICAC provides training to officers on voluntariness of admissions and confessions and the “Rules and Directions for the Questioning of Suspects and the Taking of Statements” issued by the Secretary for Security to ensure that there is no oppression, violence or threats in conducting interviews with suspects. The HKBORO is taught as an individual subject and particular attention is paid to Article 3 (prohibition of torture and ill-treatment) and Article 6 (rights of persons deprived of their liberty) of the Hong Kong Bill of Rights.

4. The ICAC is bound by: (i) the ICAC (Treatment of Detained Persons) Order (Cap. 204, sub. leg. A) that imposes statutory duties on the ICAC in respect of the rights, treatment and well-being of all persons arrested and detained by the ICAC; (ii) the Victims of Crime Charter which sets out the rights and duties of victims of crime; (iii) the Interception of Communications and Surveillance Ordinance (Cap. 589) which regulates

the conduct of interception of communications and covert surveillance by law enforcement officers; (iv) the Code on Access to Information; and (v) the PDPO. Training is provided to officers in these regards.

5. The ICAC has also promulgated Standing Orders that deal with the treatment of witnesses, victims and suspects as well as on the use of force and firearms.

Screening of Claims For Non-refoulement Protection

Humanitarian Assistance

1. Since 2006, the SWD has been providing, through a non-governmental organisation, humanitarian assistance meeting basic needs (including temporary accommodation, basic utilities allowance, food, clothing, basic necessities, appropriate transportation allowance and counselling service) to claimants during their presence in the HKSAR to prevent them from becoming destitute. At the same time, we need to ensure that such humanitarian assistance will not create a magnet effect which may have serious implications for the sustainability of our current support systems and for our immigration control.

Caseload

2. Since 2014, the number of non-ethnic Chinese illegal immigrants (NECIIs) and overstaying visitors resisting removal to another country by making non-refoulement claims has increased sharply (NECIIs up by 270%; overstayers up by 40%). The number of non-refoulement claimants pending screening by ImmD has increased from around 6 700 in March 2014 to the peak of 11 200 in March 2016.

3. Key features of claimants (as at 31 December 2017) are as follows –

- (a) Over 90% came from South or Southeast Asia, with India (22%), Pakistan (21%), Bangladesh (14%), Indonesia (11%), Vietnam (8%), the Philippines (7%), Nepal (4%) and Sri Lanka (3%) ranking the top;
- (b) 44% entered the HKSAR illegally. Another 54% are visitors who overstayed their limit of stay or refused permission to land upon arrival;

- (c) 70% did not seek to lodge a claim to resist being removed until they were intercepted or arrested by the Police or ImmD. Overall, claimants had remained in the HKSAR for 12 months on average before lodging a claim. For overstayers, the average is 18 months; and
- (d) 74% of claimants are male and 96% are adults above the age of 18.

4. The Government's estimated expenditure arising from the screening of non-refoulement claims and provision of various support to claimants amounts to \$1.43 billion in 2017-18 (an increase of 165% since 2014-15). Since the implementation of USM to 31 December 2017, 10 565 claims have been finally determined, amongst which 86 were substantiated (including 24 on appeal).

Comprehensive review

5. To address the influx of NECIIs and the significant increase of non-refoulement claimants since 2014, the Government launched a comprehensive review of the strategy of handling non-refoulement claims under the USM in early 2016. The review addresses matters on arrival prevention, screening procedures, detention, enforcement and removal. We will also put forward proposals for further amending the Immigration Ordinance (Cap. 115) to improve the screening procedures for non-refoulement claims and related matters. References will be drawn as appropriate from the operational experience under USM, and relevant overseas laws and practices.

Regulation of Employment Agencies (EAs)

The regulation of EAs has been substantially strengthened. A Code of Practice for Employment Agencies was promulgated in January 2017 to enhance the professional standard and service quality of the industry. The Government introduced the Employment (Amendment) (No. 2) Bill 2017 into the LegCo, proposing to substantially increase the penalties on EAs overcharging job-seekers or operating without a licence and to provide the Code with a statutory basis, and the Bill was passed by the LegCo and came into effect in February 2018. Since 2014, LD has increased manpower for monitoring EAs. The annual inspection target has been increased from 1 300 to 1 800. LD also launched the Employment Agencies Portal¹ (with the FDH Corner of the Portal available in FDHs' mother languages including Tagalog, Indonesian and Thai) in January 2017 to help FDHs, job-seekers, employers and the public gain convenient access to information relating to the regulation of EAs.

¹ www.eaa.labour.gov.hk

**Protection of FDHs -
Publicity and promotional efforts**

LD has made extensive efforts in promoting the rights of FDHs. A regular liaison mechanism with Consulates General (CGs) of major FDH home countries has been put in place to enhance collaboration and coordination of publicity efforts, and to share views on FDH-related matters and intelligence on unscrupulous EAs. LD also joins the Welcome Programmes organised by the CGs regularly for newly-arrived FDHs to brief them on their employment rights and channels for seeking redress. Extensive publicity efforts and educational programmes have been launched to promote FDHs' and employers' awareness of their employment rights and obligations, such as launching a dedicated and multi-lingual (including Tagalog, Indonesian, Thai and Khmer) website¹ in April 2016 to provide information related to the employment of FDHs; publishing in April 2016 an easy-to-understand leaflet on "Do's and Don'ts" for FDHs, employers and EAs; organising seminars to brief employers and EAs on their legal rights and obligations; broadcasting television and radio APIs, placing publicity columns in newspapers and screening publicity videos on public transport to remind employers of their obligations in employing FDHs.

¹ www.fdh.labour.gov.hk

Protection for Victims

The Government already provides holistic and humane protection, support, and assistance to TIP victims, including –

- (a) Witness protection programme – where circumstances warrant, the Police will activate its witness protection programme to protect the victims from further exploitation; they would also seek assistance from overseas LEAs for providing assistance and assurance to victims and families in their home country;
- (b) Provision of welfare support and assistance – the victims will be provided with the necessary support and assistance in a timely manner, including the provision of shelter, medical services, psychological support, counselling and financial assistance, etc. Where necessary, the SWD will assist to assess the welfare needs for the victims and provide them with the appropriate services;
- (c) Provision of financial assistance – where required, departments in charge of the case may consider providing financial assistance to victims residing overseas to enable them to return to the HKSAR to testify as witnesses. The assistance covers expenses incurred during their stay in the HKSAR, including accommodation, passage, daily subsistence and visa processing fees, etc.;
- (d) Consideration of proper arrangements during prosecution process – departments concerned would promptly bring TIP cases to the attention of the Prosecutions Division of DoJ, so that it can make a timely and proper assessment of the relevant legal issues, including the question of immunity;
- (e) Visa extension and fee waiver – ImmD may grant visa extension and waive visa fees for TIP victims who need to stay in the HKSAR to act as prosecution witnesses in legal proceedings instituted by the Police, ImmD or the LD; and

- (f) Exceptional approval for FDHs to change employers in the HKSAR
 - ImmD may also consider granting exceptional approval for FDHs to change employers when there is evidence suggesting that they are being exploited or abused by their employers.

Immigration detention in respect of foreign illegal migrants

1. The legal position on the liberty and security of persons who are detained pending removal from the HKSAR was clarified by the CFA in a judicial review case in 2014.

2. In *Ghulam Rbani v Secretary for Justice* (2014) 17 HKCFAR 138, the CFA ruled that section 11 of the HKBORO (which implements the immigration reservation to the Covenant) precluded the applicant from relying on Article 28 of the Basic Law and Article 5(1) of the BOR to challenge the exercise of detention powers under section 32 of the Immigration Ordinance, (Cap. 115) (the case was specifically concerned with section 32(2A) which empowers ImmD to detain a person pending a decision as to whether or not a removal order should be made against such person). Notwithstanding the above, the CFA re-affirmed that ImmD's exercise of its power to detain a person pending removal is subject to the common law *Hardial Singh* principles, i.e.,

- (a) ImmD must intend to remove the person and can only use the power to detain for that purpose;
- (b) the removee may only be detained for a period that is reasonable in all the circumstances;
- (c) if, before the expiry of the reasonable period, it becomes apparent that ImmD will not be able to effect removal within that reasonable period, he should not seek to exercise the power of detention; and
- (d) ImmD should act with reasonable diligence and expedition to effect removal.

3. To ensure that every decision to detain a person pending removal complies with the above ruling, ImmD has implemented a number of measures, including making and publishing at its departmental website detention policies which set out factors that ImmD may consider in

determining whether a person should be detained, and reviewing each detention case regularly and when there are particular changes in the circumstances of the case to decide whether to continue with detention. If ImmD decides to detain or continue to detain a person, reasons will be provided to him in writing.

The rights of persons in custody

Avenues for complaints

1. The CSD reviews and fine-tunes its complaint handling mechanism from time to time to enhance its transparency and credibility. To further improve the mechanism, the CSD established the CSD Complaints Appeal Board in 2016 as an appeal channel for complainants dissatisfied with the outcome of investigation by CSD's Complaints Investigation Unit.

2. The complaint mechanism is explained in paragraph 59 of the HKSAR Common Core Document.

Justices of the Peace Visit Programme

3. The JPs Visit Programme is an independent monitoring system that safeguards the rights and interests of persons in custody.

4. Regular JP visits to custodial institutions are conducted in accordance with provisions of the Prison Rules (Cap. 234, sub. leg. A). All JP visits are unannounced and the institutions concerned will not be notified in advance of the exact date and time of the visit. JPs may request to pay additional visits to the institutions concerned outside their tour of duty to follow up on or look into specific complaints. During their visits, JPs may speak to individual persons in custody and request private meetings with such persons out of hearing of CSD staff. They may initiate investigative actions by making personal inquiries into the complaints they receive from persons in custody (e.g. by seeking background information from staff of the institutions and examining relevant records) or refer the complaints to the institutions concerned, the management of CSD, the Complaints Investigation Unit of CSD, The Ombudsman or the Police for investigation, having regard to the nature and seriousness of the complaints. The relevant bodies will look into the complaints, and the JPs will be informed of the investigation outcomes in writing. If the JPs are not satisfied with the investigation results and / or

follow-up actions taken by the relevant bodies, they may request a review of the case or refer the case to other suitable authorities for investigation.

5. Visiting JPs are required to ensure that all abuses in connection with the correctional institution which come to their knowledge are brought to the notice of the Commissioner of Correctional Services immediately; visiting JPs are also required to attend to all reports of injuries to persons in custody caused by discipline or treatment, and communicate their opinion to the Chief Executive of the HKSAR. All correctional institutions have on-premises hospitals where basic medical care is provided to persons in custody by Medical Officers seconded from the Department of Health. Where necessary, Medical Officers may conduct physical examination on persons in custody and provide medical evidence in relation to any allegation of injuries. Besides, an “Annual Report on Justices of Peace Visits” is also published to summarise the follow-up actions taken in respect of complaints, requests and enquiries made by persons in custody to the JPs. Paragraph 16 of the Immigration (Treatment of Detainees) Order (Cap. 115, sub. leg. E) provides for similar visit arrangement by JPs in relation to immigration detention facilities operated by the ImmD.

6. The JP Visit Programme provides an effective independent channel for monitoring and improving the penal system. The comments and suggestions put forward by the visiting JPs are carefully considered and, where appropriate, put into action.

Complaints to The Ombudsman

7. The position is essentially as explained in paragraphs 204 and 205 of Part II of the initial report.

8. Between 1 July 2010 and 30 June 2017, The Ombudsman received a total of 613 complaints against the CSD –

Year	Number of complaints
2010 (from 1 July)	76
2011	93
2012	83
2013	97
2014	92
2015	81
2016	54
2017 (as at 30 June)	37
Total	613

9. Among those complaints, inadequacies or deficiencies on the part of CSD were found in eight complaints.

10. Some commentators have expressed concern that prisoners may be subject to unfair treatment when they complain against abuse by CSD officers. The Ombudsman pays special attention to the following matters in handling complaints from prisoners:

- (a) prisoners' lack of access to treatment and medication;
- (b) victimization by prison staff;
- (c) denial of right to outside contact;
- (d) threats to personal safety; and
- (e) encroachment on the right to observe religious rites and participate in religious activities.

11. Some commentators are also worried that there may not be CCTV recordings to assist The Ombudsman's investigation of prisoners' complaints. Currently, the majority of CSD's prisons keep their CCTV recordings for 31 days. However, in the event of an untoward incident or special occurrence or upon request from The Ombudsman, the relevant CCTV recordings will be retained as evidence until the case is concluded. The CSD is planning to enhance its CCTV systems by phases to cover more locations in its prisons.

Regulation and management of penal establishments

Prison population

1. As at 31 July 2017, there were 8 482 persons under the custody of CSD and the overall occupancy of all penal institutions was about 75% of the certified capacity.

Ethnic minority prisoners

2. The CSD is committed to providing fair and equal treatment to all prisoners, irrespective of their race, religion and nationality. As at 31 July 2017, there were 1 679 persons in custody of “other nationality” (a statistical classification) in Hong Kong prisons. The treatment of ethnic minority prisoners is essentially as explained in paragraph 120 of Part II of the second report, except that Hong Kong now has arrangements with 13 countries¹, whereby we would inform their consulates in accordance with the relevant provisions of the consular agreements if their nationals are taken into custody. For other nationals, we will do so upon request by the national in question in accordance with the Vienna Convention on Consular Relations.

3. The CSD has put in place measures to facilitate communication with ethnic minority groups in prisons. CSD provides interpretation services (sometimes in collaboration with NGOs) to prisoners when required, especially during admission and disciplinary proceedings. A Prisoner’s Information Booklet, which contains information on various important matters such as procedures for instituting legal proceedings before the courts, legal aid, conduct and discipline in prisons, channels for making complaints, is issued to every prisoner upon admission. This Booklet is available in 27 languages catering for the needs of most ethnic minority groups in prisons.

¹ Australia, Cambodia, Canada, India, Italy, Japan, New Zealand, the Philippines, Russia, South Korea, the UK, the USA and Vietnam.

Rehabilitation of juvenile offenders and other offenders

Rehabilitation of offenders

1. The position regarding the rehabilitation of offenders remains largely the same as explained in paragraphs 134 to 139 of the previous report.

2. The “Risks and Needs Assessment and Management Protocol for Offenders” applies to all young offenders, inmates of Drug Addiction Treatment Centres and adult prisoners sentenced to 12 months or above. As at 31 July 2017, over 37 600 offenders have benefited from the relevant assessment, and more than 67 500 group sessions of rehabilitative programmes have been organised as a result.

Rehabilitation of juvenile offenders

3. The position is as explained in paragraphs 103, and 105 to 108 of Part II of the second report.

4. The SWD adopts a social work approach in executing its statutory duties and provides community-based supervision and counselling services for offenders. The SWD has since July 2007 co-located its six correctional / residential homes into one purpose-built correctional home with modernised facilities to provide a safe and healthy living environment for the residents. The SWD offers personalised training programmes for individual residents, with a view to improving their family relationships and facilitating ongoing contact and interaction with the community.

5. Since July 2012, the SWD has implemented the integrated community-based services for offenders by integrating the previous probation offices, community service orders office and Community Support Service Scheme into seven probation and community service orders offices (PCSOs) to serve their respective magistrates’ courts across the territory. Children and juvenile offenders placed on probation orders

or community service orders receive services from the PCSO serving their respective place of residence.

**Assistance for Hong Kong residents detained
in the Mainland of China**

1. Under the principle of “one country, two systems”, the Government does not interfere with the law enforcement and judicial process in the Mainland. On the other hand, the Government will provide practicable assistance to Hong Kong residents detained in the Mainland and their families.

2. In 2001, a reciprocal notification mechanism was introduced under which both the Mainland authorities and the Government would notify the other party of any criminal prosecution of, or the imposition of criminal compulsory measures on, suspected offenders, and unnatural deaths of residents of the other party. The reciprocal notification mechanism is an administrative arrangement to be implemented on the basis of mutual respect for the relevant laws of both parties. It will under no circumstances affect the legal rights and obligations of the person against whom a criminal compulsory measure is imposed or criminal prosecution is instituted or those of his or her family. The mechanism aims to facilitate prompt notifications to family members of the subject involved. Since the introduction of the mechanism, the Mainland authorities have made more than 15 100 notifications to the Government by 30 November 2017. Upon notification from Mainland authorities, the Government will inform the families of the persons in question, who can seek assistance from the ImmD of the HKSAR. The assistance may include:

- (a) provision of information on ways to seek the service of Mainland lawyers;
- (b) conveying assistance seekers’ requests to visit the detainees or other requests to the Mainland authorities through the relevant Office(s) of the Government in the Mainland; and
- (c) referral of individual enquiry to relevant authorities for follow-up action.

3. In June 2016, with a view to improving the notification time frame and its transparency, and to better safeguard the legal rights of residents of both sides, the Mainland authorities and the Government commenced discussion to review the arrangements under the reciprocal notification mechanism. Upon reaching consensus with the Mainland authorities on improvements in various areas including the notification time frame, content, scope and channel, the new arrangements were signed in December 2017. Under the new arrangements, a notification time frame which ranges from 7 to 30 working days depending on the nature and complexity of the cases has been set for the first time. Both sides will also respond within 30 working days upon receipt of any enquiry. In addition, the contents of notification of the two sides will be standardised. As regards the scope of notification, the new arrangements expressly require all Mainland agencies which are authorised to impose criminal compulsory measures on Hong Kong residents according to the laws of the Mainland to make notifications. To enhance the efficiency of notification, in addition to notifications made through the Mainland notification unit, designated Mainland local authorities will make direct notifications to the Hong Kong notification unit. The new arrangements took effect on 1 February 2018.

**Travel documents for permanent residents
and non-permanent residents**

1. Under Article 154 of the Basic Law, the Government is authorised to issue HKSAR passports to all Chinese citizens who hold Hong Kong permanent identity cards (persons who hold such cards have the right of abode in Hong Kong). The ImmD is the sole authority for the issue of HKSAR passports.

2. Normally, it takes 10 working days to process a passport application and urgent applications can be “fast-tracked”. As at 30 November 2017, the ImmD had issued about 10.92 million HKSAR passports. The passport continues to be well regarded internationally: as at 30 November 2017, 159 countries / territories have granted visa-free access or visa-on-arrival to its holders.

3. The Government is also authorised to issue travel documents “to all other persons lawfully residing in the Region” under Article 154 of the Basic Law. Hong Kong non-permanent residents or permanent residents not of Chinese nationality who do not have any other travel document may apply for the HKSAR’s Document of Identity for Visa Purposes. The document is issued by the Director of Immigration under the Immigration Regulations (Cap. 115, sub. leg. A). They are valid for seven years and normally have an endorsement stating that “the holder of this document may return to Hong Kong during its validity without a visa”.

4. Some commentators were concerned with the cases of denial of entry of some Hong Kong residents by other jurisdictions, and the policy and measures of the Government in dealing with these cases. The Government attaches importance to the legal right enjoyed by Hong Kong residents outside Hong Kong and will provide practicable assistance to them when necessary. At the same time, we respect the immigration control imposed by other places in accordance with their laws and policies. We do not seek to interfere with the decisions made on individual cases by other immigration authorities.

Immigration control on entry into Hong Kong by visitors

1. Hong Kong continues to adopt a liberal visa policy where nationals of about 170 countries and territories may visit Hong Kong visa-free for periods from 7 to 180 days. The ImmD handles applications from visitors who need a visa to visit Hong Kong.
2. In response to the comments of the Committee that the entry of certain persons into Hong Kong were reported to be subjected to more stringent screening process, we should point out that the ImmD, like other immigration authorities around the world, has the responsibility to uphold effective immigration control and is empowered by law to discharge such responsibility, including the examination of any visitor on his arrival in Hong Kong. In processing an application for entry, immigration officers take into account the law, the prevailing policy and other relevant circumstances and factors pertaining to each application. Each entry application is determined on its individual merits.
3. There is a statutory appeal channel for any person who is dissatisfied with the decision of an immigration officer.

Deportation, Removal and Immigration Tribunal

Deportation

1. A breakdown of the deportation orders issued since the preparation of the previous report by year and up to end November 2017 is set out below. In all of these cases, deportation orders were made after the immigrants concerned had been found guilty of offences punishable with imprisonment for not less than two years. No deportation order has been made on the alternative ground that the deportation is deemed to be conducive to the public good.

<u>Year</u>	<u>Number of deportation orders issued</u>	<u>Number of petitions/objections against deportation orders and requests for rescission or suspension of deportation orders</u>	<u>Number of deportation orders rescinded or suspended</u>
Nov – Dec 2010	82	5	1
2011	537	28	18
2012	584	43	21
2013	535	41	29
2014	337	37	19
2015	346	30	26
2016	421	34	22
Jan – Nov 2017	449	23	18

Removal

2. The table below provides a breakdown of the removal orders issued since the preparation of the previous report by year and up to end November 2017.

<u>Year</u>	<u>Number of removal orders issued</u>	<u>Number of statutory appeals received against removal orders</u>
Nov – Dec 2010	266	143
2011	1 974	649
2012	2 134	926
2013	2 152	826
2014	2 226	215
2015	2 220	452
2016	2 343	758
Jan – Nov 2017	2 304	503

Immigration Tribunal

3. The position remains largely as explained in paragraphs 255 and 256 of Part II of the initial report. In the period since the preparation of the previous report up to end November 2017, there was no appeal against removal order that was considered meritorious by the Immigration Tribunal.

Right of Access to Courts

1. LASC carried out another review on the issue of independence of the legal aid system and made recommendations in 2013. In this review, LASC considered that there was no immediate need to establish an independent legal aid authority though it would be worthwhile to revisit the independence issue from time to time. LASC acknowledged that sufficient safeguards in statute and in practice were in place to ensure the independent administration of the legal aid service. LASC considered that the degree of independence upheld and exercised by the Legal Aid Department (LAD) was sufficient. Any suspicion about the lack of independence was more of a perception issue, which could be addressed by introducing improvement measures to the legal aid administration framework without the need to change LAD's institutional structure itself.

2. LASC recommended, among other things, that LAD should be re-positioned and made directly accountable to the Chief Secretary for Administration. The Chief Executive announced in October 2017 that the Government would implement LASC's recommendation to transfer the responsibilities for formulating legal aid policy and housekeeping LAD from the Home Affairs Bureau to Chief Secretary for Administration's Office.

**Interception of Communications and Surveillance Ordinance
(Cap. 589)**

1. Under the ICSO, prior to carrying out interception of communications or covert surveillance, a LEA must obtain a “prescribed authorization” from the relevant authority. An application for authorisation must meet the criteria that the operation is necessary for the purpose of prevention or detection of serious crime or protection of public security. The authorising authority must be satisfied that the necessity and proportionality tests are met before issuing the authorisation. For interception of communications and the more intrusive type of covert surveillance, the authorising authority is one of the panel judges, who must be judges of the Court of First Instance. Less intrusive covert surveillance are authorised by designated senior officers of LEAs.

2. The ICSO provides for a Commissioner on Interception of Communications and Surveillance (the Commissioner), who is an independent oversight authority and must be an “eligible judge”. If any person suspects that covert operations have been conducted on him by any of the four designated LEAs, he may apply to the Commissioner for an examination under the ICSO. With the enactment of the Interception of Communications and Surveillance (Amendment) Ordinance 2016, the Commissioner is provided with an express power to require the production of interception and surveillance products obtained by the LEAs under the ICSO, thereby facilitating the Commissioner’s oversight of the LEAs’ compliance with the relevant requirements. All interception and surveillance products are required to be destroyed as soon as their retention is not necessary for the relevant purpose of the authorisation, unless it is to be or has been provided to the Commissioner pursuant to the exercise of his oversight powers.

3. The above legislative amendment exercise serves to enhance the effectiveness of the regime and the clarity of a number of provisions in ICSO.

4. Over the years, the Commissioners have indicated in the annual reports that they were satisfied with the compliance of the LEAs with the requirements under the ICSO. Since its inception in August 2006, the ICSO regime has been operating smoothly to strike a balance between the need for prevention and detection of serious crimes and the protection of public security on the one hand and the need for safeguarding the privacy and other rights of individuals on the other.

Protection of data privacy

1. As at 31 July 2017, the Privacy Commissioner for Personal Data was supported by 76 staff members. Between April 2010 and July 2017, the PCPD received 13 737 complaints and 136 703 enquiries. In the same period, the PCPD issued 198 warnings, 210 enforcement notices and referred 234 cases of suspected offences to the Police for investigation and consideration of prosecution.

2. Since the commencement of the PDPO in December 1996, the PCPD has issued three codes of practice¹, one set of guidelines, 21 guidance notes, 18 information leaflets, 16 leaflets / booklets, six books and eight infographics, that provide practical guidance for compliance with requirements of the PDPO, including recommendations on good practices. Practical information and tips on various areas with respect to the protection and respect of personal data are also provided.

3. Some commentators noted that there have been instances of leakage of personal data with the development of information technology, and asked the Government to provide more resources to the PCPD for it to better discharge its duties. To ensure that the PCPD has the necessary resources to effectively discharge its functions, the subvention allocated to the PCPD by the Government has increased from about \$48.6 million in 2010-11 to about \$76.0 million in 2017-18, an increase of more than 50%.

Amendments to the PDPO

4. In the light of social development and technological advancement, and also the rising public concern about protection of personal data privacy, the Constitutional and Mainland Affairs Bureau (CMAB) conducted a comprehensive review of PDPO with the support of PCPD. In June 2012, the Personal Data (Privacy) (Amendment) Ordinance 2012, was passed by the LegCo. The Amendment Ordinance

¹ The codes of practice are, namely, “Code of Practice on Human Resource Management”, “Code of Practice on the Identity Card Number and other Personal Identifiers”, and the revised “Code of Practice on Consumer Credit Data”.

introduced amendments to PDPO, among others, to make provisions for regulating the use or provision of personal data in direct marketing; to create a new offence for disclosure of personal data obtained without consent from data users; to empower the Privacy Commissioner to provide legal assistance to aggrieved data subjects in bringing proceedings to seek compensation from data users under PDPO; and to impose a heavier penalty for repeated contravention of enforcement notices, etc.

The potential personal data privacy risks of electronic devices

5. The use of Internet of Things technologies has become increasingly common nowadays. An individual's whereabouts, data or behaviour may be tracked or monitored directly or indirectly by electronic devices carried or installed at his/her home or workplace. In view of this, PCPD issued an infographic "Protect, Respect Personal Data – Smart Use of Internet of Things" and an information leaflet "Physical Tracking and Monitoring Through Electronic Devices" to explain the possible risks of personal data privacy associated with these tracking and monitoring, and to recommend different privacy protection measures.

6. Besides, using smart devices has become an integral part of daily life of the public and the mobile applications downloaded by users also bring about potential privacy risks. Recent major incidents involving the collection of personal data by mobile applications include, (i) a location-based augmented reality game application which requires users to activate their location function and the device camera for incorporating game playing in the actual environment with the augmented reality technology, and this may involve collection and use of personal data; (ii) an instant messaging application changed its service terms and privacy policy, with intention to share users' information with its parent company; and (iii) three "call-blocking" mobile applications collected and integrated users' personal data for their databases. The PCPD has taken follow-up actions to address the privacy concerns arising from these incidents. Publicity videos and leaflets have also been made available to the public to provide recommendations on protection of personal data during the use of mobile applications.

Webcams

7. Webcams are increasingly being used by organisations and households for surveillance, so is the installation of recording devices on public transport. Relevant personal data privacy issues have aroused public concerns. In August 2016, images of Hong Kong residents captured from webcams in Hong Kong were featured in an exhibition at an art gallery in London, the United Kingdom, by an overseas artist for display and sale. The PCPD contacted the data protection authority in the United Kingdom for follow-up actions. Eventually, the artist agreed to obscure the faces of the people in the images and stopped selling prints of those images. The PCPD also provided tips for webcam users on adopting adequate safety measures, so as to prevent captured videos or images being browsed or captured by others. Besides, in view of the privacy concerns arising from the installation of cameras in taxis, the PCPD issued relevant guidelines in 2015, with a view to offering advice to the taxi trade and relevant data users on whether CCTV should be used and how to use it responsibly.

Loss of notebook computers of the Registration and Electoral Office (REO) containing personal data

8. In March 2017, the REO found two notebook computers missing on the day following the 2017 Chief Executive Election. One of the notebook computers contained encrypted personal data of about 3.78 million Geographical Constituencies Electors, including their names, addresses and Hong Kong Identity Card numbers. Although the data was protected by multiple layers of protection and there has been no evidence suggesting any data leakage, the incident attracted public concerns on personal data privacy in public elections. The PCPD and a task force established by the CMAB respectively conducted investigations into the incident, and made a series of recommendations to prevent similar incidents from happening in the future. The REO has accepted the recommendations and has implemented most of them as at January 2018.

9. In addition, the PCPD issued a *Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations and Members of the Public* in January 2018, to

further raise public awareness of protection of personal data in public elections.

The Hong Kong Law Reform Commission (LRC) reports on privacy

10. The LRC published several reports relating to privacy, one of which is a report in relation to stalking. That report proposed to make the pursuit of a course of conduct causing another person alarm or distress a criminal offence and a civil wrong. The Government followed up LRC's proposals by issuing a "Consultation Paper on Stalking" in December 2011, and the consultation ended in March 2012. In the same year, the Government reported the views collected to the CA Panel.

11. In 2013, the Government commissioned the Centre for Comparative and Public Law of the University of Hong Kong (the Consultant) to study the anti-stalking legislation of overseas jurisdictions, and subsequently sought stakeholders' views on the Consultant's research findings and recommendations. At the CA Panel meeting in December 2013, some members expressed strong reservations on the introduction of anti-stalking legislation in Hong Kong, while some considered that the introduction of such legislation would interfere with news reporting activities and hamper press freedom, and therefore counter-proposed that a "specified relations" approach be further explored. However, the "specified relations" approach would only provide legal protection for a few specified types of victims, but victims in other similar contexts would not be protected. The overseas legislations studied by the Consultant also do not single out particular relationships for protection from stalking or harassment. As the "specified relations" approach does not treat all victims of stalking on an equal basis, it was not supported by stakeholders including those from the legal sector. In the end, none of the proposals (i.e. the LRC's, the Consultant's and the "specified relations" approach) received general support by the public.

12. When the LRC formulated recommendations on stalking, the main public concern was individuals stalked or harassed by former or current spouses/cohabitants/lovers and family members, money lenders, landlords and reporters. Since the publication of the LRC report a number of measures have been introduced to enhance the protection from

harassment, for example by expanding the scope of and increasing the penalties under the Domestic and Cohabitation Relationships Violence Ordinance (Cap. 189) and the Landlord and Tenant (Consolidation) Ordinance (Cap. 7). To regulate debt collection practices, the Government has imposed new licensing conditions via administrative measures under the Money Lenders Ordinance (Cap. 163). The press industry has also established the Hong Kong Press Council to enhance professional ethical standards and to deal with complaints about privacy intrusion by newspapers.

Freedom of Religious Belief

1. Various religions, such as Buddhism, Taoism, Confucianism, Catholicism, Christianity, Islam, Hinduism, Sikhism and Judaism, coexist in Hong Kong with a considerable number of adherents. Apart from offering religious instructions, many major religious bodies establish schools, provide health, welfare and other social services and facilities.
2. Information on religious education provided by schools with or without religious background is widely accessible to the public, for example, through the Schools Profile published by the Committee on Home-School Co-operation, to inform parents before they select schools for their children. Parents can therefore make informed choices of sending their children to schools without religious education or with education of a particular religion.
3. In terms of staff appointment, general guidelines on personnel matters have been given to schools in the School Administration Guide. Schools are required to refer to the relevant legislation in drawing up their personnel management policies and procedures, which includes, among others, the legislation on equal opportunities. The Guide also sets out the principles of fairness and transparency in recruitment and selection of staff. More specifically, vacancy information in the advertisement should be gender-neutral and discrimination-free. In this respect, schools, irrespective of their religious background, should observe the fairness principle in personnel matters and hence avoid individual staff being discriminated on the basis of religious belief.
4. School sponsoring bodies with religious background enjoy the freedom of provision of religious education programmes according to their faith traditions in Hong Kong. Students are free to choose or not to choose any religion in all schools.

Access to Government-held information

1. Since its implementation in March 1995, the Code on Access to Information has provided an effective framework to allow the general public access to a wide range of information held by the Government. Until the end of March 2017, Government bureaux and departments received a total of 56 799 requests for information under the Code. Of these, 3 319 requests were subsequently withdrawn by the requestors, 2 684 requests covered cases in which the bureaux / departments concerned did not hold the requested information and 263 requests were being processed by bureaux and departments. Among the 50 533 requests to which the bureaux and departments had responded, 49 348 requests (98%) were met, either in full (48 252 requests) or in part (1 096 requests). 1 185 requests (2%) were refused on the grounds that they concerned matters such as defence and security; law enforcement, legal proceedings and public safety; management and operation of the public service; third party information; or privacy of the individual.

2. Under the Code, if a person who had requested a bureau / department to provide information considers that the bureau / department has failed to comply with any provision of the Code, the person may ask the bureau / department to review the decision. Apart from the review mechanism, the Code provides a complaint channel under which an applicant who considers that a bureau / department has failed to properly apply any provision of the Code may lodge a complaint to the Office of The Ombudsman which is a statutory body independent of the Government.

3. Between March 1995 and March 2017, The Ombudsman received 537 complaints in this regard and completed investigations into 522 cases. Of these 522 cases, 43 were substantiated, 35 partially substantiated, 28 unsubstantiated, 332 concluded and settled after preliminary inquiries by The Ombudsman, 84 not pursued by The Ombudsman or fell outside The Ombudsman's jurisdiction.

**Regulation and Licensing of the Broadcast Media,
Radio Television Hong Kong, Film Classification System,
Appeals Against the Decision of the Film Censorship Authority and
the censors, Regulation of Obscene and Indecent articles, and
Management of Libraries and Museums**

Regulation and licensing of the broadcast media

1. Since the submission of the previous report, a domestic free television programme (free TV) service licensee has ceased operation in 2016, and two new free TV licences were granted in 2015 and 2016 respectively. The entry of new television broadcasters has enhanced competition in the television industry, providing more diverse programme choices for the public. In addition, RTHK, Hong Kong's public service broadcaster (PSB), launched its own digital terrestrial television service in 2014.

2. The three commercial television broadcasters are now providing eight digital free television channels and the simulcast of three digital channels on the analogue platform. RTHK is providing three digital free television channels of which two are simulcast on the analogue platform.

3. As for sound broadcasting, the licences of the two commercial broadcasters have been renewed in 2016 for a term of 12 years. Together with RTHK, they provide a total of 13 analogue radio channels.

4. The Government granted licences for digital audio broadcasting (DAB) in 2011 to three commercial operators. RTHK also commenced its DAB services in 2012. In 2015-16, all three commercial operators exited the market. In view of this development, in March 2017, the Government, having completed a review of the development of the DAB market in Hong Kong, decided that all DAB services should be discontinued in Hong Kong.

5. Under the current regulatory regimes for television broadcasting and sound broadcasting, the Communications Authority¹ has published codes of practice for programming and advertising with which the licensees must comply. There is no pre-censorship of broadcast material. Broadcasters enjoy editorial independence in their operations and programming as long as they comply with the law and codes of practice.

6. The regulatory regimes for television broadcasting and sound broadcasting are well established. The Government is reviewing the regulatory regimes under the Broadcasting Ordinance and Telecommunications Ordinance with a view to dovetailing them with the rapidly changing broadcasting landscape and technologies.

Radio Television Hong Kong

7. In paragraphs 220 and 221 of the previous report, we reported that the Government promulgated the RTHK Charter in 2010 in which it defines the role of RTHK as a PSB, sets out its public purposes and mission and enshrines the editorial independence of RTHK.

8. To fulfill its mission as the PSB of Hong Kong, RTHK has embarked on various initiatives including the launch of digital terrestrial television broadcasting and community involvement broadcasting service (CIBS). The CIBS aims to encourage community and ethnic minority organisations and individuals to participate in broadcasting, and participants may seek support from the Community Involvement Broadcasting Fund. The CIBS is now being broadcasted for 16 hours per week.

Film classification system

9. The position is essentially the same as reported in paragraphs 347 and 348 of Part II of the initial report, except that reference to the Commissioner for Television and Entertainment Licensing in paragraph

¹ The Communications Authority was set up in 2012 as the unified regulator of the broadcasting and telecommunications industries in Hong Kong, taking over from the former Broadcasting Authority and Telecommunications Authority.

347 is to be replaced by the Director of Film, Newspaper and Article Administration as a result of the Government's re-organisation in 2012.

Appeals against the decision of the Film Censorship Authority and the censors

10. The position is essentially as explained in paragraph 349 of Part II of the initial report and paragraph 225 of the previous report.

Regulation of obscene and indecent articles

11. The position is essentially as explained in paragraphs 350 to 354 of Part II of the initial report and paragraph 226 of the previous report, except that reference to the Television and Entertainment Licensing Authority in paragraph 352 is to be replaced by the Office for Film, Newspaper and Article Administration as a result of the Government's reorganisation in 2012.

Management of libraries and museums

12. Some commentators raised concerns about whether the criteria in selecting and purchasing library books with different political orientations comply with the UNESCO Public Library Manifesto. The Hong Kong Public Libraries have been following the principles laid down in the UNESCO Public Library Manifesto in acquiring library materials for the provision of a balanced and diversified library collection to meet the needs of people of different ages and sectors for information, research, self-learning and leisure reading.

13. In October 2010, the Government established three Museum Advisory Panels to enhance the management and operation of public museums so as to better cater for the needs of society, and to increase professional and community involvement in the promotion of the public museums. The Government has put greater emphasis on developing holistic policies to tackle management and operational issues as well as devising strategic plans to follow up the initiatives on community involvement, museum branding and merchandising, museum volunteers scheme, promotion and delivery of public museum services at the

corporate level etc. In this regard, the new Museum Advisory Committee (MAC), supported by three standing sub-committees (namely Art Sub-committee, History Sub-committee and Science Sub-committee), has been established since October 2016 to succeed the former three Panels and continues to advise the Leisure and Cultural Services Department on the strategies for development, promotion and management of the respective streams of public museums. Like the former Panels, MAC and its three standing sub-committees comprise individuals of different backgrounds with a great wealth of professional expertise and experiences relevant to the work of the museums in the respective streams. They include professionals, academics, museum experts, artists, collectors, art promoters, entrepreneurs, marketing and public relations experts, and community leaders. They help formulate strategies to pursue the missions of public museums and enhance their ability to fulfil them, further sharpen the identity and focus of museums, and enhance their educational role. MAC and its three standing sub-committees also continue to inject new ideas into the work and operation of the museums and help formulate dynamic and creative plans to attract young visitors and widen the audience base.

Use of Body Worn Video Cameras by the Police

1. At present, uniformed police officers will use body worn video cameras (BWVCs) for recording and collecting evidence in confrontational scenarios, or incidents where a breach of the peace has occurred or is likely to occur.
2. The Police have clear and stringent internal guidelines to regulate the use of BWVCs, the handling of data and submission of recorded footages to the court as evidence, etc. Such guidelines aim to ensure police officers' compliance with the relevant requirements of the PDPO and the law of evidence while using BWVCs.
3. As required by the guidelines, only police officers who have undergone professional training on operating BWVCs are allowed to use BWVCs. All officers using BWVCs have adequate understanding on the PDPO and various relevant ordinances as well as regulations.
4. Any recording made by BWVCs must be incident-specific. Police officers using BWVCs have to overtly wear the cameras on their uniform, and where reasonably practicable, notify the subject prior to commencement of recording. While recording, BWVCs will display a red indicating light. BWVCs are also equipped with outward-facing screens, so that the subject would be aware that he or she is being video-filmed and can see the images being recorded at the same time. Once the purpose of using BWVCs has been achieved, police officers should stop recording.
5. Every time after using BWVCs, police officers are required to report to their supervisors. The use of BWVCs would then be reviewed by the supervisors concerned. The video footages will be handed over to another team of officers for saving and handling, and the hand-over and handling processes will be logged. Digital storage media of BWVCs incorporate digital signature and feature specially coded security seals to prevent unauthorised handling. All footages will be retained for at least 31 days from the date they were recorded. Footages with no investigative

or evidential value, or are not suitable for training or review purposes, will be deleted after 31 days. Footages with investigative or evidential value will be treated as case exhibit, retained for investigation and court proceedings, and then deleted once such process has been completed. If a footage is to be retained for more than 31 days, written authorisation from a Senior Superintendent has to be obtained and such an authorisation has to be reviewed on a monthly basis by the authorising officer. Operators and case investigators must also obtain the approval of supervisors before watching a footage. On the other hand, if a footage is considered suitable for use for training or review purposes after strict scrutiny, the footage will be edited to ensure that it does not contain any identifiable personal particulars or case details before use.

**Position with respect to
the Confiscation of Exhibits under Public Entertainment Laws;
Stalls for Fund Raising / Collecting Signatures during Processions;
and Public Meetings Outside Central Government Offices**

The confiscation of exhibits under public entertainment laws

1. The position is as explained in paragraph 247 of the previous report.

Stalls for fund raising / collecting signatures during processions

2. Charitable/non-charitable organisations wishing to conduct fund-raising activities in public places by selling goods are required to apply for temporary hawker licences from the Food and Environmental Hygiene Department (FEHD). Starting from 15 January 2018, all applications must be submitted at least 12 working days but not more than two months before the fund-raising activities. In handling the applications, the FEHD will consult relevant departments. Apart from checking whether the locations under application have already been allocated to other organisations, FEHD will also take into account environmental hygiene as well as public safety and order, such as whether setting up a stall in those locations would obstruct public passageways. All applications are processed based on the same criteria. In 2017, the FEHD issued a total of 106 temporary hawker licences, some of which have been issued in respect of stalls set up during processions. During the same period, the FEHD refused 30 applications concerning the setting up of stalls during processions, with the major reasons being that the applications were not submitted to the FEHD at least 12 working days before the funding-raising activities, the locations under application had already been allocated to other organisations, and pedestrian flow control or road closure measures would be implemented by the Police at the locations concerned.

3. A person who wishes to organise any collection of money or sale of badges, tokens or similar articles in public places for non-charitable

purposes should apply for a permit issued by the Secretary for Home Affairs. The Home Affairs Bureau would consider the application in accordance with published administrative guidelines. Relevant considerations include public safety, public order, and whether any charitable fund-raising activity will be held at the same time in its vicinity etc.

4. On receipt of an application for temporary occupation of government land from an organisation for miscellaneous purposes (e.g. street-counter for fund raising, etc.), Lands Department would check if the location is on unleased and unallocated Government land. If so and the location is available for the period of time under application, concerned departments would normally be consulted. If no adverse comments are received, approval may be given. The organisation will also need to obtain all necessary licences, permits and approval for the proposed activity from other authorities as appropriate. No fee will be charged for non-profit making ventures.

5. The relevant departments, upon receiving the relevant applications, may seek the Police's comments. If the fund-raising activity would be carried out during a procession, the Police will, in consideration of public safety and public order, assess whether the proposed location of the stalls would cause unreasonable obstruction to the movement of procession and constitute danger to participants or other road users.

Public meetings outside Central Government Offices

6. Since the new CGO came into operation in 2011, the Government has put in place the following arrangements to facilitate members of the public to conduct public activities at the CGO provided that the activities neither compromise public order and safety nor affect the effective operation of the Government:

- (a) members of the public can hold public meetings and submit petition letters to the Government at the Designated Public Activity Area on the pavement of Tim Mei Avenue outside the East Wing Forecourt of CGO without prior approval, though such activities are subject to the relevant provisions of the

Public Order Ordinance governing the holding of public meetings / processions;

- (b) members of the public or representatives of organisations can submit petition letters to the Chief Executive and other members of the Executive Council at the designated area outside the main entrance of the Chief Executive's Office on the days of Executive Council's regular meetings; and
- (c) members of public can hold public meetings at the East Wing Forecourt of CGO on Sundays and public holidays subject to prior application and approval by the Administration Wing.

Annex 22A

Number and membership of trade unions

As at 31 December 2016, the number and declared membership of employees' unions in Hong Kong were –

Industry	No. of unions	Declared membership
Agriculture, Forestry and Fishing	1	7
Manufacturing	77	60 442
Electricity and Gas Supply; Water Supply; Sewerage, Waste Management and Remediation Activities	5	3 150
Construction	40	78 658
Import/Export, Wholesale and Retail Trades	34	51 891
Transportation, Storage, Postal and Courier Services	117	168 554
Accommodation and Food Service Activities	26	23 432
Information and Communications	18	6 713
Financial and Insurance Activities	6	10 304
Real Estate Activities	9	7 789
Professional, Scientific and Technical Activities	9	5 446
Administrative and Support Service Activities	35	55 081
Public Administration	201	214 655
Education	75	115 758
Human Health and Social Work Activities	96	69 095
Arts, Entertainment and Recreation	34	7 417
Other Service Activities	31	7 118
Work Activities Within Domestic Households	14	2 956
Total	828	888 466
Union participation rate in terms of salaried employees and wage earners		24.91%

**Non-governmental Organisations
with an active interest in human rights issues**

1. Against Child Abuse
2. Alliance Against North East New Territories New Development Areas Planning
3. Alliance of Civic Education
4. Amnesty International Hong Kong Section
5. Amnesty International, East Asia Regional Office
6. Asian Migrants Coordinating Body
7. Association for the Advancement of Feminism
8. Baby Friendly Hospital Initiative Hong Kong Association
9. Beyond the Boundary – Knowing and Concerns Intersex
10. Caritas - Hong Kong
11. Centre for Governance and Citizenship, The Education University of Hong Kong
12. Children's Rights Association
13. Chinese YMCA of Hong Kong Hin Keng Centre
14. Chosen Power (People First Hong Kong)
15. Christian Action
16. Civic Exchange
17. Civic Party
18. Civil Human Rights Front
19. Civil Rights Defense Guild
20. Civil Rights for Sexual Diversities
21. Civil Rights Observer
22. Democratic Alliance for the Betterment and Progress of Hong Kong
23. Demosistō
24. Equal Opportunities Commission
25. Family School SODO Concern Group
26. Federation of Muslim Association in Hong Kong
27. Greater China Gender Equality Concerns
28. Harmony House
29. Health In Action
30. Hong Kong Association for Specific Learning Disabilities

31. Hong Kong Association for the Survivors of Women Abuse (Kwan Fook)
32. Hong Kong Bar Association
33. Hong Kong Christian Institute
34. Hong Kong Christian Service
35. Hong Kong College of Paediatricians
36. Hong Kong Committee for UNICEF
37. Hong Kong Committee on Children's Rights
38. Hong Kong Community Network
39. Hong Kong Confederation of Trade Unions
40. Hong Kong Federation of Trade Unions
41. Hong Kong Human Rights Commission
42. Hong Kong Human Rights Monitor
43. Hong Kong Informal Education Research Centre
44. Hong Kong Integrated Nepalese Society Limited
45. Hong Kong Journalists Association
46. Hong Kong Nepalese Federation
47. Hong Kong Secondary Student Union
48. Hong Kong Section of International Commission of Jurists (Justice)
49. Hong Kong Sex Culture Society
50. Hong Kong Sheng Kung Hui Lady MacLehose Centre
51. Hong Kong Society for the Protection of Children
52. Hong Kong Student Aid Society
53. Hong Kong Unison
54. Hong Kong Women Christian Council
55. Hong Kong Women Development Association Limited
56. Hong Kong Youth and Students Federation
57. HORIZONS
58. Human Rights Council of Hong Kong
59. Human Welfare Services
60. Indian Businessmen's Association
61. International Social Service Hong Kong Branch
62. Jammu Kashmir Association (HKSAR)
63. Justice and Peace Commission of the Hong Kong Catholic Diocese
64. Justice Centre Hong Kong
65. Khalsa Diwan Hong Kong (Sikh Temple)
66. Kids' Dream
67. Lab in Hong Kong

68. Labour Party
69. League of Social Democrats
70. Les Corner Empowerment Association
71. Liberal Party
72. Mission for Migrant Workers Limited
73. Mother's Choice
74. Muslim Youth Association
75. Nepali Social Service Hong Kong
76. New Home Association
77. New Immigrants' Mutual Aid Association
78. Next Generation Orientation
79. Office of the Privacy Commissioner for Personal Data, Hong Kong
80. Oxfam Hong Kong
81. Pakistan Islamic Welfare Union
82. Parental Rights Alliance
83. Parents for the Family Association
84. Pathfinders
85. Playright Children's Play Association
86. Policy Research Unit
87. Proletariat Political Institute
88. Rainbow Action
89. Society for Community Organization
90. Society for Cultural Integration
91. Southern Democratic Alliance
92. Stop Trafficking of People (STOP)
93. The Balance of Human Rights Watch
94. The Boys' and Girls' Clubs Association of Hong Kong
95. The Community Citizen Charter
96. The Evangelical Lutheran Church of Hong Kong
97. The Hong Kong Council of Social Services
98. The Incorporated Trustees of the Islamic Community Fund of Hong Kong
99. The India Association Hong Kong
100. The Law Society of Hong Kong
101. The Lok Sin Tong Benevolent Society, Kowloon
102. The Neighbourhood Advice-Action Council
103. The Pink Alliance (aka Tongzhi Community Joint Meeting)
104. The Society for Truth and Light

105. The Zubin Foundation
106. TREATS
107. Unitarian Universalists Hong Kong
108. United Muslim Association of Hong Kong
109. Witness on Chinese Liberty
110. Women Coalition of HKSAR
111. Women's Commission
112. Yang Memorial Methodist Social Service
113. Youth Christian Institute
114. Yuen Long Minorities Parents Concern Group
115. Yuen Long Town Hall Management Committee Ltd
116. 人權好聲音
117. 人權捍衛
118. 同志公民
119. 自由香港人民代表大會
120. 社記婦女組
121. 香港手語及聾人文化協會

Family welfare services

Integrated Family Service Centre

1. In 2004-05, the SWD restructured the family services in Hong Kong and adopted the IFSC service mode, re-engineering the then family welfare service resources (including Family Services Centres and other family service units) to form an extensive network of IFSCs over the territory. IFSCs provide a continuum of preventive, supportive and remedial family services for meeting the changing needs of families in a holistic manner.

2. In 2008, the SWD commissioned the University of Hong Kong to conduct a comprehensive and in-depth review on the implementation of the IFSC service mode. The review report was released in 2010. The consultant team concluded that the IFSC service mode had received general support from stakeholders as the delivery mode for family services and that it should continue to be adopted as the service mode for the publicly-funded family services in Hong Kong. To more effectively prevent and deal with family problems, prevent deterioration of the problems and reduce the workload of IFSC social workers, the Government subsequently allocated additional resources to provide four additional IFSCs in areas with high demand for services. At present, there are 65 IFSCs across the territory.

3. Some commentators were concerned about the workload of IFSCs and that their efficiency may be affected. Since the adoption of the IFSC service mode in 2004-05, the Government has been closely monitoring the manpower situation of the IFSCs and, where necessary, has strengthened their manpower and supervision through provision of additional resources. The total number of frontline social workers and centre-in-charges / supervisors of the IFSCs has increased from 896 and 62 in 2004-05 to 1 123 and 98 in 2016-17 respectively, representing a 25% and 58% increase respectively.

Family and Child Protective Services Units

4. To meet the specific needs of individuals and families with the problems of child abuse, spouse/cohabitant battering, and children affected by custody/guardianship disputes, the FCPSUs of the SWD have been providing specialised services with the objectives of helping the individuals and families to recover from the trauma and to return to a healthy or normal living, and safeguarding the interests of the children concerned. In 2017-18, there are 11 FCPSUs in the territory.

5. Our response to paragraph 18 of the previous Concluding Observations specifically in relation to measures to combat child abuse and domestic violence are elaborated in this Report in respect of Article 24.

Review of laws relating to guardianship and custody of children by LRC

6. The Government has completed the legislative amendments in respect of the two reports published by the LRC on guardianship of children and international parental child abduction as mentioned in paragraph 261 of the previous report.

7. The LRC issued another report in 2005 which was on child custody and access. Among other things, the report recommends the adoption of the “joint parental responsibility” model which aims at enabling both parents to maintain an active involvement in the lives of their children after divorce. Since implementation of this model will fundamentally change the concept of “custody” underpinning the existing family law of Hong Kong and some stakeholders have expressed concerns and worries, the Government conducted two public consultations on the subject. The first was from December 2011 to April 2012 on implementing the parental responsibility model by legislative means. The second was from November 2015 to March 2016 on the draft Children Proceedings (Parental Responsibility) Bill to follow up on the bulk of the LRC recommendations. The Government received about 150 submissions during the second public consultation period. On whether to legislate to mandate “joint parental responsibility”, about one third of the submissions supported the proposal and another one third objected any legislative measures. The remainder one third did not present any strong

view on the legislative proposal one way or the other but expressed clear concerns about the implementation or practical impact of a mandatory “joint parental responsibility” model. Despite the diverse views received, there was overwhelming support for more comprehensive family services and support measures in the interest of the children with divorcing / divorced parents. The Government is mapping out a service enhancement programme which includes the setting up of five Specialised Co-parenting Support Teams in the territory and provision of additional manpower resources to the IFSCs and FCPSUs operated by SWD to support divorcing/divorced parents and their children for early implementation in 2018-19, whilst reviewing the way forward for the legislative proposal.

Responsibility of parenting

8. Family life education programmes organised by various services units under the SWD, including Family Life Education Units, IFSCs and Integrated Service Centres, cover, among other things, the promotion of awareness of shared parental responsibility. These service units also work closely with schools in organising specific programmes for parents with a view to enhancing their understanding of the needs of their children. Moreover, Parenting Programme is available in all Maternal and Child Health Centres under the Department of Health. It aims to equip parents/caregivers with the necessary knowledge and skills to bring up healthy and well-adjusted children through enhancing parenting skills and efficacy, promoting parent-child relationship and reducing child behaviour problems. Parents and parents-to-be will receive anticipatory guidance covering both physical child care and psychological aspects of parenting. Supportive service will also be offered to parents in need, including those encountering difficulties in parenting, with perinatal mental health problem or specific psychosocial needs. In recent years, SWD has also taken forward large scale territory-wide publicity campaigns, including the production of a set of handbooks for parents and children respectively and a thematic website etc., so as to promote the concept of continuing parental responsibilities of divorced parents and to facilitate them to adjust to their lives after divorce as well as to provide guidelines on co-parenting. SWD will continue to strengthen the work in this respect.

One-Way Permit Scheme

1. The OWP scheme is a family reunion scheme which ensures that the eligible Mainland residents will come to Hong Kong for settlement in an orderly manner. The Mainland authorities have since May 1997 implemented a point-based system which has been refined from time to time to assess and determine the eligibility of applicants and the order in which they may settle in Hong Kong according to objective criteria. Except for CoE holders, the considerations in examining and approving the OWP applications include the separation time and the age of the applicants and their Hong Kong relatives. Mainland residents claiming right of abode under paragraph 2(c) of Schedule 1 to the Immigration Ordinance can apply for a CoE from the Public Security Offices in the Mainland where their household registration is kept.

2. On the other hand, Mainland residents may, depending on their purposes of visiting Hong Kong, such as visiting relatives or visits, apply for Two-Way Permit (TWP) (i.e. Exit-Entry Permit for Travelling to and from Hong Kong and Macao) and relevant exit endorsement from the Mainland authorities.

3. The application, approval and issue of OWP, TWP and exit endorsements are within the remit of the Mainland authorities. However, the Government continues to convey to the Mainland authorities the views of various sectors in Hong Kong, and the Mainland authorities have from time to time adjusted and refined the arrangements for OWP, TWP and relevant exit endorsements. For example, the Mainland authorities in 2009 shortened the waiting time of applications by separated spouses from five years to four years; and starting from 25 December 2009 “one-year multiple exit endorsement for visiting relatives” have been issued to eligible Mainland residents holding TWP, which enables them to stay in Hong Kong for 90 days on each entry. After the Government had actively reflected the views of Hong Kong people and discussed with the Mainland authorities, the CPG agreed that, starting from 1 April 2011, eligible Mainland “overage children” of Hong Kong residents may apply for OWP to come to Hong Kong to reunite with their natural parents.

4. In addition, the ImmD of the HKSAR has been referring to the Mainland authorities individual cases with special family difficulty and providing them with information about the special circumstances and background information of these cases. The Mainland authorities have exercised discretion and issued OWP or “one-year multiple exit endorsement for visiting relatives” to some of these applicants.

5. From the establishment of the HKSAR (1 July 1997) to 30 November 2017, over 980 000 Mainland residents (including CoE holders) have settled in Hong Kong under the OWP Scheme.

New arrivals from the Mainland of China

1. In paragraphs 417 to 425 of Part II of the initial report, paragraphs 243 to 245 of Part II of the second report and paragraphs 277 and 278 of the previous report, we explained the position of new arrivals from the Mainland and the initiatives then being taken to ease the process of their settlement. Those initiatives have continued and, where necessary, been improved and updated –

(a) **Identifying needs and organising community activities:**

The Home Affairs Department continues to conduct quarterly surveys on the profile and service needs of new arrivals from the Mainland in collaboration with the ImmD. Survey results are distributed to relevant Government departments and NGOs for reference.

Since 2011, the Home Affairs Department has implemented dedicated programmes, including district-based integration programmes and ambassador schemes, to assist those newly arrived in Hong Kong to integrate into the local community as soon as possible.

- (b) **Education:** The EDB offers support services to assist newly arrived children from the Mainland in integrating into Hong Kong society and overcoming learning barriers. For newly arrived children from the Mainland, they can attend the full-time Initiation Programme before they enroll into mainstream schools. The programme lasts for six months and the curriculum includes Chinese, English, learning skills and social adaptation. Parents may choose to enroll them into this programme first. As to the vast majority of the newly arrived children who choose to study in mainstream schools, schools can make use of the School-based Support Scheme Grant to organise school-based support programmes. The Bureau also subvents NGOs to run a 60-hour Induction Programme for newly arrived children studying in

mainstream schools, so as to help them understand the community and local culture, as well as master learning skills.

- (c) **Housing:** New arrivals may apply, on the ground of family reunion, for addition into public rental housing (PRH) tenancy if they are the spouse / children aged under 18 / dependent relatives of the PRH tenant; or the spouse and/or children of one of the tenant's married children¹; or an adult offspring of elderly tenants, together with his/her family members. However, they must fulfil the stipulated eligibility criteria for addition of family members into PRH tenancy (such as passing the comprehensive means test, domestic property test and complying with the "one-line continuation rule"²). New arrivals who would like to apply for PRH units via the application system can submit their applications to the Hong Kong Housing Authority. They should nonetheless meet various requirements such as the income and asset limits. For those new arrivals from the Mainland whose PRH applications have reached allocation, at least half of the family members should have lived in Hong Kong for seven years. For those individuals who do not meet the aforesaid requirements, but have imminent and long-term housing needs on medical or social grounds and no other feasible means to solve their housing problems, they may approach the SWD for relevant welfare services or assistance. SWD will assess each case and recommend eligible cases to the Housing Department for early allocation of PRH through "Compassionate Rehousing".

To assist new arrivals from the Mainland to better adapt to the new living environment after moving into PRH, the Hong Kong Housing Authority has been allotting part of the Estate Management Advisory Committee funding for each estate to

¹ Provided that the married offspring is an authorised person under the tenancy and there is no other branch family in the tenancy.

² 'One-line continuation rule' means that neither addition of an adult offspring when there is a branch family in the tenancy nor addition of a branch family when there is already an adult offspring in the original tenancy will be allowed.

hold partnering functions with NGOs since 2009, to promote community building, family cohesion, and caring for the elderly, etc. Through organising these functions, local NGOs can have more contact with new arrivals and provide suitable assistance to them.

- (d) **Welfare:** New arrivals can have access to a continuum of comprehensive family services at the 65 Integrated Family Service Centres and two Integrated Service Centres over the territory. Social workers at these centres assess the needs of new arrival families and provide them with appropriate services. From time to time, programmes and activities targeting new arrival families are organised at these centres to help them adapt to the new environment. The focuses of these programmes include effective communication among family members and conflict, emotion and stress management, etc.

Meanwhile, the SWD subsidises the International Social Service Hong Kong (ISSHK) to provide services for new arrival families and individuals. The ISSHK reaches out to new arrivals (including those at the Lo Wu Control Point, one of the immigration control points between the HKSAR and the Mainland) and may refer them to mainstream service units to help identify and tackle family problems at an earlier stage. The SWD has also linked up its hotline with the New Arrivals Connect Hotline operated by the ISSHK to facilitate new arrivals to receive targeted services.

2. Various Government departments have been providing a range of services to help new arrivals adapt to their new environment as soon as possible. The Special Needs Groups Task Force under the Poverty Commission was established in 2014 to review and explore policies and measures to assist new arrivals and other underprivileged groups to integrate into the community, be self-reliant and move upwards along the social ladder.

Services for the child

1. The Government continues to provide subsidies to NGOs to run a variety of child care services for children aged below six to support parents who are unable to take care of their children temporarily because of work or other reasons. The Government also provides fee waiving / fee reduction on day child care services for needy families.
2. Further to paragraph 288 of the previous report, in view of the proven effectiveness of the pilot Neighbourhood Support Child Care Project in achieving its objectives of fostering mutual help in the neighbourhood and providing flexible child care services, it was regularised and extended to all 18 districts in October 2011. The Project was further enhanced in 2014 with additional resources by providing total places of no less than 954, strengthening the social work support, and extending the age limit of children receiving the service to below nine. Under the Project, the service operators have the flexibility to increase the places to meet the demand in the respective districts, for which additional funding will be provided.
3. To support women in fulfilling work and family commitments, since 2015-16, the Government has increased by phases the number of Extended Hours Service places at aided standalone child care centres and kindergarten-cum-child care centres in districts with high demand from 1 230 to 2 254, so that more pre-primary children aged below six in need can continue to receive extended hours of service in the same service units being attended by them, with a view to alleviating the pressure on their working parents.
4. The Government has also appointed nine NGOs to implement the two-year pilot project on child care training for grandparents in March 2016. The pilot project aims at strengthening family ties and relationship between generations, enhancing child care as well as reinforcing support for nuclear families. It also helps to promote active aging of grandparents through life-long learning.

5. Moreover, the Government commissioned the University of Hong Kong to conduct a “Consultancy Study on the Long-term Development of Child Care Services” in December 2016. The Study will take stock of the existing child care services in Hong Kong, and draw on the experience of other places in providing child care services. It will also conduct in-depth analyses of different aspects of child care services in Hong Kong, such as objectives, contents, targets, financing modes, service models, demand and supply situation, facility planning, manpower planning and training, and will make recommendations on the long-term development of relevant services.

Health services

6. The Department of Health (DH) protects health of children through health promotion, disease prevention and provision of health services. The Maternal and Child Health Centres of the DH provide “child health service”, which includes immunisation, health and developmental surveillance and parenting, to children from birth to the age of five. Student Health Service provides annual health assessment designed to cater for the health needs at various stages of development, individualised counselling and health education to enrolled school students. Adolescent Health Programme of the Student Health Service outreaches to secondary schools to provide interactive activities on Basic Life Skills Training and Topical Programme, aiming at empowering adolescents with correct attitudes and skills to face the challenges of growing up.

7. The School Dental Care Service (SDCS) of the DH promotes oral health and provides annual dental check-up, basic and preventive dental care for primary school children in Hong Kong. Besides, students with intellectual disability and studying in special schools, including Schools for Children with Intellectual Disability and Schools for Children with Physical Disability, can continue to enjoy the SDCS until the age of 18. The Child Assessment Service of the DH provides comprehensive assessment and diagnosis for children under 12 years of age who are suspected to have developmental problems. After assessment, follow-up plans will be formulated according to the individual needs of children. Besides, the Government provides vaccinations to children through the Hong Kong Childhood Immunisation Programme and several other

subsidy schemes, with an aim to protect their health.

8. The DH has also been promoting healthy lifestyle, including healthy eating and regular physical activity for preschoolers, primary, secondary and special schools students and encouraging schools to create an environment that is conducive to the practice of healthy living. Separately, the DH and the EDB jointly organised the Joyful@School Campaign in 2016/17 and 2017/18 school years with the aim of enhancing students' awareness and understanding of mental health, raise their awareness of help-seeking, reduce the stigma associated with help-seeking behaviour and strengthen their ability to cope with adversity. The Quality Education Fund will subsidise appropriate programmes, especially encouraging cross-sector collaboration with schools to conduct activities relating to the promotion of mental health. To prevent youngsters from picking up the smoking habit, and encourage smokers to quit, the Government raises awareness about the harmfulness of smoking through different promotional activities, which also aim to remind the younger generation not to use any tobacco products including e-cigarettes. Besides, DH works with NGOs to organise health promotional activities at schools and kindergartens to promote the smoke-free culture. DH has also collaborated with the School of Nursing, the University of Hong Kong, on the Youth Quitline, which targets young smokers aged 25 or below, to help young smokers break the smoking habit.

Education services

9. All along, EDB has been encouraging schools to adopt a positive discipline approach to students' self-discipline and to cultivate a caring and harmonious school culture with stakeholders (including parents). Schools are required to strengthen the life education elements in various domains of their school curriculum to instill in students a sense of respect for others and help them acquire communication, social and conflict-management skills. Personal Growth Education in primary schools has also included elements like helping students understand their responsibilities in families since their childhood and learn to show concern to and help other family members. Parents are encouraged to actively participate in various programmes for the healthy development of students. For instance, parents' participation is emphasized in the "Understanding

Adolescent Project” for primary schools and the “Enhanced Smart Teen Project” for secondary schools. We also provide training for Peace Ambassadors on conflict management and peer mediation skills.

Residential child care services

10. The underlying principle of residential child care services, as mentioned in the previous report, is that a family setting is preferred to an institutional one. This is particularly important in the case of younger children. As at 30 June 2017, there were a total of 2 003 non-institutional residential care placements, compared with 1 865 as at 30 June 2010 as reported in the previous report.

Poverty among children

11. The Government re-established the Commission on Poverty in 2012 as a policy platform to discuss poverty alleviation initiatives. The Commission announced the official poverty line for the first time in 2013 with a view to providing an objective basis for the Government to understand the poverty situation, formulate poverty alleviation policies and assess policy effectiveness. Being updated on an annual basis, the poverty line adopts the concept of “relative poverty” and is set at 50% of the median monthly household income before policy intervention (i.e. before taxation and welfare transfers) by household size. In 2016, the overall post-intervention poverty rate in Hong Kong was 14.7% (about 996 000 persons). Analyses by age and socio-economic characteristics of households indicated that the poverty rate of children aged below 18 and that of households with children were 17.2% (about 172 000 persons) and 15.3% (114 000 households) respectively in 2016; both were at record-low levels since 2009 when poverty statistics was first available, representing respective decreases of 2.7 percentage points (about 51 000 persons) and 2.3 percentage points (about 29 000 households) as compared to 2009. The changes showed the positive impact of the Government’s poverty alleviation measures and the favourable economic conditions in recent years. The Government will continue to monitor the poverty situation and the effectiveness of poverty alleviation measures, including those relevant to children.

12. Subsequent to the additional injection of \$300 million into the Child Development Fund in the 2015-16 financial year, the Government will inject another \$300 million into the Fund in the 2018-19 financial year to ensure its sustainability in facilitating the long-term development of children from disadvantaged backgrounds, with a view to alleviating inter-generational poverty. So far, six batches of projects run by NGOs and four batches of school-based projects have been rolled out, benefitting more than 14 000 children. It is estimated that the latest injection of \$300 million could benefit about 9 000 children additionally.

13. Besides, the Government launched the Low-income Working Family Allowance (LIFA) Scheme in May 2016. Its objective is to encourage self-reliance of low-income families through employment, with a focus on supporting families with children and youths to ease inter-generational poverty. Apart from providing a working hour-linked allowance for LIFA families fulfilling the working hour requirements, a Child Allowance is especially provided for each eligible child or youth in the family. As at end-September 2017, over 36 000 families (involving around 130 000 persons, of which over 57 000 were children or youths) have received LIFA, with a total amount of allowances disbursed at around \$932 million.

14. A series of improvement measures on the LIFA Scheme were set out in the Chief Executive's 2017 Policy Address announced in October 2017. The improvement measures aim at benefitting more working households. They include extending the Scheme to cover singletons, relaxing the income limit, increasing all rates of allowance (including Child Allowance), etc. Furthermore, the LIFA Scheme will be renamed as the Working Family Allowance Scheme. The Government expects that the relevant improvement measures will be implemented on 1 April 2018.

Child abuse and domestic violence

1. Some commentators expressed concerns over cases involving parents committing suicide with their children, or neglecting children by leaving them unattended. They asked the Government to strengthen public education on the right to life of children and provide support to parents with mental health problems.

2. To ensure timely support for children in need from their early developmental stages, the Government implements the Comprehensive Child Development Service whereby pre-primary institutions and other service units, including the Integrated Family Service Centres/Integrated Services Centres, maternal and child health centres and hospitals under the Hospital Authority, are used as a platform to identify children aged zero to five, and families in need of various health and social services at an early stage. The children and their family members in need are referred to appropriate welfare and health service units for follow up.

3. The SWD has stepped up its efforts and services to instil in parents the importance of children's safety and to assist families in need. These efforts include public education and publicity, family life education and family counselling services, enhanced child care services, and financial support for low-income families in need of child care services. The SWD also included in its publicity plan the production of the animations on effective parenting and harmonious inter-generational family life in 2013-14 and 2014-15. Besides, SWD produced and launched a series of APIs on television and radio as well as through posters in 2014-15, conveying the messages that people should not resort to violence against partners or children, but should rather ensure the healthy development of their children and seek assistance early. In 2015-16, SWD launched a Facebook fanpage to promote, among others, the message of fostering harmonious marital relationship and avoiding marital conflict. In 2016-17, SWD launched a short video-clip cum photo competition for promoting family solidarity on the Internet. Posters were also posted on public transportation systems and in organisations and service units in various districts with a view to reminding the public of the importance of

family and encouraging them to strengthen ties among family members. In 2017-18, SWD will launch a series of API on television and radio, as well as through poster to convey the message of child protection and prevention of child abuse in public transportation systems and on the Internet.

4. We strive to provide suitable support services for parents with disabilities, including those with mental health problems. All along, the Hospital Authority has been promoting the importance of mental health through its provision of psychiatric services. The DH has also included mental health in its public health education programme. The measures taken by the Government in this respect was elaborated in the initial report of the HKSAR under the Convention on the Rights of Persons with Disabilities (CRPD) concerning the implementation of Article 23 of that Convention.

5. Our criminal law punishes all acts of violence, irrespective of the relationships between the abusers and the victims, and independent of where the violent acts occur. The Police will handle all domestic violence reports professionally, and conduct thorough investigations according to the circumstances of each report. Where there is sufficient evidence of an offence, the Police will take firm and decisive actions against the offender.

6. In 2009, a Police procedure was introduced whereby all domestic violence (DV) and domestic incident (DI) reports are indexed in an Enhanced Central Domestic Violence Database (ECDVD). In addition to details of DV and DI reports, the ECDVD also contains details concerning reports of child abuse, elder abuse, attempted suicide, missing person etc., as they are often indicative of underlying domestic conflict issues. Upon checking the database following a DI/ DV report, risk assessment will be conducted to determine whether to refer the subjects for appropriate assistance. Furthermore, the ECDVD incorporates an automatic alert system whereby an alert email will be sent to the supervisory officers responsible for previous incidents involving the same subject, the supervisory officers will then assess the risk factors and decide if follow-up actions including immediate intervention and assistance from the SWD are required.

Training for Police officers in handling child abuse and domestic violence cases

7. Police officers handle all reports related to domestic violence and child abuse professionally. The Family Conflict and Sexual Violence Policy Unit (FCSV) of the Police has introduced various training programmes to enhance the capabilities and professional sensitivity of frontline officers in handling domestic violence and child abuse cases. These programmes cover domestic violence dynamics, psychology of parties involved, interview techniques, risk assessment, conflict management and service interface with welfare units, etc. In particular, officers of Child Abuse Investigation Unit in Police regions have received specialised training on child abuse investigation under a joint training programme co-organised by the Police and the SWD, namely the “Training on Video-recorded Interview with Child and Mentally Incapacitated Witnesses”. Refresher training is also organised on a regular basis. Apart from specialised training with regard to handling child abuse cases, FCSV also organises “Professional Training for Designated Domestic Violence Investigation Units”. These training sessions aim to enhance officers’ skills on case investigation, and place emphasis on ensuring officers’ knowledge in rendering special arrangements for victims concerned throughout the investigation and judicial processes.

8. Since November 2006, the Police have adopted an assessment tool, namely, the Emergency Referral Questionnaire, to assist frontline officers in identifying and assessing the risk factors of a family involved in domestic violence incidents. An action checklist is also in place to assist frontline officers in conducting initial investigation at the scene of a domestic violence case.

9. To enhance police officers’ effectiveness in handling family related incidents, e-learning packages in the name of “Family Harmony Project”, covering domestic violence, child abuse, juvenile crime and elder abuse, have been provided to police officers since 2009. In 2013, a training video entitled “The Hidden Truth” was also rolled out to foster frontline officers’ professional sensitivity while handling parties involved in child abuse and domestic violence cases.

Supportive and specialised services offered to victims of domestic violence

10. Since 2006, the Police have adopted a “one family one team” principle by ensuring that the same investigation unit would follow up on cases that involve the same family. To strengthen the support of and assistance to victims of domestic violence during the investigation and judicial processes, and to enhance communication and cooperation among the Police, the SWD and other NGOs, the Police have implemented the Victim Management Workflow so as to enable the Police to adopt a consistent and coordinated approach in victims handling and to take proactive measures that are commensurate with the level of risk and gravity of individual cases.

11. Acknowledging the complexity of familial dynamics and vulnerability of victimised parties in child abuse and domestic violence cases, the Police maintain regular liaison with the SWD and NGOs to ensure that pertinent police policies are practical and effective in protecting victims and apprehending and prosecuting offenders.

**Convention on the Rights of the Child
and Promotion of the Rights of the Child**

Convention on the Rights of the Child

1. The Committee on the Rights of the Child issued its Concluding Observations on the second report of the HKSAR, which formed part of China's third and fourth reports under the CRC.

Promotion of the rights of the child

2. We have continued our efforts to promote the CRC and respect of children's rights in schools and the community at large through different means. We have also taken new initiatives to enhance cooperation with NGOs to promote children's rights.

3. The Government established the Children's Rights Education Funding Scheme in 2006 to provide financial support for community organisations to carry out education projects to raise public awareness and understanding of children's rights. The Scheme which has a budget of around \$1 million accepts open applications for funding on an annual basis. Since its establishment in 2006, the Scheme has supported over 300 projects (such as the Children's Council) implemented by non-government bodies, including community organisations, children's groups, ethnic minority groups, and secondary and primary schools, to enhance different stakeholders' understanding of children's rights under the CRC.

4. On publicity and public education, the Government undertook a series of programmes to promote the CRC and understanding of children's rights. An API to promote respect of children's rights as enshrined in the CRC was launched in 2013. The Government has collaborated with RTHK to produce three television programmes in 2013, 2014 and 2015 respectively as well as a school outreach programme with a view to enhancing the public's understanding of children's rights.

5. The Children's Rights Forum provides a platform for the exchange of views among children bodies, children and the Government on pertinent matters. It encourages members of the public (including children) who take an interest in children's affairs to propose topics for discussion and participate in the Forum's discussions. Since the establishment of the Forum in 2005, 32 meetings have been convened. These meetings were held after school hours or during weekends. There were about 30 to 50 participants at each meeting. Generally speaking, the Secretariat will, in respect of different topics, invite representatives from relevant bureaux and departments to the meetings. The views of the participants on various topics are relayed to the bureau / departments concerned. For example, views about free quality kindergarten education and sports development have been conveyed to the EDB and the Leisure and Cultural Services Department respectively.

6. Starting from 2014, the Government has enhanced the co-operation between the Family Council and the Children's Rights Forum. The Forum will relay not only to policy bureaux but also to the Family Council the views of children on various government initiatives expressed at the Forum, so as to facilitate the Family Council's work in assessing the impact of these policies on family.

7. As mentioned in paragraph 153, the Government plans to set up a Commission on Children in mid-2018. In the meantime, we will continue to promote children's rights through the Children's Rights Education Funding Scheme and the Children's Rights Forum.

Sexual offences records check

1. The Sexual Conviction Record Check Scheme provides employers with a reliable channel whereby they may, when engaging persons for posts undertaking work relating to children or mentally incapacitated persons (MIPs), ascertain whether such prospective employees have any conviction records against a specified list of sexual offences. This minimises the risk of sexual abuse to children or MIPs and affords better protection to them.

2. Over the past few years, the Government has progressively expanded the scope of the Scheme and modified the relevant administrative measures. Currently, the scope of the Scheme covers prospective employees and contract renewal staff seeking child- or MIP-related work in an organisation or enterprise (e.g. schools, residential care homes for persons with disabilities, private tutorial centres and private interest/activity institutions including swimming clubs, ball games clubs, music centres, etc.) and staff assigned by outsourced service providers to work in other organisations or enterprises providing services mainly for children or MIPs. While ensuring adequate processing capacity and operating experience of the Scheme, the Government will keep in view the effectiveness of the Scheme, and review or enhance the Scheme in a timely manner.

**Chief Executive elections, Legislative Council elections,
District Council elections and Rural elections**

Chief Executive elections

1. The Basic Law provides that the CE shall be elected by a broadly representative EC¹ in accordance with the Basic Law and appointed by the Central People's Government.

2. Since the submission of the previous report, two CE elections were held in 2012 and 2017 respectively. The elections were conducted and supervised by the Electoral Affairs Commission, an independent statutory body chaired by a High Court judge so as to ensure that the elections were held in a fair, open and honest manner in accordance with the law.

3. The 2012 CE Election was held to elect the fourth-term CE. A new-term EC was constituted in February 2012 for the election. As the Government's constitutional reform package was endorsed by the LegCo with a two-thirds majority of all Members, received the consent of the CE and approved by the NPCSC, the number of members in the EC increased from 800 to 1 200. A total of three candidates were validly nominated at the close of the nomination period for the election. The election by the EC was held on 25 March 2012. Mr Leung Chun-ying who received more than half of the total number of valid votes cast was declared as returned at the election. On 28 March 2012, in accordance with the provisions of the Basic Law and the outcome of the election by the EC, the State Council of the PRC appointed Mr Leung as the fourth-term CE and his term of office was from 1 July 2012 to 30 June 2017.

¹ The EC is currently composed of 1 200 members from four sectors (which are in turn composed of 38 subsectors), comprising:

- (a) 1 034 members from 35 subsectors who are returned through elections;
- (b) 106 ex officio members who are Hong Kong deputies to the National People's Congress (NPC) and Members of the LegCo under the NPC subsector and the LegCo subsector respectively; and
- (c) 60 members under the religious subsector who are nominated by six designated bodies.

4. The 2017 CE Election was held to elect the fifth-term CE. A new-term EC was constituted in February 2017 for the election. A total of three candidates were validly nominated at the close of the nomination period for the election. The election by the EC was held on 26 March 2017. Mrs Carrie Lam Cheng Yuet-ngor, who received more than half of the total number of valid votes cast, was declared as returned at the election. On 31 March 2017, in accordance with the provisions of the Basic Law and the outcome of the election by the EC, the State Council of the PRC appointed Mrs Lam as the fifth-term CE, with her term of office from 1 July 2017 to 30 June 2022.

Legislative Council elections

The 2012 and 2016 LegCo Elections

5. The fifth and sixth term LegCo comprised 70 members who were returned by elections on 9 September 2012 and 4 September 2016 respectively. The elections were conducted under the supervision of the Electoral Affairs Commission and in accordance with the relevant provisions of the Basic Law, the relevant electoral legislation², and their subsidiary legislation. The powers and functions of the LegCo are explained in paragraph 20 of the HKSAR Common Core Document.

6. Members of the HKSAR's fifth and sixth term LegCo were returned as follows –

- (a) **geographical constituencies:** 35 members were returned by direct elections based on universal suffrage, through the list voting system, which is a form of proportional representation system. All permanent residents of the HKSAR who had reached the age of 18 or above were eligible to be registered as an elector. The number of registered electors and the turnout rate of the two elections are summarised as follows –

² Namely the Legislative Council Ordinance (Cap. 542), the Electoral Affairs Commission Ordinance (Cap. 541), and the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554).

	2012 LegCo Election	2016 LegCo Election
Registered Electors	3.47 million	3.78 million
Voter Turnout	1.84 million	2.20 million
	(53.1%)	(58.3%)

- (b) **functional constituencies:** 35 members were returned. As explained in paragraphs 459(b) and 461(b) of Part II of the initial report, these constituencies represent economic, social, and professional sectors that are substantial and important to Hong Kong. Since the 2012 LegCo Election, the new DC (second) functional constituency has been introduced. Eligible electors of this constituency include persons who are registered as electors for the geographical constituencies but are not registered as electors for any other functional constituency.

Upcoming LegCo By-election

7. The Court of First Instance respectively declared in November 2016 and July 2017 that the oaths purportedly taken by six LegCo Members-elect at the first meeting of the sixth term LegCo in October 2016 contravened the Basic Law as well as the ODO, and were therefore invalid and void and had no legal effect. As a result, they were disqualified from assuming their offices and had vacated the same since the date of the first LegCo meeting in October 2016. The legal proceedings of four cases have been concluded whilst those for the remaining two are still on-going. The Electoral Affairs Commission has made arrangement for a LegCo by-election to be held on 11 March 2018 to fill the four vacancies.

District Council elections

Abolition of appointed seats in the DCs

8. The 18 DCs of the HKSAR comprised elected members, appointed members and ex officio members when they came into being on 1 January 2000. With the constitutional development in Hong Kong and

having regard to the views of the society, the Government announced in September 2011 that the appointed seats of the DCs be abolished in phases. The number of appointed seats was subsequently reduced by one-third from 102 seats to 68 seats in the fourth term of the DCs which commenced in 2012, and the remaining 68 appointed seats were abolished in the fifth term of the DCs which commenced in 2016. There are no longer any appointed members in the 18 DCs.

The 2011 and 2015 DC elections

9. The 18 DCs came into being on 1 January 2000 by virtue of the District Councils Ordinance (Cap. 547). The work and functions of the DCs are explained in paragraph 24 of the HKSAR Common Core Document.

10. The fourth DC election was held on 6 November 2011. The HKSAR was divided into 412 constituencies, each returning one elected member, with a total of 412 elected members; and the total turnout rate was 41.5%. There were 68 appointed members and 27 ex officio members in the DCs. The fourth term of office was from 1 January 2012 to 31 December 2015.

11. The fifth DC election was held on 22 November 2015. The HKSAR was divided into 431 constituencies, each returning one elected member, with a total of 431 elected members; and the total turnout rate was 47.1%. There are 27 ex officio members in the DCs and no appointed members. The fifth term of office is from 1 January 2016 to 31 December 2019.

Rural elections

12. In paragraph 342 of the previous report, we explained that there were three levels of election in the villages of the New Territories of the HKSAR, namely the election of village representatives, Rural Committees and Heung Yee Kuk. The Heung Yee Kuk is an advisory and consultative body for the New Territories established under the Heung Yee Kuk Ordinance (Cap. 1097).

13. The right to vote and the right to stand for election in accordance with law is enjoyed by permanent residents of the HKSAR without distinction on the ground of sex. These rights are guaranteed under Articles 25 and 26 of the Basic Law and Articles 1, 21 and 22 of the BOR. The SDO also prohibits discrimination in determining the eligibility of a person to vote for, and to be elected or appointed to, a “relevant body” or “relevant position” (including the positions of Rural Representative or member or office-holder of a Rural Committee within the meaning of the Heung Yee Kuk Ordinance) which ensures that women can participate in those elections on equal terms with men.

14. To ensure that the electoral arrangements of the Village Representative elections are consistent with the HKBORO and the SDO, the Village Representative Election Ordinance (Cap. 576) (VREO) was enacted in 2003. Under the VREO, the electoral arrangements and the conduct of an election to elect an office holder of a Rural Committee shall be consistent with Article 21(a) and (b) of the BOR.

15. After the Village Representative Election in 2011, we had conducted a comprehensive review on the electoral arrangements of the three-tier rural elections. The provisions in the VREO and other related legislation were subsequently extended to cover the election of Kaifong Representatives (KFRs) who are members of the Rural Committee of Cheung Chau and Peng Chau, two outlying islands in Hong Kong. The VREO was thus renamed as Rural Representative Election Ordinance in 2014 and the KFR elections are regulated by statute from 2015 onwards.

The 2015 Rural Ordinary Election

16. Since the previous report, two rural ordinary elections were held in 2011 and 2015 respectively. The number of registered electors in 2011 was about 182 700 and 47.3% were female electors. In 2015, it was the first time that KFR elections were conducted under the electoral legislation and the supervision of the Electoral Affairs Commission. The number of registered electors increased to about 198 700 (among which about 9 100 were KFR electors) and 47.66% were female electors, making up almost half of the registered electors.

17. The number of female candidates was 39 in 2011 (2.23% of total number of candidates), and it increased by 79% to 70 in 2015 (3.75% of total number of candidates). The number of elected female rural representatives increased from 30 in 2011 to 49 in 2015, representing an increase of 63%.

18. The Government will continue its efforts to encourage eligible persons of either sex to register as electors and participate in the election as candidates. We will enhance publicity to encourage participation of women in the coming Rural Ordinary Election to be held in 2019. We will also closely monitor the rate of female candidates and the number of female rural representatives elected.

Government advisory bodies and statutory bodies

1. ASBs play an important role in assisting the Government in the formulation of policy objectives and performance of statutory functions. Through these bodies, various sectors of the community and relevant organisations are engaged so that they may express their views at various stages in the making of policies and planning of public service by the Government and participation in public affairs. The system of ASBs is multi-faceted, including various advisory boards and committees, public bodies, appeal boards and regulatory bodies.
2. The appointments of individuals by the Government as non-official members to ASBs are based on merits. When appointing a member to serve on an ASB, the relevant bureau or department takes into account the candidate's ability, expertise, experience, integrity and commitment to public service, with due regard to the functions and nature of business of the ASB as well as the statutory requirements for the membership of the statutory body concerned.
3. To gauge a wide range of public views, when appointing members to serve on these bodies, the Government will, apart from taking into account the needs of the bodies concerned, enlist people of different background and experience, such as professionals, academics, businessmen and representatives from districts and various sectors. As at 30 June 2017, there were 6 591 Government appointed non-official members serving on about 490 ASBs. Apart from those appointed directly by the Government, some members of ASBs are identified through election or nomination, recommendation or appointment by the relevant bodies and professional organisations. To further encourage young people to participate in policy discussion, the Government has also introduced the Pilot Member Self-recommendation Scheme for Youth which invites people aged between 18 and 35 to self-nominate to become members of specified government advisory committees.

4. We will continue to monitor the operation of the relevant policy and mechanism to ensure that ASBs maintain their role as an important channel for people to participate in public policy formulation, thus effectively supporting the administration of the Government.

**Discrimination Law Review -
Eight Recommendation of Priority**

- (a) to introduce express provisions in the SDO prohibiting direct and indirect discrimination on the grounds of breastfeeding (including the expression of milk) as a separate prohibited ground of discrimination;
- (b) to amend the RDO provisions prohibiting direct discrimination and harassment by association by repealing the provisions regarding a “near relative”, and replacing it with a definition of an associate;
- (c) to amend the RDO to include protection from direct discrimination and harassment by imputation that a person is of a particular racial group;
- (d) to amend the provisions of the SDO, RDO and DDO to provide protection from sexual, racial and disability harassment to persons in a common workplace;
- (e) to amend the provisions of RDO and DDO to provide protection from racial and disability harassment of service providers by service users;
- (f) to amend the provisions of the RDO and DDO to provide protection from racial and disability harassment of service providers by service users, where such harassment take place outside Hong Kong, but on Hong Kong registered aircraft and ships;
- (g) to amend the SDO and DDO to provide protection from sexual and disability harassment by management of clubs of members or prospective members; and
- (h) to repeal the provisions of the SDO, FSDO and RDO which require proof of intention to discriminate in order to obtain damages for indirect discrimination.

Race Discrimination Ordinance (Cap. 602)

1. The RDO, which came into full operation in 2009, aims to protect the rights of individuals against discrimination, harassment and vilification on the ground of race. Under the RDO, “race” in relation to a person, means the race, colour, descent, national or ethnic origin of the person.

2. The RDO renders unlawful both direct and indirect racial discrimination in prescribed areas of activity, including education, employment and the provision of goods, services, facilities and premises. It incorporates the internationally accepted principle of proportionality in determining whether there is indirect discrimination. It also makes racial harassment (i.e. engaging in unwelcome conduct in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated by that conduct) unlawful in the specified fields. In addition, the RDO prohibits other unlawful acts relating to racial discrimination, including discriminatory practices and advertisements, aiding, instructing or procuring others to discriminate, as well as vilification.

3. While the RDO does not impose an obligation to take affirmative actions, special measures designed to meet the special needs of persons of a particular racial group are specifically permitted under the law.

**Advisory Group on Eliminating Discrimination
against Sexual Minorities**

1. The Government established the Advisory Group on Eliminating Discrimination against Sexual Minorities in June 2013. Its function was to advise on matters relating to concerns about discrimination faced by sexual minorities in Hong Kong as well as aspects and extent of such discrimination.

2. During its term, the Advisory Group had taken stock of major developments in Hong Kong on issues of concern to sexual minorities, carried out a qualitative research on the discriminations faced by the sexual minorities, conducted a research on the relevant experience and legislation in other jurisdictions and met with stakeholder groups. The Advisory Group submitted its report to the Government in December 2015, recommending strategies and measures in five areas, which included: (a) preparing training resources for personnel in specific fields having more direct interactions with sexual minorities, namely, social workers; medical practitioners, associated professionals and frontline workers in hospitals and clinics; human resources professionals; and teachers to increase their understanding and sensitivity towards sexual minorities; (b) drawing up a charter on non-discrimination by the Government for voluntary adoption by employers; providers of goods, facilities and services; landlords / agents in charge of disposal and management of premises; and schools; (c) enhancing public education and publicity to promote the message of non-discrimination against sexual minorities; (d) reviewing and reinforcing relevant support services; and (e) conducting a further study on the experience of legislative and non-legislative measures of other jurisdictions to map out the way forward. The Government has been actively taking forward the Advisory Group's recommendations and will continue to listen to stakeholders' views on the relevant subjects expressed through different channels.

3. Besides, we continue to implement various publicity measures to promote the message of non-discrimination against sexual minorities namely "Eliminate discrimination, embrace inclusion",

including broadcasting promotional video/audio on television/radio, in public transport network (including railway stations, train compartments, buses and ferries), various government premises, as well as on the internet and other media; launching poster campaigns in government venues and public areas; conducting briefings on the *Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation* within the Government and in the private sector through various channels; and issuing appeal letters to employers in Hong Kong to appeal for their adoption of the Code of Practice. In the past five years, we allocated a total of \$9.8 million for the publicity and education programmes as well as allocating \$4 million to the Equal Opportunities (Sexual Orientation) Funding Scheme to provide funding support for worthwhile community projects which aim at promoting equal opportunities for sexual minorities.

Gender Recognition

1. In the case of *W v Registrar of Marriages* (FACV 4/2012), a post-operative male-to-female transsexual person who had undergone full sex reassignment surgery challenged the Registrar of Marriages' decision not to recognise her as "a woman" under the Marriage Ordinance (Cap. 181) and the Matrimonial Causes Ordinance (Cap. 179), thus preventing her from marrying her male partner. The case was dismissed by the Court of First Instance in 2010 and the Court of Appeal in 2011, both upholding the Registrar's decision.

2. In its judgment handed down on 13 May 2013, the CFA allowed W's appeal, holding that, consistent with Article 37 of the Basic Law and Article 19(2) of the BOR (which implements Article 23 of the Covenant), she was in law entitled to be included as "a woman" within the meaning of section 40 of the Marriage Ordinance and section 20(1)(d) of the Matrimonial Causes Ordinance (Cap. 179) and therefore eligible to marry a man.

3. The Government introduced the Marriage (Amendment) Bill 2014 to the LegCo on 28 February 2014 to implement the CFA's order. However, the motion for the Bill to be read for the second time did not pass the LegCo on 22 October 2014, with 11 votes in favour, 40 votes against and five votes abstaining.

4. Notwithstanding that the Bill was not passed by the LegCo, the Registrar has implemented the CFA's order administratively since 17 July 2014. As from that day, persons who have received full sex reassignment surgery are treated by the Registrar, for the purpose of marriage registration, as being of the sex to which they have been re-assigned after the surgery. The fact that the Bill was not passed by the LegCo does not affect their right to marry in accordance with the CFA's order.

5. In its judgment in the W case, the CFA also remarked that the Government should consider how to address problems facing transsexual

persons in all areas of law by drawing reference to overseas practice.

6. To follow up on the CFA's judgement, the Government set up the Inter-departmental Working Group on Gender Recognition (IWG) in January 2014 to consider legislation and incidental administrative measures that may be required to protect the rights of transsexual persons in Hong Kong in all legal contexts, and to make recommendations for reform as appropriate.

7. The scope of the IWG's study includes both recognition and post-recognition issues. Recognition issues concern whether a legal gender recognition scheme should be established in Hong Kong, the criteria for determining whether a person is eligible for gender recognition, and the procedure for gender recognition. Post-recognition issues concern the impact of gender recognition on existing laws and practice in the event that a gender recognition scheme is to be established in Hong Kong.

8. In June 2017, the IWG issued a consultation paper to seek the views of the public on issues concerning legal gender recognition. The consultation period ended on 31 December 2017. The IWG will consider the way forward after analysing the responses received.

Education for NCS – Professional and funding support

1. To facilitate schools' implementation of the Learning Framework and creation of an inclusive learning environment in schools, the EDB has, starting from the 2014/15 school year, increased substantially the provision of additional funding to schools to about \$200 million per year. In the 2016/17 school year, a total of 216 public sector and DSS schools admitting 10 or more NCS students and offering the local curriculum (including 118 primary schools and 98 secondary schools) were provided with an additional funding ranging from \$0.8 million to \$1.5 million per year.
2. The EDB has been monitoring and following up the use of the additional funding in schools. From the 2014/15 to 2016/17 school years, the schools concerned mainly deployed the additional funding for appointing additional teaching staff to adopt diversified modes of intensive learning and teaching, including pull-out learning, split-class / group learning, after-school support, etc. The schools concerned adopted appropriate modes of intensive learning and teaching with due regard to the learning progress and needs of their NCS students. The schools concerned also generally deployed about 10% of the additional funding for appointing ethnic minority assistants and / or procurement of translation services to strengthen communication with parents of NCS students and organising multi-cultural activities. In sum, the schools concerned have made optimal use of the additional funding according to the specified purpose.
3. As regards schools admitting a handful (i.e. less than 10) of NCS students, they may also have an additional funding of \$50,000 per year on a need basis to organise after-school support programmes to consolidate what their NCS students have learnt in Chinese Language classes. In the 2016/17 school year, a total of 179 schools (including 92 primary schools and 87 secondary schools) were provided with the additional funding.

4. The EDB will continue to step up school-based professional support services and professional development programmes for teachers through diversified modes, including encouraging serving Chinese Language teachers to attend professional development programmes by providing subsidies under the “Professional Enhancement Grant Scheme for Chinese Teachers (Teaching Chinese as a Second Language)” launched under the Language Fund. The EDB has also been organising diversified and progressively advanced professional development programmes, and in collaboration with the Education University of Hong Kong, organising a Certificate in Professional Development Programme on the Teaching of Chinese Language for Non-Chinese Speaking Students course with a view to further enhancing their professional capability in teaching the Chinese language to NCS students.

5. As regards learning and teaching materials, the EDB will continue to update the complementary packages including learning modules and Second Language Learning Packages, teaching reference materials, Assessment Tools, etc. uploaded onto the EDB’s designated webpage. Among these materials, the EDB has commissioned a tertiary institution to develop a series of teaching materials, including student textbooks, workbooks and teaching reference materials, for NCS students at lower primary levels (i.e. Primary 1 to 3) in the light of the experiences from supporting schools to implement the “Learning Framework” since the 2014/15 school year and the relevant research findings. These teaching materials for Primary 1 have been uploaded onto the EDB webpage by phases. The full set of teaching materials for the lower primary levels will be available by August 2019 for teachers’ reference and use. The EDB will refine the teaching materials as appropriate on the basis of teachers’ feedback and further explore the feasibility of developing teaching materials for upper primary levels (i.e. Primary 4 to 6) in collaboration with tertiary institutions. In addition to the aforementioned learning and teaching materials, based on schools’ experience in the implementation of the “Learning Framework”, it is found that NCS students of Levels 2 and 3 (i.e. Primary 3 and 4 in general) are at the most critical stage in their learning of the Chinese language. In view of this, the EDB has also commissioned a tertiary institution to develop, in collaboration with primary schools, eight sets of “textbooks” pegged at Levels 2 and 3 of the “Learning Framework” that are suitable for NCS

students of Primary 3 and Primary 4 in general. The first set of “textbooks” for Primary 3 has been published and distributed to NCS students and their schools since mid-December 2017. It has also been uploaded onto the EDB webpage. The rest of them will also be distributed upon completion for teachers’ trial and comment.

Education for NCS – Local Kindergarten

Under the new KG policy implemented starting from the 2017/18 school year, KGs admitting NCS students (regardless of the number) may apply to join training courses and support programmes to enhance KG teachers' competency in supporting NCS students. On teachers' training, the EDB has set specific training targets, that is, each KG joining the new KG education scheme (Scheme-KG) and receiving the additional grant on support to NCS students should have at least one teacher having attended the Basic Course as recognised by EDB by the 2018/19 school year; and this will be extended to all Scheme-KGs having admitted NCS students (regardless of the number) by the 2020/21 school year. EDB will provide training courses as appropriate to enable KGs to meet these targets. Training target for advanced courses will be considered in light of the experience of the Basic Courses and frontline experience of application of knowledge in practice. KGs admitting eight or more NCS students are also provided an additional grant. For KGs admitting less than eight NCS students, in addition to capitalising on the immersed Chinese language environment, they may strengthen support to their NCS students through participation in the afore-mentioned training courses and school-based support programmes.

Access to public sector employment

1. The position remains essentially as mentioned in paragraphs 381 to 383 of the previous report. Appointments to the civil service are based on open and fair competition, and entry requirements for civil service posts are set based on the qualities or attributes as may be required for particular jobs. All the candidates in an open recruitment exercise to fill vacancies in a particular grade are assessed consistently on the basis of merit and stipulated entry requirements. It is also a long-standing policy that promotion of civil servants is based on merit and on prescribed assessment criteria such as acquisition of specific professional qualification, past work performance and potential. Neither new recruits nor serving civil servants are required to declare their ethnic origins. Race is not a relevant consideration in the assessment for recruitment or promotion of civil servants.

2. As explained in paragraph 382 of the previous report, it is our policy objective to maintain a civil service that can operate efficiently and effectively in the two official languages of the HKSAR, namely Chinese and English. The Government thus specifies appropriate Chinese and English language proficiency requirements as part of the entry requirements for appointment to individual civil service grades having regard to the job requirements of the grades concerned. To ensure that ethnic minorities, like other applicants, have equal access to civil service job opportunities, Government bureaux and departments have kept the Chinese language proficiency requirements under review to ensure that they are no more necessary than that for satisfactory performance of the job. With a view to increasing government job opportunities for ethnic minorities, the Civil Service Bureau has started to co-ordinate a comprehensive review on the entry requirements relating to Chinese proficiency for all the grades of the civil service.

3. It is also worth mentioning that since August 2007, all Government bureaux and departments have accepted Chinese Language results in the IGCSE / GCSE / GCE, which are qualifications popular amongst students learning Chinese as a second language, for appointment

to civil service posts. With the first cohort of students taking examination of the Applied Learning Chinese (for NCS students) subject under the Hong Kong Diploma of Secondary Education Examination in 2017, all Government bureaux and departments have accepted the results of this subject in civil service recruitment. All the acceptance arrangements above have been publicised on the government website.

**Administrative Guidelines on Promotion of Racial Equality,
Support Services for EMs and Efforts on Publicity and Education**

The Guidelines

1. Further to the legislation against race discrimination as described in paragraphs 188 to 196 above in relation to Article 26 of the Covenant, the Government issued in 2010 the Guidelines to provide general guidance to relevant Government bureaux and departments and public authorities (hereafter referred to as “relevant authorities”) to promote racial equality and ensure equal access by ethnic minorities to public services in key areas concerned, and to take this into account in their formulation, implementation and review of relevant policies and measures. In accordance with the Guidelines, relevant authorities have drawn up checklists of measures that would assist in the promotion of racial equality, ensuring equal access to key public services and enhancing the transparency of their work. The checklists cover various areas of services – social welfare, education, employment, vocational training, medical and health, communications and technology and public enquiry and declaration services.

2. Since the promulgation of the Guidelines in 2010, the Government has kept the operation of the Guidelines under review. For instance, the scope of application of the Guidelines has extended from 14 to 23 authorities. Relevant authorities have consistently put in place measures to assist ethnic minorities. For example:

- (a) since November 2016, the Police have provided instant telephone interpretation services in seven common non-ethnic Chinese languages, namely Urdu, Nepali, Punjabi, Hindi, Bahasa Indonesia, Thai and Tagalog, to cover all 67 police report rooms and reporting centres; and
- (b) Hospital Authority has provided interpretation services covering 18 ethnic minority languages in public hospitals and clinics primarily through a service contractor, part-time court

interpreters and relevant consulates. Hospital Authority staff will contact the contractor's 24 hours call centre to arrange on-site or telephone interpretation services according to the needs of each case or upon request of patients. For scheduled services (such as medical appointment at the general outpatient and specialist clinics), patients may request the hospital / clinic concerned to arrange interpretation services in advance. For non-scheduled service (such as emergency hospital admission), hospital staff will arrange immediate provision of telephone interpretation services or on-site interpretation services as soon as possible.

3. Some commentators were of the opinion that the Guidelines did not cover all Government bureau / departments and that compliance with the Guidelines was not mandatory. They were also concerned with the resources provided to relevant authorities for implementing the Guidelines. The Guidelines cover the key public services which are particularly relevant to meeting the special needs of ethnic minorities. The Government will keep their implementation under review.

4. As with other administrative guidelines issued by the Government, relevant authorities are required to comply with the Guidelines. Any non-compliance with the Guidelines could be addressed through the established complaint mechanisms. On resource deployment, the relevant authorities have deployed internal resources to implement the Guidelines and will, where necessary, seek additional resources within the Government through established mechanisms.

Support services for ethnic minorities

5. We believe that public education and support services are important for better integration of ethnic minorities into the community. Over the years, the Government has launched various initiatives to promote racial harmony and to assist integration of ethnic minorities. Some of these were mentioned in paragraph 315 of Part II of the second report, paragraphs 377 to 380 of the previous report and paragraphs 104 to 107 of the HKSAR Common Core Document. The latest position is set out in the following paragraphs.

6. Since 2011, the Home Affairs Department has made use of its district networks to provide tailor-made services and programmes for ethnic minorities, including commissioning NGOs to operate six support service centres for ethnic minorities and two sub-centres providing various tailor-made learning classes, integration programmes and counselling for ethnic minorities; sponsoring two community support teams (i.e. the Nepalese and Pakistani teams) to provide integration services for ethnic minorities through members of their own communities; and implementing district-based integration programmes and ambassador schemes for ethnic minorities. Besides, to further support and assist the ethnic minorities to integrate into society and to cultivate positive values, the Police has launched a regular cross-disciplined forces training programme to provide ethnic minorities youths with discipline, physical and team-building training.

7. The Special Needs Groups Task Force under the Poverty Commission was established in 2014 to review and explore policies and measures to assist ethnic minorities and other underprivileged groups to integrate into the community, be self-reliant and move upwards along the social ladder.

8. The Committee on the Promotion of Racial Harmony and the Ethnic Minorities Forum as mentioned in paragraph 379 of the previous report, continue to provide platforms for discussion of the services and supports for ethnic minorities provided by various bureaux and departments.

9. To improve the employability of ethnic minorities, the Employees Retraining Board has been providing dedicated training courses to suit ethnic minorities' aspirations and training needs. The dedicated courses include full-time placement-tied and half-day or evening non-placement-tied Skills Upgrading Scheme Plus and generic skills training courses. Interpretation services of ethnic minority languages in class are arranged where necessary. Ethnic minority trainees who have completed the placement-tied courses are provided with six-month placement follow-up service. Other support measures by the Board include subsidies for training bodies to develop supplementary training materials and provide learning support services for ethnic minorities, targeted support services at

its service centres and service spots, distribution of promotional leaflets in English and six ethnic minority languages (i.e. Hindi, Urdu, Nepali, Indonesian, Tagalog and Thai) for distribution to ethnic minority groups, etc.

10. The Leisure and Cultural Services Department (LCSD) organises a wide variety of cultural activities for ethnic minorities from time to time to encourage community participation. Since 2001, LCSD has, in cooperation with Consulate-Generals / Consulates of the Asian countries, organised outdoor carnival “Asian Ethnic Cultural Performances” annually showcasing traditional music and dance performances by Asian ethnics residing in Hong Kong. In “Asian Ethnic Cultural Performances 2016”, ethnic performances of sixteen Asia-Pacific countries and regions featuring more than 400 local and overseas artists were staged. In 2017, the programme showcased over 30 arts groups from 15 Asian countries and regions.

11. LCSD has been collaborating with The Philippine Consulate General in Hong Kong to organise the annual “Concert in the Park” which is performed by Filipino musicians. Artists of different ethnic communities also participated in major outdoor Carnivals. Art forms include dancing, singing, band show, drumming and henna hand painting.

12. Besides, the Hong Kong Public Libraries has been organising activities to promote reading culture such as reading programmes, workshops, visits and storytelling for ethnic minority groups in collaboration with different community organisations.

Public Education and Publicity

13. To step up the efforts on publicity and education on the RDO, the CMAB provided an additional recurrent funding of \$4.69 million to the EOC starting from 2014-15 for setting up a dedicated Ethnic Minorities Unit (the EM Unit) to enhance the EOC’s work on promoting equal opportunities and racial integration by –

- (a) improving equal educational opportunities for ethnic minority students;
- (b) enhancing ethnic minorities' employment opportunities;
- (c) deepening social inclusion and understanding between ethnic minorities and other communities including Chinese; and
- (d) educating providers of goods, services and facilities on cultural sensitivity for serving ethnic minority customers.

14. Strategically, the EM Unit aims to address the needs of ethnic minorities through the three-pronged approaches of policy recommendations, training and outreach. On the policy level, the EM Unit liaises with relevant Government bureaux and departments, business associations, employers and other stakeholder groups to strive for the development or enhancement of policies and guidelines that facilitate the promotion of equal opportunities and inclusion of ethnic minorities. In terms of training, the EM Unit devises cultural sensitivity training for service providers with regard to the difficulties experienced by ethnic minorities in accessing different services. On outreach, the EM Unit aims to establish regular communications and networks with ethnic minority leaders, community groups, tertiary institutions and other stakeholders.

15. In 2017-18, the CMAB has further provided an allocation of \$3 million to the EM Unit. The EM Unit will embark on a series of initiatives for the purpose of promoting equal opportunities for ethnic minorities. These include a media campaign targeting the mainstream population, with particular focus on employers, service providers and landlords, urging them to look beyond racial stereotypes and adopt non-discriminatory service practices. Besides, integrated research on ethnic minorities education, academic and employment pathways will be carried out with a view to drawing up practical guidebooks for ethnic minorities youth; and to explore the prospect of introducing accreditation for interpreters of ethnic minority languages.

16. In addition to the publicity and public education initiatives that have been / are being carried out by the EOC, the CMAB and the

RTHK have, since 2014, co-operated to produce two TV documentary series (“Hong Kong, My Home”) for broadcast at local TV channels and on the Internet. In the light of the positive feedback, CMAB has commissioned RTHK to produce a third drama series which was aired from 27 July to 7 September 2017. CMAB also conducted a media education programme for secondary and primary school students from 16 March to 8 July 2017 with the theme of “racial harmony”.

17. The Home Affairs Department also helps disseminate information of the services provided by various bureaux and departments, including education, employment, healthcare and social services, through sponsoring radio programmes in five ethnic minority languages and publishing guidebooks in six ethnic minority languages.

Hong Kong
Special Administrative Region of
the People's Republic of China

Common Core Document

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Hong Kong Special Administrative Region Common Core Document

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List of abbreviations

API	Announcement in the public interest
Basic Law	Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China
BOR	Hong Kong Bill of Rights
CAPO	Complaints Against Police Office
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CIU	Complaints Investigation Unit
CRPD	Convention on the Rights of Persons with Disabilities
CSD	Correctional Services Department
DDO	Disability Discrimination Ordinance (Cap. 487)
DLS	Duty Lawyer Service
EOC	Equal Opportunities Commission
ExCo	Executive Council
GDP	Gross Domestic Product
GNI	Gross National Income
HKBORO	Hong Kong Bill of Rights Ordinance (Cap. 383)
HKSAR	Hong Kong Special Administrative Region of the People's Republic of China
ICAC	Independent Commission Against Corruption
ICCPR	International Covenant on Civil and Political Rights
ICD	International Statistical Classification of Diseases and Related Health Problems
ICESCR	International Covenant on Economic, Social and Cultural Rights
IPCC	Independent Police Complaints Council
LAD	Legal Aid Department
LegCo	Legislative Council

List of abbreviations

LWB	Labour and Welfare Bureau
NGOs	Non-governmental organisations
NPC	National People's Congress
NPCSC	Standing Committee of the NPC
Police	Hong Kong Police Force
RGNI	Real Gross National Income
SDO	Sex Discrimination Ordinance (Cap. 480)
WoC	Women's Commission

GENERAL INFORMATION

Demographic, economic, social and cultural characteristics

Relevant demographic indicators and social, economic and cultural indicators in respect of the Hong Kong Special Administrative Region of the People's Republic of China (HKSAR) are at **Annex A**.

2. The population in Hong Kong at mid-2011 was 7.07 million. With the annual population growth ranging from 0.4% to 1.1% in recent years, the population at mid-2017 increased to 7.39 million. The population increase was mainly due to the continuous inflow of Mainland Chinese residents arriving in Hong Kong for family reunion and the natural increase during the period.

3. The majority of the population in Hong Kong are Chinese (92%). The number of ethnic minorities in Hong Kong was 584 383 (about 8% of the population) in 2016, with an increase of 29.5% over 2011. Among all the ethnic minorities in Hong Kong, the number of Filipinos increased markedly from 133 018 in 2011 to 184 081 in 2016, while the proportion of Filipinos among all ethnic minorities increased from 29.5% to 31.5%.

4. In 2016, in terms of the language most commonly spoken, 94% of Chinese aged five and over usually spoke Cantonese at home, followed by other Chinese dialects (other than Cantonese and Putonghua) (3.4%). On the other hand, among ethnic minorities aged five and over, English was the language most commonly spoken at home (45.6%), followed by Cantonese (30.3%).

5. Ageing of the population has continued. While the proportion of people aged under 15 fell slightly from 11.6% in 2011 to 11.4% in 2017, the proportion of people aged 65 and over rose from 13.3% to 16.4%.

6. Hong Kong is a small and open economy. Hong Kong's per capita Gross Domestic Product (GDP) in 2016 stood at around HK\$339,500. Its economy has become increasingly service-oriented over the past decades, the share of the service sectors in GDP rose from 88.1% in 2001 to 92.2% in 2016.

7. Hong Kong constantly strives to be a knowledge-based and high value-added economy. The HKSAR Government is committed to

maintaining a business-friendly environment, strengthening the competitive edge of the four pillar industries (namely trading and logistics, financial services, professional and producer services, and tourism), and promoting and supporting emerging industries with huge potential (e.g. innovation and technology, creative industries, and high value-added maritime services), with an aim to fostering economic diversification and injecting new and sustainable impetus to the Hong Kong economy. In face of such developments, demand for highly-educated and skilled talents is expected to continuously increase.

Constitutional, political and legal structure of the HKSAR

Basic Law of the HKSAR

8. In accordance with the provisions of Article 31 and sub-paragraph 13 of Article 62 of the Constitution of the People's Republic of China, and the relevant decisions of the National People's Congress (NPC) adopted at the Third Session of the Seventh NPC on 4 April 1990, the HKSAR was established on 1 July 1997. The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Basic Law) also came into effect on the same day.

9. The Basic Law is the most important legal document for the HKSAR. It prescribes the relationship between the Central Authorities and the HKSAR, fundamental rights and duties of the residents, and the social, political, cultural and other systems to be practised in the HKSAR.

10. Among other matters, the Basic Law provides that –

- (a) the HKSAR shall be a local administrative region of the People's Republic of China, which shall enjoy a high degree of autonomy and come directly under the Central People's Government. The Central People's Government shall be responsible for the defence of, and the foreign affairs relating to, the HKSAR;
- (b) the NPC authorises the HKSAR to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication, in accordance with the provisions of the Basic Law. The power of final adjudication of the HKSAR shall be vested in the Court of Final Appeal established in the Region;

- (c) the executive authorities and legislature of the HKSAR shall be composed of permanent residents of Hong Kong in accordance with the relevant provisions of the Basic Law;
- (d) under the principle of “one country, two systems”, the socialist system and policies shall not be practised in the HKSAR and Hong Kong’s previous capitalist system and way of life shall remain unchanged for 50 years;
- (e) the laws previously in force in Hong Kong, that is, the common law, rules of equity, ordinances, subordinate legislation and customary law shall be maintained, except for any that contravenes the Basic Law, and subject to any amendment by the legislature of the HKSAR;
- (f) national laws shall not be applied in the HKSAR except for those listed in Annex III to the Basic Law¹ and that the laws listed therein shall be applied locally by way of promulgation or legislation by the Region. The Standing Committee of the NPC (NPCSC) may add to or delete from the list of laws in Annex III after consulting the Committee for the Basic Law of the HKSAR and the HKSAR Government;
- (g) the HKSAR may conduct relevant external affairs on its own in accordance with the Basic Law using the name “Hong Kong, China”, maintain and develop relations and conclude and implement agreements with foreign states and regions and relevant international organisations in the appropriate fields, including the economic, trade, financial and monetary, shipping, communications, tourism, cultural and sports fields;
- (h) the HKSAR shall remain a free port, a separate customs territory and an international financial centre. The HKSAR Government shall, on its own, formulate monetary and financial policies, safeguard the free operation of financial business and financial markets, and regulate and supervise them in accordance with law. The HKSAR Government safeguards the free flow of capital within, into and out of the

¹ National laws listed in Annex III to the Basic Law are at **Annex B**.

Region. The HKSAR Government issues and manages its own currency;

- (i) the HKSAR Government formulates its own policies on the development of education, science, culture, sports, labour and social welfare;
- (j) Hong Kong residents enjoy a wide range of rights and freedoms prescribed in Chapter III of the Basic Law; and
- (k) the provisions of the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and international labour conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of the HKSAR.

The rights and freedoms of Hong Kong residents will be dealt with under the section below on “General framework for the protection and promotion of human rights”.

Political Structure

11. The Chief Executive (CE) of the HKSAR is the head of the Region, and is accountable to the Central People’s Government and the HKSAR in accordance with the provisions of the Basic Law. The Executive Council (ExCo) assists her in policy-making. The HKSAR Government formulates and implements policies, introduces bills, implements law and provides services to the community. The Legislative Council (LegCo) is the legislature of the HKSAR. District Councils are consulted on district administration and other affairs. The Judiciary is independent of the executive authorities and the legislature.

Chief Executive

12. The CE leads the HKSAR Government and decides on Government policies. She is responsible for the implementation of the Basic Law and other laws which, in accordance with the Basic Law, apply in the HKSAR. Moreover, she signs bills and budgets passed by the LegCo. She also nominates and reports to the Central People’s Government for appointment of principal officials. She appoints or removes judges of the courts at all levels and holders of public office in accordance with legal procedures. The CE also conducts, on behalf of

the HKSAR Government, external affairs and other affairs as authorised by the Central Authorities.

13. The Basic Law provides that the CE of the HKSAR shall be selected by election or through consultations held locally and be appointed by the Central People's Government. The method for selecting the CE shall be specified in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the CE by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.

Executive Council

14. The ExCo assists the CE in policy-making. Under Article 56 of the Basic Law, except for the appointment, removal and disciplining of officials and the adoption of measures in emergencies, the CE shall consult the ExCo before making important policy decisions, introducing bills to the LegCo, making subordinate legislation, or dissolving the LegCo. The CE in Council also determines statutory appeals, petitions and objections. If the CE does not accept a majority opinion of the ExCo, she shall put the specific reasons on record.

15. The ExCo normally meets once a week. It is presided over by the CE. As provided for in Article 55 of the Basic Law, members of the ExCo shall be appointed by the CE from among the principal officials of the executive authorities, members of the LegCo and public figures. Their term of office shall not extend beyond the expiry of the term of office of the CE who appoints them.

16. The current membership of the ExCo comprises the 16 Principal Officials appointed under the Political Appointment System and 16 non-official members.

The structure of the HKSAR Government

17. The CE is the head of the HKSAR Government. If the CE is not able to discharge her duties for a short period, such duties shall temporarily be assumed by one of the three Secretaries of Departments, namely the Chief Secretary for Administration (CS), the Financial Secretary (FS), or the Secretary for Justice (SJ), in that order of precedence. The HKSAR Government comprises a Department of

Administration, a Department of Finance, a Department of Justice (DoJ), and various bureaux, divisions, and commissions.

18. There are currently 13 bureaux, each headed by a Policy Secretary, which collectively form the Government Secretariat. With certain exceptions, the heads of Government departments are responsible to the Secretaries of Departments and Policy Secretaries. The exceptions are the Commissioner of the Independent Commission Against Corruption, The Ombudsman and the Director of Audit, who function independently and are directly accountable to the CE.

19. A Political Appointment System has been introduced since 1 July 2002. Under the system, the CS, the FS, the SJ and the 13 Policy Secretaries of the HKSAR Government are political appointees. They are responsible for specific policy areas and are accountable to the CE. They are at the same time appointed as Members of the ExCo and, together with other Non-Official Members of the ExCo, assist the CE in policy making. Under the system, there remains a permanent, professional and politically neutral civil service.

Legislative Council

20. The powers and functions of the LegCo are specified in Article 73 of the Basic Law. These include enacting, amending or repealing laws in accordance with the provisions of the Basic Law and legal procedures; examining and approving budgets introduced by the HKSAR Government; approving taxation and public expenditure; receiving and debating the policy addresses of the CE; raising questions on the work of the HKSAR Government; debating any issue concerning public interests; endorsing the appointment and removal of the judges of the Court of Final Appeal and the Chief Judge of the High Court; and receiving and handling complaints from Hong Kong residents, etc.

21. Article 68 of the Basic Law provides that the LegCo shall be constituted by election. The method for its formation shall be specified in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all the members of the LegCo by universal suffrage. Annex II to the Basic Law and the relevant decision of the NPC adopted on 4 April 1990 prescribe the composition of the LegCo during its first three terms as follows –

<u>Membership</u>	<u>First term</u> 1998-2000 (two years)	<u>Second term</u> 2000-2004 (four years)	<u>Third term</u> 2004-2008 (four years)
(a) elected by geographical constituencies through direct elections	20	24	30
(b) elected by functional constituencies	30	30	30
(c) elected by an election committee	10	6	-
Total	60	60	60

22. Annex II to the Basic Law provides that, if there is a need to amend the method for forming the LegCo after 2007, such amendments must be made with the endorsement of a two-thirds majority of all the members of the Council and the consent of the CE and they shall be reported to the NPCSC for the record. In 2007, the NPCSC adopted a decision that after the CE is elected by universal suffrage, the election of the LegCo of the HKSAR may be implemented by the method of electing all members by universal suffrage. The motion on the method for forming the fifth term LegCo in 2012 put forth by the HKSAR Government was passed by the LegCo by two-thirds majority in June 2010 and recorded by the NPCSC in August 2010. More than 3.2 million electors could cast two votes in the 2012 LegCo General Election, one for a candidate list in a geographical constituency and one for another candidate list in the new District Council (second) functional constituency. This new functional constituency treats Hong Kong as a single constituency and candidates are nominated from elected District Council members. The fifth term LegCo in 2012 consisted of 70 members: 35 returned by functional constituencies, apart from the above-mentioned District Council (second) functional constituency, each of the remaining functional constituencies represents an important economic, social or professional sector of the HKSAR; and 35 by geographical constituencies through direct elections, where Hong Kong was divided into five geographical constituencies, each returning five to nine members.

23. As regards the method for forming the sixth term LegCo in 2016, the NPCSC adopted a decision in August 2014 that the existing formation method for the LegCo as prescribed in Annex II to the Basic Law would not be amended; and the formation method for the fifth term LegCo would continue to apply to the sixth term LegCo in 2016. The

local legislation making necessary technical amendments for the 2016 LegCo General Election was passed by the LegCo in July 2015.

District Councils

24. Eighteen District Councils have been established in the HKSAR to advise the HKSAR Government on all matters relating to the well-being of residents in the districts and to promote community building through carrying out various community involvement programmes including recreational and cultural projects, and undertaking environmental improvement projects within the districts. For the fifth term District Councils (2016-2019), the HKSAR is divided into 431 constituencies, each returning one elected member. In addition, there are 27 ex-officio members (who are the chairmen of Rural Committees). The fifth term District Council ordinary election was held on 22 November 2015.

Relevant statistics

25. Relevant statistics on the political system, including the voter registration figures and voter turnout rates, are set out in **Annex C**.

Administration of justice

The judicial system of the HKSAR

26. The legal system is firmly based on the rule of law, right of access to court, quality legal aid services, the independent legal profession and the Judiciary which is independent of the executive authorities and the legislature.

27. Article 19 of the Basic Law provides that the HKSAR shall be vested with independent judicial power, including that of final adjudication. The courts of the HKSAR shall have jurisdiction over all cases in the Region, except that the restrictions on their jurisdiction imposed by the legal system and principles previously in force in Hong Kong shall be maintained. The courts of the HKSAR shall have no jurisdiction over acts of state such as defence and foreign affairs.

28. The courts of the HKSAR comprise the Court of Final Appeal, the High Court (which consists of the Court of Appeal and the Court of First Instance), the District Court, the Magistrates' Courts, the Competition Tribunal, the Lands Tribunal, the Labour Tribunal, the Small

Claims Tribunal, the Obscene Articles Tribunal and the Coroner's Court. The courts hear and determine all criminal trials and civil disputes, whether between individuals or between individuals and the HKSAR Government.

29. Article 82 of the Basic Law provides that the power of final adjudication of the HKSAR shall be vested in the Court of Final Appeal of the Region, which may as required invite judges from other common law jurisdictions to sit on the Court of Final Appeal. Article 84 provides that the courts shall adjudicate cases in accordance with applicable laws and may refer to precedents of other common law jurisdictions. Article 85 provides that the courts shall exercise judicial power independently, free from any interference. Members of the judiciary shall be immune from legal action in the performance of their judicial functions.

30. Article 92 of the Basic Law provides that judges and other members of the judiciary of the HKSAR shall be chosen on the basis of their judicial and professional qualities and may be recruited from other common law jurisdictions. Article 88 further provides that judges shall be appointed by the CE on the recommendation of an independent commission composed of local judges, persons from the legal profession and eminent persons from other sectors.

31. Judges enjoy security of tenure. Article 89 of the Basic Law provides that a judge may only be removed for inability to discharge his or her duties, or for misbehaviour, by the CE on the recommendation of a tribunal appointed by the Chief Justice of the Court of Final Appeal and consisting of not fewer than three local judges. The Chief Justice of the Court of Final Appeal may be investigated only for inability to discharge his or her duties, or for misbehaviour, by a tribunal appointed by the CE and consisting of not fewer than five local judges and may be removed by the CE on the recommendation of the tribunal and in accordance with the procedures prescribed in the Basic Law.

Relevant statistics

32. The relevant statistics on the administration of justice in respect of the HKSAR for the period from 2013 to 2017 (Jan-Jul) (except where otherwise specified) are set out below. Statistics relevant to the sentencing of offenders and death in custody are set out in **Annex D**.

(a) Incidence of violent death and life threatening crimes reported

Crime	2013	2014	2015	2016	2017 (Jan-Jul)
Murder and manslaughter	62 ²	27	22	28	11
Attempted murder	4	0	3	3	8

(b) Number of persons arrested for violent or other serious crimes

Crime	2013	2014	2015	2016	2017 (Jan-Jul)
Murder and manslaughter	55	32	28	39	15
Wounding and serious assault	4 887	4 148	4 046	3 754	1 907
Robbery	302	208	172	198	107
Drug trafficking	1 639	1 297	1 438	1 570	783

(c) Number of reported cases of sexually motivated violence

Crime	2013	2014	2015	2016	2017 (Jan-Jul)
Rape	105	56	70	71	39
Indecent assault	1 463	1 115	1 068	1 019	620

(d) Number of Police officers per 100 000 persons

	2012	2013	2014	2015	2016
Police officers	395.0	394.9	393.7	392.4	395.0

(e) Number of judges and judicial officers

	2013	2014	2015	2016	2017
Judges and judicial officers	157	157	169	165	157

² The figure has included the death toll of 39 victims from the Lamma Island ferry collision on 1 October 2012.

(f) Statistics on legal aid in criminal cases

	2013	2014	2015	2016	2017 (Jan-Jul)
(1) No. of legal aid applications	3 797	3 717	3 630	3 567	2 108
(2) No. of applications refused on merits	889	823	921	817	489
(3) No. of applications granted legal aid	2 785	2 690	2 521	2 641	1 469
(4) Applicants granted legal aid with nil contribution out of (3)	2 515	2 485	2 335	2 396	1 311
((4) as % of (3))	(90.31%)	(92.38%)	(92.62%)	(90.72%)	(89.24%)

Non-governmental organisations

33. Article 27 of the Basic Law guarantees that Hong Kong residents shall have freedom of association and the right and freedom to form and join trade unions, and to strike. Article 18 of the Hong Kong Bill of Rights (BOR), which corresponds to Article 22 of the ICCPR, also guarantees freedom of association. In the HKSAR, all organisations including companies, societies, trade unions and credit unions must be registered under applicable ordinances such as the Companies Ordinance (Cap. 622) or the Societies Ordinance (Cap. 151).

Exemption of tax

34. Subject to certain limitations, charitable institutions or trusts of a public character are exempt from tax under section 88 of the Inland Revenue Ordinance (Cap. 112). Charities wishing to enjoy the tax exemption may apply to the Inland Revenue Department.

35. For an institution or a trust to be a charity, it must be established for purposes which are exclusively charitable according to law. The law defining the legal attributes of a charity is based upon case law developed through court decisions.

36. A summary of the purposes that may be accepted as charitable, in accordance with case law, are –

- (a) relief of poverty;

- (b) advancement of education;
- (c) advancement of religion; and
- (d) other purposes of a charitable nature beneficial to the community not falling under any of the preceding heads.

37. While the purposes under the first three heads may be in relation to activities carried on in any part of the world, those under head (d) will only be regarded as charitable if they are of benefit to the Hong Kong community.

GENERAL FRAMEWORK FOR THE PROTECTION AND PROMOTION OF HUMAN RIGHTS

Application of international human rights treaties to the HKSAR

38. The list of international human rights treaties that are applicable to the HKSAR and the relevant information is at **Annex E**.

Legal framework for the protection of human rights

Rule of Law

39. The fundamental basis for the protection of human rights is the rule of law maintained by an independent judiciary (see paragraphs 26 to 31 above). The principles that inform the rule of law are:

- (a) **the supremacy of the law:** no individual is punishable or can lawfully be made to suffer personally or financially except for a breach of law established before the independent courts. Where, under the law, an official or an authority has discretion to make a decision, that discretion must be exercised lawfully, fairly and reasonably. Where it does not do so, the decision may be challenged before the courts; and
- (b) **equality before the law:** Article 25 of the Basic Law provides that all Hong Kong residents shall be equal before the law. Article 64 provides that the HKSAR Government must abide by the law. Article 22 provides that all offices

set up in the HKSAR by departments of the Central People's Government, or by provinces, autonomous regions, or municipalities directly under the Central Government and personnel of these offices shall abide by the laws of the Region. Article 14 provides that members of the garrison shall, in addition to abiding by national laws of China, abide by the laws of the HKSAR. Article 35 provides that Hong Kong residents shall have the right to institute legal proceedings in the courts against the acts of the executive authorities and their personnel. No Government authority or official, and no individual, is above the law. In addition, Article 10 of the BOR guarantees that all persons are equal before the courts, and Article 22 of the BOR guarantees that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law.

Human rights guarantees in the Basic Law

40. Article 4 of the Basic Law provides that the HKSAR shall safeguard the rights and freedoms of residents of the HKSAR and of other persons in the Region in accordance with law. Chapter III of the Basic Law guarantees a wide range of rights and freedoms, including:

- (a) equality before the law;
- (b) freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike;
- (c) freedom of the person; freedom from torture; freedom from arbitrary or unlawful arrest, detention or imprisonment; freedom from arbitrary or unlawful search of the body; and prohibition of arbitrary or unlawful deprivation of life;
- (d) freedom from arbitrary or unlawful search of, or intrusion into, one's home or other premises;
- (e) freedom and privacy of communication;
- (f) freedom of movement within the HKSAR, freedom of emigration to other countries and regions, and freedom to travel and to enter or leave the Region;

- (g) freedom of conscience; freedom of religious belief, and freedom to preach and to conduct and participate in religious activities in public;
- (h) freedom of choice of occupation;
- (i) freedom to engage in academic research, literary and artistic creation, and other cultural activities;
- (j) right to confidential legal advice, access to the courts, choice of lawyers for timely protection of their lawful rights and interests or for representation in the courts, and to judicial remedies; right to institute legal proceedings in the courts against the acts of the executive authorities and their personnel;
- (k) right to social welfare in accordance with law; and
- (l) freedom of marriage and right to raise a family freely.

41. Persons in the HKSAR other than Hong Kong residents shall, in accordance with law, enjoy the rights and freedoms of Hong Kong residents prescribed in Chapter III of the Basic Law. In addition, the HKSAR protects the right of private ownership of property in accordance with law. Educational institutions of all kinds enjoy autonomy and academic freedom. Permanent residents of the HKSAR enjoy the rights to vote and to stand for election in accordance with law.

Effect of other human rights instruments in HKSAR law

42. According to Article 39 of the Basic Law:

“The provisions of the [ICCPR], the [ICESCR], and international labour conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of the [HKSAR].

The rights and freedoms enjoyed by Hong Kong residents shall not be restricted unless as prescribed by law. Such restrictions shall not contravene the provisions of the preceding paragraph of this Article.”

43. As in other common law jurisdictions, treaties that apply to Hong Kong (including human rights treaties) do not themselves have the force of law in the domestic legal system of Hong Kong. They cannot directly be invoked before the courts as the source of individual rights. However, the courts will, when possible, construe domestic legislation in such a way as to avoid incompatibility with international treaties that apply to Hong Kong. The usual method of giving effect in local law to treaty obligations (when these require some change in existing laws or practice) is to enact specific new legislation³. Where this results in the creation of specific legal rights and these rights are denied or interfered with (or there is the threat of such action), an aggrieved person may seek remedy or relief in the civil courts. Persons who have acted in violation of these rights may also be subject to the criminal sanctions provided for in the legislation.

Hong Kong Bill of Rights Ordinance

44. The Hong Kong Bill of Rights Ordinance (Cap. 383) (HKBORO) was enacted in June 1991 specifically to give effect in local law to the provisions of the ICCPR as applied to Hong Kong. This is achieved by setting out in Part II of the Ordinance a detailed Bill of Rights, the terms of which are almost identical to those of the ICCPR.

Legal aid

45. Eligible applicants receive legal aid through the provision of the services of a solicitor and, if necessary, a barrister in court proceedings to ensure that any person who has reasonable grounds for pursuing or defending a legal action is not prevented from doing so by lack of means. Publicly funded legal aid services are provided through the Legal Aid Department (LAD) and the Duty Lawyer Service (DLS).

Legal Aid Department

46. The LAD provides legal representation to eligible persons in both civil and criminal cases heard in the Court of Final Appeal, the Court of Appeal, the Court of First Instance, the District Court and the Magistrates' Courts (for committal proceedings). Civil legal aid is available for proceedings covering major areas of livelihood of the

³ An example is the Crimes (Torture) Ordinance (Cap. 427) which was enacted to give effect in Hong Kong to Articles 4 and 5 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

community ranging from family disputes to immigration matters and to Coroner's inquests. The grant of legal aid is not subject to a residence requirement. Applicants must satisfy the Director of Legal Aid of their financial eligibility (the means test) and of the justification for legal action (the merits test). In civil cases, the Director has discretion to waive the limit of the means test in meritorious applications where a breach of the HKBORO or the ICCPR as applied to Hong Kong is an issue. In criminal cases, the Director has the same discretion if he considers it in the interest of justice to do so. Subject to the means test (unless waived by a judge), it is mandatory to grant legal aid to an applicant charged with murder, treason or piracy with violence. For other criminal offences, provided the applicant passes the means test, a judge may grant legal aid notwithstanding that legal aid has been refused on merits by the Director.

The Duty Lawyer Service

47. The DLS complements the legal aid services provided by the LAD. It operates three schemes that respectively provide legal representation (the Duty Lawyer Scheme), legal advice (the Free Legal Advice Scheme) and legal information (the Tel-Law Scheme). The Duty Lawyer Scheme offers legal representation to defendants (both juvenile and adult) charged in the Magistracies who cannot afford private representation. It also provides legal representation to persons who are at risk of criminal prosecution as a result of giving incriminating evidence in Coroner's inquests. Applicants are subject to a means test and merits test, based on the "interests of justice" principle in accordance with Article 11(2)(d) of the BOR. The Free Legal Advice Scheme and the Tel-Law Scheme respectively provide members of the public with free legal advice through individual appointments and taped information on the legal aspects of everyday problems. In addition, the DLS started operating the Convention Against Torture Scheme in December 2009 on a pilot basis. This Scheme was extended to become the Publicly-funded Legal Assistance Scheme for Non-refoulement Claimants when the Unified Screening Mechanism for the determination of claims for non-refoulement protection commenced operation in March 2014.

Legal Aid Services Council

48. The Legal Aid Services Council is an independent statutory body established by the Legal Aid Services Council Ordinance (Cap. 489). Its role is to oversee the administration of the legal aid services provided by the LAD, which is accountable to the Council for

the provision of such services. The Council also advises the CE on legal aid policy.

Office of The Ombudsman

49. The Ombudsman is an independent statutory authority, established by The Ombudsman Ordinance (Cap. 397). The Ombudsman investigates complaints of grievances about maladministration by Government bureaux and departments of the HKSAR and major public bodies listed in Part 1 of Schedule 1 to the Ordinance. “Maladministration” means inefficient, bad or improper administration, and includes such things as unreasonable conduct (such as delay, discourtesy and lack of consideration), abuse of power or authority, and unreasonable, unjust, oppressive or improperly discriminatory procedures. The Ombudsman may initiate investigations on receiving a complaint by a member of the public or on her own volition, and may publish investigation reports in the public interest. Additionally, The Ombudsman is empowered to investigate complaints against Government bureaux and departments and major public bodies for non-compliance with the Code on Access to Information.

50. The Ombudsman, a corporate sole, is empowered with full autonomy and statutory authority to conduct her own administrative and financial business. The Ordinance makes it clear that The Ombudsman is not a servant or agent of the HKSAR Government.

51. Under The Ombudsman Ordinance, The Ombudsman may obtain any information and documents from such persons as he thinks fit. She may summon any person to provide information relating to her investigations and may enter any premises of the organisations within her jurisdiction to conduct investigations.

52. After investigating a complaint, The Ombudsman is empowered to report her opinion and reasons, together with a statement of any remedy and recommendation necessary, to the head of the organisation affected. If the recommendation is not acted upon within a reasonable timeframe, The Ombudsman may report the matter to the CE. She may also do so if she believes that a serious irregularity or injustice has been done. Such reports are required by law to be laid before the LegCo. This helps ensure that The Ombudsman’s recommendations are heard and acted upon.

53. While the Ombudsman may not investigate complaints of maladministration made against the Hong Kong Police Force (Police) and the Independent Commission Against Corruption (ICAC), she may investigate complaints of non-compliance with the Code on Access to Information made against these two bodies. Any other types of complaints against these two bodies are handled separately by a dedicated mechanism (see paragraphs 57 and 58 below).

Equal Opportunities Commission

54. The Equal Opportunities Commission (EOC) was established by the Sex Discrimination Ordinance (Cap. 480) (SDO). It is responsible for conducting formal investigations, handling complaints, encouraging conciliation between parties in dispute, providing assistance to aggrieved persons in accordance with the four anti-discrimination ordinances. It undertakes research programmes and public education to promote equal opportunities in the community. The Commission is also empowered to issue codes of practice to provide practical guidelines to facilitate public compliance with the anti-discrimination ordinances.

55. Please refer to the section on “Information on non-discrimination and equality” below for further details in relation to the anti-discrimination ordinances and the work of the EOC.

Privacy Commissioner for Personal Data

56. The Personal Data (Privacy) Ordinance (Cap. 486) regulates the collection, holding, processing and use of personal data. Its provisions are based on internationally accepted data protection principles, and apply to personal data in any form the access to or the processing of which is practicable. The Privacy Commissioner for Personal Data, an independent statutory body, was established by the Ordinance to promote, monitor and supervise compliance with the provisions of the Ordinance. The duties of the Privacy Commissioner for Personal Data include, among others, carrying out promotional or educational activities, issuing codes of practice to provide guidance on compliance with the Ordinance, and conducting investigations and inspections for matters in relation to personal data privacy of individuals.

Complaints and investigations

The Police

57. Under the two-tier police complaints handling system, the Complaints Against Police Office (CAPO) is responsible for handling and investigating complaints lodged by members of the public against members of the Police. It operates independently from other Police formations to ensure its impartiality in handling complaints. The Independent Police Complaints Council (IPCC) is an independent statutory body specifically appointed to monitor and review the CAPO's handling and investigation of complaints. Members of the IPCC appointed by the CE are civilians drawn from a wide spectrum of the community, and public officers (including a member of the Police) are not eligible for appointment. The Independent Police Complaints Council Ordinance (Cap. 604) came into force on 1 June 2009 and provides the above police complaints system with a statutory basis. It clearly sets out the statutory IPCC's role, functions and powers in the police complaints handling system, as well as the obligations of the Police to comply with the requirements made by the IPCC under the Ordinance. There are effective checks and balances to ensure that the complaints lodged with the CAPO are handled thoroughly, fairly and impartially.

The Independent Commission Against Corruption

58. Established in 1977, the ICAC Complaints Committee is responsible for monitoring and reviewing the ICAC's handling of non-criminal complaints against the ICAC and its officers. Being an independent committee appointed by the CE, the ICAC Complaints Committee comprises members of the ExCo and LegCo, a representative of The Ombudsman and eminent members of the community. Complaints against the ICAC or its officers can be made directly to the ICAC Complaints Committee as well as the ICAC at any of its offices. The investigation of such complaints is handled by a special unit of the Operations Department of the ICAC. When the unit has completed its investigation of a complaint, its conclusions and recommendations are submitted to the ICAC Complaints Committee for consideration.

Other disciplined services

59. Other disciplined services maintain clear guidelines and procedures for handling complaints. For example, the Correctional

Services Department (CSD), which runs HKSAR's prisons, has a Complaints Investigation Unit (CIU) appointed by the Commissioner of Correctional Services to handle and investigate complaints. For check and balance, Correctional Services Department Complaints Committee examines all investigation findings handled by the CIU. To further fine-tune the departmental complaint handling mechanism, the CSD established the Correctional Services Department Complaints Appeal Board in 2016 as a channel for complainants dissatisfied with the outcome of CIU's investigation to appeal. At present, all ten non-official members of the Appeal Board are non-official Justices of the Peace. Furthermore, complainants may also direct their complaints to the CE, members of the LegCo, The Ombudsman, visiting Justices of the Peace and other law enforcement agencies such as the ICAC and the Police. If there is prima facie evidence that a CSD staff has committed a criminal offence, the CSD will immediately report the matter to the Police for further investigation. Disciplinary procedures against CSD staff are also governed by the Prison Rules (Cap. 234, sub. leg. A). Under Rule 239(j) of the Prison Rules, any CSD officer who without necessity uses force in dealing with the prisoners, or where the use of force is necessary, uses undue force, commits a disciplinary offence.

60. The Immigration Department applies complaints procedures set out in the Immigration Service Standing Orders made by the Director of Immigration under the authority of the Immigration Service Ordinance (Cap. 331). Complaints about abuse of authority or maltreatment by service members can be made to the Director of Immigration and are investigated promptly in accordance with the procedures in the Standing Orders. To ensure that all complaints are properly handled, a Complaints Review Working Party examines the results of investigations, conducts reviews and recommends follow-up action whenever necessary. Persons who consider that they have been improperly treated or that their cases have been mismanaged also have access to The Ombudsman. If there is prima facie evidence that a member of the Immigration Service has committed a criminal offence, the Immigration Service will immediately report the matter to the Police for further investigation. Disciplinary procedures against Immigration Service staff are also governed by the Immigration Service Ordinance and the Immigration Service Standing Orders. Under section 8(1)(i) of the Ordinance, unlawful or unnecessary exercise of authority resulting in loss or injury to any person is a disciplinary offence.

Framework within which human rights are promoted

Promotion of public awareness of the human rights treaties

61. The Constitutional and Mainland Affairs Bureau is responsible for co-ordinating and overseeing the implementation of policies relating to human rights and equal opportunities, including the promotion of public awareness of the rights and obligations stipulated in the human rights treaties applicable to the HKSAR. The Labour and Welfare Bureau (LWB) is responsible for human rights treaties relating to women and persons with disabilities that are applicable to the HKSAR.

Dissemination of human rights treaties in the HKSAR

62. The HKSAR Government is committed to the promotion of the rights as enshrined in the human rights treaties applicable to the HKSAR. The promotion work is carried out through various channels including media campaigns in the form of television and radio announcement in the public interest (API). For example, a major publicity campaign (including a series of television thematic docudrama and documentary, a package of television and radio APIs, and advertisements on newspapers and public transport facilities) has been launched by the LWB since August 2009 to promote the spirit and values enshrined in the Convention on the Rights of Persons with Disabilities (CRPD). A series of publicity programmes, such as roving exhibitions and education activities to secondary school students, have been carried out by the LWB on an on-going basis to promote public awareness on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

63. The HKSAR Government also produces bilingual booklets on the text of the human rights treaties (in both Chinese and English, the official languages of the HKSAR). Furthermore, publications such as bilingual booklets, newsletters and leaflets on these treaties, with illustrations of the principal provisions and in language which is easy to understand, are published. These publications aim to enhance the promotion of the treaties to members of the public, including parents and children. The publications are widely distributed to the public, including schools, libraries, district offices and non-governmental organisations (NGOs), and have been uploaded onto the HKSAR Government website.

64. The processes undertaken by the HKSAR Government in consulting the public in preparing reports to the United Nations treaty-monitoring bodies, publication of the report, dissemination of Concluding Observations of the United Nations treaty-monitoring bodies to the public and discussing them with stakeholders concerned also provide opportunities for promoting the human rights treaties to the public. These are elaborated below under the section on “Reporting process”.

Human rights education among public officials and professionals

65. The HKSAR Government provides training and education to Government officials, including legal officers and operational staff of the disciplined services, on the Basic Law and other human rights subjects such as application of human rights treaties in the HKSAR, the HKBORO and equal opportunities.

(a) Government officers in general

66. The Civil Service Bureau organises seminars for Government officers at different ranks on a regular basis. These include seminars on the Basic Law, equal opportunities and other areas of human rights. Speakers include representatives from the DoJ, EOC and NGOs, etc.

67. Major elements of the HKBORO and the anti-discrimination ordinances have also been incorporated into seminars and courses for newly recruited officers of the HKSAR Government. Moreover, government departments with frequent and extensive contacts with members of the public organise tailored courses for their officers to enhance their knowledge on applying the anti-discrimination ordinances and related code of practice in their daily work.

68. In addition to the above, training is provided to officers of different grades and ranks in the HKSAR Government to raise their gender awareness and understanding of gender-related issues. Such training includes seminars and workshops which cover CEDAW and other instruments that protect women’s interests and their application in the HKSAR. The LWB has also developed a web-portal and a web course on gender mainstreaming for reference by all Government officers.

(b) Legal officers

69. The DoJ organises training sessions for their legal officers. Some of those sessions deal with international human rights law and human rights protection under the Basic Law. Others focus on specific areas according to the special needs of the different divisions of the Department. For example, the Prosecutions Division provides training for prosecutors on human rights issues that arise in the course of prosecutions, whereas the Law Drafting Division provides training on human rights issues that arise in the course of drafting legislation. Legal officers of the Department also attend a range of seminars, conferences and training programmes on human rights organised by local and overseas academic institutions.

(c) Operational staff of the disciplined services

70. Training of disciplined services invariably includes reference to human rights. The law enforcement agencies have incorporated lectures on the relevant human rights treaties (such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), Basic Law, HKBORO, equal opportunities, and gender-related issues into their regular in-service and training programmes for new recruits. Human rights and equality principles are part of the foundation training for the Police to recruit police constables and probationary inspectors. The continued training programmes for in-service officers also cover these topics.

71. The ICAC provides training and issues orders to all investigating officers to ensure compliance with statutory requirements concerning the treatment of victims, witnesses and suspects. Officers are trained to treat all suspects and witnesses in accordance with the Basic Law and HKBORO. Apart from the training on relevant legislation touching upon human rights and related issues, the ICAC provides professional training to all investigating officers to ensure the voluntariness of admissions and confessions, and that there is no oppression, violence or threat.

Human rights training for judges, judicial officers and support staff of the Judiciary

72. Since the courts of the HKSAR may refer to precedents of other common law jurisdictions in adjudicating cases, they follow developments in all areas of law – including human rights law – in other

common law jurisdictions. The Hong Kong Judicial Institute provides continuing education and training for judges and judicial officers. Human rights law is one of many areas that are emphasised. They participate in visits and human rights seminars held both locally and overseas. Talks on anti-discrimination ordinances and seminars on the Personal Data (Privacy) Ordinance are arranged regularly for the support staff of the Judiciary to enhance their understanding and knowledge on these ordinances and to raise their awareness on human rights, equal opportunities and protection of personal data. Staff also attend the training on Basic Law organised by the Civil Service Training and Development Institute.

Promotion of human rights in general

73. The Committee on the Promotion of Civic Education is an advisory body under the Home Affairs Bureau set up in 1986 to promote civic education outside schools and to enhance general public's civic awareness, including human rights education. Separately, a Basic Law Promotion Steering Committee, chaired by the CS, was established in 1998 to guide promotional strategy.

74. The EOC, an independent statutory body to enforce the anti-discrimination ordinances, has the important function of promoting equal opportunities with a view to eliminating discrimination on the grounds of sex, disability, family status and race. The EOC also works towards the elimination of discrimination on the grounds of marital status and pregnancy. Please refer to the section on "Information on non-discrimination and equality" below on the work of the EOC. The Privacy Commissioner for Personal Data also carries out promotional and educational activities in relation to data protection.

75. The HKSAR Government also promotes the rights under the human rights treaties applicable to the HKSAR through other measures, such as sponsoring and co-operating with NGOs to promote awareness and public education through funding schemes and other initiatives.

Promotion of human rights in schools

76. Education in schools is an important aspect in the promotion of children's rights and human rights in general. Human rights education is an integral part of the school curriculum and is addressed in a wide range of subjects at different key stages of learning. Students are provided with ample opportunities to develop concepts and values in

relation to human rights in the existing school curriculum. Important concepts and values on human rights, such as the right to life, fundamental freedoms (e.g. freedom of speech and religion), privacy, respect for all peoples (e.g. different nationalities and their cultures, and ways of life), equality and non-discrimination (e.g. gender equality and racial equality) are discussed through the learning and teaching of various subjects in primary and secondary schools. Students' concepts and understanding of human rights are strengthened progressively from a basic understanding of the rights and responsibilities to more complex concepts of human rights. In addition, the Education Bureau has clear and explicit guidelines for textbook publishers to adhere to the principle of non-discrimination. Under the present textbook review system, the Bureau will only place quality textbooks on the Recommended Textbook/e-Textbook List for reference of schools. According to the "Guiding Principles for Quality Textbooks", a quality textbook should be one in which:

- (a) there is not any bias in content, such as over-generalisation and stereotyping; and
- (b) the content and illustrations do not carry any form of discrimination on the grounds of gender, age, race, religion, culture and disability etc., nor do they suggest exclusion.

Textbooks that fail to meet the above and other criteria in the Guiding Principles will not be placed on the Recommended List for selection by schools.

77. Basic Law education, civic education, human rights education and education against discrimination are included in the curriculum and are addressed in a wide range of subjects at different key stages of learning such as General Studies at primary level, curricula under the Personal, Social and Humanities Education at secondary level, and the core subject of Liberal Studies implemented in the senior secondary curriculum. To support schools in promoting the concepts and values pertaining to these curriculum areas, professional development programmes and resources support are provided to empower teachers' professional capability to implement these curricula. Relevant learning activities (including Mainland exchange programmes, project learning, museum visits, service learning, etc.) to enhance students' understanding and application of the Basic Law in daily lives are also provided.

78. The development of the Hong Kong school curriculum has advanced into a new phase of ongoing curriculum renewal. One of the key emphases is “promoting values education” which includes the priority values and attitudes of respect for others, responsibility, commitment, care for others, etc. In parallel, Basic Law education will be strengthened so as to reinforce the cultivation of values and attitudes among students, including human rights, equality, freedom, caring, responsibility, etc.

Participation of NGOs in promotion of human rights

79. A number of NGOs are dedicated to the promotion of human rights in the HKSAR. Some focus on the rights of a group of people such as ethnic minorities, children, persons with disabilities, or women. Others have a wider scope embracing a broader range of human rights issues.

80. The HKSAR Government has increasingly engaged or collaborated with NGOs in matters relevant to the promotion of human rights. This includes seeking their views during the preparation of reports in respect of the HKSAR under the human rights treaties and in considering follow-up actions on the Concluding Observations, seeking their views on issues of policy and other matters concerning human rights, as well as co-operation on public promotion and provision of support services.

81. To strengthen the liaison with NGOs, a number of forums have been established to provide platforms for exchanging views with NGOs on various issues concerning human rights. These include:

(a) Human Rights Forum

82. The Forum first met in October 2003. It provides a platform for NGOs to have regular meetings with the HKSAR Government for discussions on various human rights issues, including the implementation of various human rights treaties as well as other issues of concern.

(b) Children’s Rights Forum

83. The Children’s Rights Forum aims to provide a platform for exchanging views on matters concerning children’s rights among the

HKSAR Government, children's representatives, and NGOs focusing on human rights (including those on children's rights).

(c) *Ethnic Minorities Forum*

84. The Forum provides a channel of communication between the HKSAR Government and Hong Kong's ethnic minority communities and organisations dedicated to serving them. It helps to identify the concerns and needs of the ethnic communities and discuss possible ways of addressing them.

85. The agenda and notes of the meetings of the above forums are publicly available on the HKSAR Government website.

Reporting process

86. The Central People's Government submits reports in respect of the HKSAR under various human rights treaties applicable to the HKSAR. Under the established practice, the HKSAR Government would consult the public in the drafting of each report. The HKSAR Government would set out in an outline the broad subject headings and individual topics that it envisages to cover in the report. The outline would be widely distributed to stakeholders, including the LegCo and members of relevant forums, and to the general public through various means such as the HKSAR Government's website. Discussions with members of the relevant forums and NGOs would be arranged. The public are also invited to suggest additional topics that ought to be included in the report. The outline would also be discussed at the LegCo, and usually representatives of interested NGOs would be invited by the LegCo to present their views.

87. Comments and suggestions raised by commentators would be considered. Respective responses of the HKSAR Government would be incorporated in the relevant sections of the reports as appropriate.

88. The HKSAR section of the report will be made available, in both English and Chinese, to stakeholders, including the LegCo and interested NGOs, and will be made available to the public at the Home Affairs Enquiry Centres of District Offices, public libraries and the HKSAR Government website, after the report has been submitted to and made public by the United Nations.

Follow-up to Concluding Observations of human rights treaty bodies

89. In accordance with the established practice, following the issue of the Concluding Observations by the human rights treaty bodies, we would widely disseminate the Concluding Observations among all levels of society, including the LegCo, the relevant Government bureaux and departments, and other interested parties. At the same time, we would also issue a press release to the media on the Concluding Observations and the preliminary response of the HKSAR Government. The Concluding Observations would also be made available to the public through the HKSAR Government website. We would discuss the Concluding Observations and the HKSAR Government's initial response with the LegCo and relevant forums.

Information on non-discrimination and equality

90. The general legal framework to guarantee non-discrimination and equality before the law, as well as the relevant institutional framework, have been described above in respect of the legal framework for the protection of human rights.

Equal Opportunities Commission

91. As mentioned above, the EOC is responsible for the implementation of four anti-discrimination ordinances in the HKSAR and promotion of equal opportunities in the respective areas. These ordinances are outlined below.

Anti-discrimination ordinances

92. The SDO and the Disability Discrimination Ordinance (Cap. 487) (DDO) came into full operation in 1996. Under the SDO, it is unlawful to sexually harass a person or to discriminate against a person on the ground of sex, marital status or pregnancy in the specified areas of activities. The law applies to both males and females. Under the DDO, it is unlawful to vilify a person with a disability in public, or discriminate against or harass a person on the ground of disability in the specified areas of activities.

93. The Family Status Discrimination Ordinance (Cap. 527) came into force in 1997. Under this Ordinance, it is unlawful to discriminate against a person on the ground of family status. Family status means the status of having a responsibility for the care of an

immediate family member. Immediate family member, in relation to a person, means someone who is related to the person concerned by blood, marriage, adoption or affinity.

94. The Race Discrimination Ordinance (Cap. 602) came into full operation in 2009. Race in relation to a person means the race, colour, descent or national or ethnic origin of the person. It is unlawful under the Ordinance to vilify a person on the ground of race in public, or discriminate against or harass a person on the ground of race in specified areas of activities.

95. The areas of activities covered by the four above-mentioned ordinances are broadly the same, including employment, education, provision of goods, facilities or services, disposal or management of premises, eligibility to vote for and to stand for election of public bodies, and membership of clubs.

Investigation and Conciliation

96. The EOC investigates complaints lodged under the four ordinances and encourages conciliation between the parties in dispute. Where conciliation fails, a complainant may apply to the EOC for other forms of assistance including legal assistance. The EOC also conducts formal investigation into discriminatory practices where appropriate.

Education and Promotion

97. The EOC is committed to promoting the concept of equal opportunities through education and promotion. The EOC builds partnerships with the HKSAR Government and NGOs in working towards the elimination of discrimination. Public education and publicity programmes to raise awareness and promote better understanding of equal opportunities concepts include organising talks, seminars and workshops for different target groups, publishing half-yearly journals and printing promotional leaflets, organising roadshows and exhibitions, putting together activity programmes and arranging drama performances for students and producing TV and radio announcements and programmes. Other than traditional media, the EOC also leverages on new media, such as mobile applications and social media for its promotion. In order to encourage community participation, the Community Participation Funding Programme on Equal Opportunities is in place to assist community groups to organise their own activities to promote equal opportunities. The EOC also seeks to

achieve its vision through partnership projects with all sectors in the community. Calendar and tailor-made training programmes are conducted to raise awareness of discrimination and harassment within organisations and Government departments, as well as to equip them with the skills to deal with the situation should such problems arise.

Research

98. The EOC commissions various research studies and baseline surveys to examine why discrimination takes place, the overall attitudes and perceptions of equal opportunities within the community. The research studies will help the EOC to develop its strategy, monitor the attitude change and provide benchmarks for future studies.

Review of relevant legislation and issuing codes of practice and guidelines

99. The EOC keeps under review the anti-discrimination ordinances and submits proposals for amendments to the HKSAR Government as it thinks fit. It also issues codes of practice under the ordinances and other guidelines. The Codes of Practice on Employment are issued to assist employers and employees in understanding their responsibilities under the ordinances and to provide practical guidelines to management on procedures and practices that can help prevent discrimination and other unlawful acts in the workplace.

100. Copies of the codes of practice under the four ordinances as well as a series of other publications explaining the provisions of the ordinances are available at the EOC office and its website. The EOC website also provides up-to-date information on equal opportunities issues in the HKSAR and international developments and trends.

Promotion of non-discrimination and equality

Women

101. We strive to implement the principles of CEDAW and promote public awareness of the Convention.

102. The HKSAR Government set up the Women's Commission (WoC) in 2001 as a high-level central mechanism to advise and assist the HKSAR Government on women's issues and to champion women's interests. The WoC is tasked with taking a strategic overview on

women issues, developing a long-term vision and strategy for the development and advancement of women, and advising the HKSAR Government on policies and initiatives which are of concern to women.

103. To achieve its mission of enabling women in the HKSAR to fully realise their due status, rights and opportunities in all aspects of life, the WoC has adopted a three-pronged strategy, namely the provision of an enabling environment, empowerment of women through capacity building and public education, and promoting the interest and well-being of women. Apart from offering advice to the HKSAR Government on women-related policies and initiatives, the WoC also commissions researches and surveys, organises publicity and public education programmes and maintains close liaison with women's groups and different sectors of the community with a view to promoting interests of women in the HKSAR.

Ethnic minorities

104. In respect of the promotion of racial equality, besides legislation, we believe that public education and support services are also important for better integration of ethnic minorities into the community. We have, over the years, launched various initiatives to promote racial harmony and to assist integration of the ethnic minorities in the HKSAR.

105. The Committee on the Promotion of Racial Harmony advises the HKSAR Government on public education and publicity in this area. The Race Relations Unit of the Home Affairs Department serves as the secretariat to the Committee and liaises with the ethnic minority communities.

106. Various bureaux/departments of the HKSAR Government and public bodies have been providing public services to meet the needs of ethnic minorities according to their respective policy purview and service area, e.g. education, employment, housing and social welfare. The Home Affairs Department operates a number of programmes to facilitate the integration of ethnic minorities into community, either by organising activities or through sponsoring the work of NGOs. Since 2009, we have provided funding to NGOs for operating a total of six support service centres for ethnic minorities and two sub-centres in the HKSAR. They provide Chinese and English language training, orientation programmes, counselling and referral services, interest classes, and other support services to ethnic minorities. One of the centres also provides telephone and on-site interpretation services to facilitate ethnic

minorities' access to public services. Other programmes include language programmes, integration activities, radio programmes in the languages of the ethnic minorities, and community teams to provide support services to the ethnic minority groups.

107. In 2010, the HKSAR Government also issued the Administrative Guidelines on Promotion of Racial Equality to provide general guidance to concerned Government bureaux and departments and public authorities to promote racial equality and ensure equal access by ethnic minorities to public services in key areas concerned, and to take this into account in their formulation, implementation and review of policies and measures. In 2010, the scope of application of the Guidelines covered 14 Government bureaux and departments and public authorities, and it was extended to cover 23 in 2015. The HKSAR Government will keep the scope and coverage of the Guidelines under review.

Children's rights

108. Matters concerning children cover a wide range of policies, and they are taken care of by the respective policy bureaux of the HKSAR Government. The best interests of the child are necessary considerations in all relevant decision-making, including legislative proposals and policies, and are taken into account as a matter of course. Advice would be sought from the DoJ on human rights and international law where necessary to ensure compliance.

109. Certain child-related policies and measures may involve more than one bureau or department. Mechanisms are in place within the HKSAR Government for co-ordinating and handling policies and measures that involve different bureaux and departments to ensure that adequate consideration is given to the interests of children.

110. The Children's Rights Education Funding Scheme provides financial support for community organisations to carry out educational projects to raise public awareness and understanding of the Convention on the Rights of the Child and the children's rights enshrined in it. The Scheme accepts open application for funding on an annual basis.

People of different sexual orientation and transgender persons

111. The HKSAR Government is committed to fostering the culture and values of inclusiveness and mutual respect and promoting

equal opportunities for people of different sexual orientation and transgender persons. The publicity and educational measures include, among others, implementing the Equal Opportunities (Sexual Orientation) Funding Scheme which provides funding support to worthwhile community projects that promote equal opportunities on grounds of sexual orientation or gender identity, or provide support services for the sexual minorities; promoting the Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation; maintaining a hotline for enquiries and complaints on issues relating to sexual orientation and gender identity; and producing and broadcasting television programme and API on television and radio, and launching advertising campaigns on different media to promote the message of “eliminate discrimination, embrace inclusion” for people of different sexual orientation and transgender persons.

112. In June 2013, the HKSAR Government established the Advisory Group on Eliminating Discrimination against Sexual Minorities to provide advice on strategies and measures to eliminate discrimination. During its term, the Advisory Group had taken stock of the major developments in Hong Kong on issues of concern to sexual minorities, conducted a qualitative study on discrimination faced by sexual minorities, carried out research on the relevant experience and legislation in other jurisdictions, met with stakeholder groups, and recommended to the HKSAR Government in December 2015 a series of strategies and measures. We are actively following up on the recommendations of the Advisory Group.

Persons with disabilities

113. The CRPD entered into force for the People’s Republic of China, including the HKSAR, on 31 August 2008. States Parties undertake to adopt all appropriate legislative, administrative and other measures for the implementation of the rights of persons with disabilities recognised in the Convention. With the DDO affording protection against discrimination on the ground of disability, and the Mental Health Ordinance (Cap. 136) safeguarding the rights of mentally incapacitated persons, the HKSAR has been well positioned to meet the objectives of this Convention.

114. Measures have been taken to ensure that all bureaux and departments are fully aware of the need to take due account of the Convention’s provisions in formulating policies and implementing programmes. The HKSAR Government works with the Rehabilitation

Advisory Committee (the principal advisory body to the HKSAR Government on matters pertaining to the well-being of persons with disabilities and the development and implementation of rehabilitation policies and services in the HKSAR), the rehabilitation sector and the community at large to ensure compliance with the Convention, to provide support to promote participation by persons with disabilities in society, and to facilitate the enjoyment of their rights under this Convention. The HKSAR Government has also been actively promoting the spirit and core values of this Convention to the community.

Demographic indicators and social, economic and cultural indicators

A. Demographic Indicators

(a) : Population size

Mid-year	Population size
2011	7 071 600
2012	7 150 100
2013	7 178 900
2014	7 229 500
2015	7 291 300
2016	7 336 600
2017	7 391 700

Note: The 2016 Population By-census conducted from June to August 2016 provides a benchmark for revising the population figures compiled since the 2011 Population Census. In the above table, figures from 2012 to 2015 have been revised accordingly.

(b) : Population growth rate

Mid-year	Population growth rate
2011	0.7%
2012	1.1%
2013	0.4%
2014	0.7%
2015	0.9%
2016	0.6%
2017	0.8%

Note: The 2016 Population By-census conducted from June to August 2016 provides a benchmark for revising the population figures compiled since the 2011 Population Census. In the above table, figures from 2012 to 2015 have been revised accordingly.

(c) : Population Density⁽¹⁾ by Area

	Persons per sq. km				
	2012	2013	2014	2015	2016
Hong Kong Island	16 000	15 920	15 810	15 660	15 690
Kowloon	45 710	45 970	46 680	46 950	47 750
New Territories and Islands	3 910	3 930	3 950	4 020	4 020
Total	6 620	6 640	6 680	6 740	6 780

Notes: Figures refer to end-June of the year.

The 2016 Population By-census conducted from June to August 2016 provides a benchmark for revising the population figures compiled since the 2011 Population Census. In the above table, figures from 2012 to 2015 have been revised accordingly.

⁽¹⁾ Excluding marine population and area of reservoirs.

(d) : Population aged 5 and over by usual spoken language and ethnicity, 2016

Ethnicity	Usual spoken language/dialect								Total
	Cantonese	English	Putonghua	Other Chinese dialects	Filipino	Indonesian	Japanese	Others	
Chinese	6 093 771	43 733	123 813	219 446	356	1 931	587	1 915	6 485 552
Filipino	7 168	150 405	396	133	24 237	-	-	564	182 903
Indonesian	109 258	20 554	5 853	492	1	16 208	-	736	153 102
Indian	2 225	12 868	45	-	22	367	-	18 553	34 080
Nepalese	382	1 678	-	-	52	-	18	21 766	23 896
Japanese	693	1 505	54	-	-	13	7 077	42	9 384
Thai	7 323	469	58	76	1	-	-	2 210	10 137
Pakistani	826	2 243	9	-	25	-	-	13 437	16 540
Korean	445	1 962	72	40	-	-	63	3 306	5 888
Other Asian	5 260	2 877	35	126	7	24	-	4 485	12 814
White	1 688	44 132	83	65	-	-	15	8 670	54 653
Others	35 661	17 991	988	869	637	604	346	2 924	60 020
Total	6 264 700	300 417	131 406	221 247	25 338	19 147	8 106	78 608	7 048 969

Note: The figures exclude mute persons.

(e) : Population by ethnicity, sex and age group, 2016

Ethnicity/Sex		Age group							Total
		< 15	15 - 24	25 - 34	35 - 44	45 - 54	55 - 64	65+	
Chinese	Male	400 960	382 027	437 523	433 613	511 391	539 126	533 298	3 237 938
	Female	376 635	367 056	477 688	522 531	612 855	548 454	609 045	3 514 264
	Total	777 595	749 083	915 211	956 144	1 124 246	1 087 580	1 142 343	6 752 202
Filipino	Male	1 469	1 116	2 041	2 511	2 409	854	526	10 926
	Female	1 580	2 727	57 490	64 741	36 971	8 327	1 319	173 155
	Total	3 049	3 843	59 531	67 252	39 380	9 181	1 845	184 081
Indonesian	Male	71	196	245	411	161	175	533	1 792
	Female	233	7 079	68 786	64 223	9 534	746	906	151 507
	Total	304	7 275	69 031	64 634	9 695	921	1 439	153 299
Indian	Male	2 845	1 726	4 351	4 160	2 348	810	1 425	17 665
	Female	3 219	2 032	4 720	4 480	1 998	915	1 433	18 797
	Total	6 064	3 758	9 071	8 640	4 346	1 725	2 858	36 462
Nepalese	Male	2 310	2 086	2 235	3 203	2 380	524	450	13 188
	Female	1 773	1 901	2 809	3 439	1 545	554	263	12 284
	Total	4 083	3 987	5 044	6 642	3 925	1 078	713	25 472
Japanese	Male	822	204	700	1 081	1 055	785	323	4 970
	Female	800	204	839	1 342	1 219	272	330	5 006
	Total	1 622	408	1 539	2 423	2 274	1 057	653	9 976
Thai	Male	161	102	144	401	274	181	73	1 336
	Female	253	178	697	1 662	2 877	2 241	971	8 879
	Total	414	280	841	2 063	3 151	2 422	1 044	10 215
Pakistani	Male	2 717	2 076	1 504	2 385	975	274	457	10 388
	Female	2 610	1 407	1 196	1 467	563	287	176	7 706
	Total	5 327	3 483	2 700	3 852	1 538	561	633	18 094
Korean	Male	480	239	451	836	382	263	94	2 745
	Female	382	312	876	940	629	277	148	3 564
	Total	862	551	1 327	1 776	1 011	540	242	6 309
Other Asian	Male	625	342	1 261	1 304	561	544	445	5 082
	Female	472	435	2 116	2 335	1 345	741	754	8 198
	Total	1 097	777	3 377	3 639	1 906	1 285	1 199	13 280
White	Male	4 661	2 042	6 347	8 607	7 799	4 736	2 824	37 016
	Female	4 370	1 734	4 507	4 499	3 212	1 779	1 092	21 193
	Total	9 031	3 776	10 854	13 106	11 011	6 515	3 916	58 209
Others	Male	11 168	4 614	3 940	4 058	3 285	2 673	2 578	32 316
	Female	9 839	4 146	5 002	6 869	4 334	2 790	3 690	36 670
	Total	21 007	8 760	8 942	10 927	7 619	5 463	6 268	68 986
Total	Male	428 289	396 770	460 742	462 570	533 020	550 945	543 026	3 375 362
	Female	402 166	389 211	626 726	678 528	677 082	567 383	620 127	3 961 223
	Total	830 455	785 981	1 087 468	1 141 098	1 210 102	1 118 328	1 163 153	7 336 585

(f) : Population by age group and sex, mid-2013 to mid-2017

Age group	Mid-2013			Mid-2014			Mid-2015			Mid-2016			Mid-2017		
	Male	Female	Both sexes	Male	Female	Both sexes	Male	Female	Both sexes	Male	Female	Both sexes	Male	Female	Both sexes
0 - 4	134 200	125 500	259 700	137 400	128 100	265 500	146 200	135 600	281 800	144 800	134 700	279 500	143 300	133 700	277 000
5 - 9	127 900	120 200	248 100	136 000	126 700	262 700	145 000	134 200	279 200	151 200	140 600	291 800	158 500	146 300	304 800
10-14	149 200	139 500	288 700	141 500	133 800	275 300	136 000	129 400	265 400	132 300	126 900	259 200	134 300	128 700	263 000
15-19	208 700	197 000	405 700	198 500	188 000	386 500	186 600	175 800	362 400	176 500	164 400	340 900	163 500	152 300	315 800
20-24	226 300	231 200	457 500	223 800	227 000	450 800	222 600	226 100	448 700	220 300	224 800	445 100	217 900	223 700	441 600
25-29	221 800	294 700	516 500	224 200	290 800	515 000	226 000	287 600	513 600	227 700	282 500	510 200	230 100	275 500	505 600
30-34	231 900	341 400	573 300	233 000	346 000	579 000	233 800	345 000	578 800	233 000	344 200	577 200	229 000	341 200	570 200
35-39	229 500	328 800	558 300	226 800	329 500	556 300	225 300	334 000	559 300	228 000	343 300	571 300	230 600	351 800	582 400
40-44	239 800	337 700	577 500	239 700	338 400	578 100	239 200	339 100	578 300	234 600	335 200	569 800	233 500	337 500	571 000
45-49	270 800	337 000	607 800	258 000	329 100	587 100	246 100	323 800	569 900	240 200	326 800	567 000	239 000	330 900	569 900
50-54	313 800	340 400	654 200	310 600	347 900	658 500	303 800	351 300	655 100	292 900	350 200	643 100	281 600	344 400	626 000
55-59	281 100	288 000	569 100	291 600	299 200	590 800	300 900	309 400	610 300	306 800	316 200	623 000	306 900	320 700	627 600
60-64	219 900	222 700	442 600	227 500	232 600	460 100	234 100	239 800	473 900	244 100	251 200	495 300	257 600	264 600	522 200
65-69	148 700	146 400	295 100	163 000	163 300	326 300	180 300	182 800	363 100	196 500	199 200	395 700	204 000	208 300	412 300
70-74	109 500	103 600	213 100	109 600	101 900	211 500	110 300	103 400	213 700	112 200	108 600	220 800	124 900	124 800	249 700
75-79	100 400	109 800	210 200	99 900	109 400	209 300	101 200	108 300	209 500	101 200	105 200	206 400	97 900	100 200	198 100
80-84	69 300	88 300	157 600	73 300	91 400	164 700	73 800	92 400	166 200	74 100	92 900	167 000	76 500	94 900	171 400
85+	47 100	96 800	143 900	50 100	101 900	152 000	54 400	107 700	162 100	59 000	114 300	173 300	63 400	119 700	183 100
Total	3 329 900	3 849 000	7 178 900	3 344 500	3 885 000	7 229 500	3 365 600	3 925 700	7 291 300	3 375 400	3 961 200	7 336 600	3 392 500	3 999 200	7 391 700

Note: The 2016 Population By-census conducted from June to August 2016 provides a benchmark for revising the population figures compiled since the 2011 Population Census. In the above table, figures from mid-2013 to mid-2015 have been revised accordingly.

(g) : Dependency ratio

Year	Child dependency ratio ⁽¹⁾	Elderly dependency ratio ⁽²⁾	Overall dependency ratio ⁽³⁾
2011	155	177	333
2012	152	183	335
2013	149	190	339
2014	150	198	348
2015	154	208	363
2016	155	218	373
2017 [#]	158	228	386

Notes:

⁽¹⁾ The number of persons aged under 15 per 1 000 persons aged between 15 and 64.

⁽²⁾ The number of persons aged 65 and over per 1 000 persons aged between 15 and 64.

⁽³⁾ The number of persons aged under 15 and aged 65 and over per 1 000 persons aged between 15 and 64.

The 2016 Population By-census conducted from June to August 2016 provides a benchmark for revising the population figures compiled since the 2011 Population Census. In the above table, figures from 2012 to 2015 have been revised accordingly.

(h) : Statistics on Births

	2010	2011	2012	2013	2014	2015	2016
Number of births							
Male	47 366	51 286	48 777	29 806	32 262	31 218	31 724
Female	41 218	44 165	42 781	27 278	30 043	28 660	29 132
Total	88 584	95 451	91 558	57 084	62 305	59 878	60 856
Crude birth rate (per 1 000 population)	12.6	13.5	12.8	8.0	8.6	8.2	8.3

Note: The 2016 Population By-census conducted from June to August 2016 provides a benchmark for revising the population figures compiled since the 2011 Population Census. In the above table, population-related figures from 2012 to 2015 have been revised accordingly.

(i) : Death statistics

Age	2012				2013				2014				2015				2016			
	SEX		Unknown	TOTAL	SEX		Unknown	TOTAL	SEX		Unknown	TOTAL	SEX		Unknown	TOTAL	SEX		Unknown	TOTAL
	Male	Female			Male	Female			Male	Female			Male	Female			Male	Female		
0	68	68	1	137	65	35	0	100	44	59	0	103	51	34	0	85	59	50	0	109
01-04	16	17	0	33	19	21	0	40	21	22	0	43	19	9	0	28	21	18	0	39
05-09	15	15	0	30	17	13	0	30	11	9	0	20	10	10	0	20	12	8	0	20
10-14	20	11	0	31	17	11	0	28	12	15	0	27	12	9	0	21	11	10	0	21
15-19	48	15	0	63	35	26	0	61	41	21	0	62	21	26	0	47	38	27	0	65
20-24	99	36	0	135	69	37	0	106	62	31	0	93	84	32	0	116	71	38	0	109
25-29	97	51	0	148	96	66	0	162	85	48	0	133	74	50	0	124	106	53	0	159
30-34	142	93	0	235	153	101	0	254	127	102	0	229	124	92	0	216	145	88	0	233
35-39	211	156	0	367	216	137	0	353	207	120	0	327	172	138	0	310	190	131	0	321
40-44	344	268	0	612	285	242	0	527	330	207	0	537	360	260	0	620	294	251	0	545
45-49	578	408	0	986	551	379	0	930	527	358	0	885	472	388	0	860	478	343	0	821
50-54	999	574	0	1 573	961	589	0	1 550	960	573	0	1 533	964	634	0	1 598	910	608	0	1 518
55-59	1 424	761	0	2 185	1 461	793	0	2 254	1 524	804	0	2 328	1 536	829	0	2 365	1 624	808	0	2 432
60-64	1 822	798	0	2 620	1 841	867	0	2 708	1 890	904	0	2 794	1 891	945	0	2 836	2 044	1 001	0	3 045
65-69	1 824	802	0	2 626	1 876	850	0	2 726	1 982	940	0	2 922	2 257	1 117	0	3 374	2 484	1 171	0	3 655
70-74	2 595	1 148	0	3 743	2 466	1 087	0	3 553	2 451	1 014	0	3 465	2 331	1 000	0	3 331	2 415	1 048	0	3 463
75-79	3 995	2 177	0	6 172	3 621	2 021	0	5 642	3 575	2 061	0	5 636	3 516	2 015	0	5 531	3 497	1 802	0	5 299
80-84	4 360	3 353	0	7 713	4 265	3 238	0	7 503	4 596	3 364	0	7 960	4 533	3 225	0	7 758	4 465	3 105	0	7 570
85+	5 810	8 679	0	14 489	6 111	8 735	0	14 846	6 488	9 485	0	15 973	6 925	9 918	0	16 843	7 252	10 195	0	17 447
Unknown	13	3	3	19	13	7	4	24	13	3	1	17	13	9	3	25	23	7	4	34
TOTAL	24 480	19 433	4	43 917	24 138	19 255	4	43 397	24 946	20 140	1	45 087	25 365	20 740	3	46 108	26 139	20 762	4	46 905

(j) : Life expectancy

	2010	2011	2012	2013	2014	2015	2016
Expectation of life at birth							
Male	80.1	80.3	80.7	81.1	81.2	81.4	81.3
Female	86.0	86.7	86.4	86.7	86.9	87.3	87.3

Note: The 2016 Population By-census conducted from June to August 2016 provides a benchmark for revising the population figures compiled since the 2011 Population Census. In the above table, population-related figures from 2012 to 2015 have been revised accordingly.

(k) : Fertility rate

	2010	2011	2012	2013	2014	2015	2016
Total fertility rate (Number of live births per 1 000 women)	1 127	1 204	1 285	1 125	1 235	1 196	1 205

Note: The 2016 Population By-census conducted from June to August 2016 provides a benchmark for revising the population figures compiled since the 2011 Population Census. In the above table, population-related figures from 2012 to 2015 have been revised accordingly.

(l) : Statistics on domestic households

Period	Number of domestic households ('000)	Average domestic household size
2012	2 386.2	2.9
2013	2 407.3	2.9
2014	2 432.4	2.9
2015	2 471.1	2.9
2016	2 498.9	2.8

Note: The 2016 Population By-census conducted from June to August 2016 provides a benchmark for revising the population figures compiled since the 2011 Population Census. In the above table, population-related figures from 2012 to 2015 have been revised accordingly.

(m) :

Proportion of single-parent households and proportion of domestic households with female household head, 2006

	No. of domestic households	Domestic households with female household head ⁽²⁾	Domestic households with single parent ⁽¹⁾	Proportion of domestic households with female household head ⁽²⁾	Proportion of single-parent ⁽¹⁾ households
Total	2 226 546	975 971	76 290	43.8	3.4

Proportion of single-parent households and proportion of domestic households with female household head, 2011

	No. of domestic households	Domestic households with female household head ⁽³⁾	Domestic households with single parent ⁽¹⁾	Proportion of domestic households with female household head ⁽³⁾	Proportion of single-parent ⁽¹⁾ households
Total	2 368 796	1 078 228	81 589	45.5	3.4

Notes:

⁽¹⁾ Single parents are defined as mothers or fathers who are never married, widowed, divorced or separated, and living with child(ren) aged under 18 in the same household in the 2011 Population Census. Figures for 2001 and 2006 have been re-compiled based on the above definition of single parents.

⁽²⁾ The figures of the 2006 Population By-census include 975 971 domestic households with female household head. Among them, there were 332 402 domestic households reported to have more than one household head and at least one female head.

⁽³⁾ The figures of the 2011 Population Census include 1 078 228 domestic households with female household head. Among them, there were 300 329 domestic households reported to have more than one household head and at least one female head.

B. Social, economic and cultural indicators

(a) : Share of average monthly household expenditure on food, housing, health and education

	2004-05	2009-10	2014-15
Food (excluding meals bought away from home)	9.5%	10.0%	9.4%
Meals bought away from home	16.3%	17.1%	17.9%
Housing	30.6%	32.8%	35.8%
Health ⁽¹⁾	2.5%	2.7%	3.0%
Education ⁽¹⁾	4.1%	4.3%	3.6%

Note:

⁽¹⁾ Refers to “Health” and “Education” under the Classification of Individual Consumption According to Purpose. “Health” covers expenditure on outpatient and hospital services, proprietary medicines and supplies, and medical and health equipment. “Education” covers school fees (but excluding those for interest and sports courses) and expenditure on other educational services.

(b) : Gini Coefficient (Based on original household income), 2006, 2011 and 2016

Year	Gini Coefficient
2006	0.533
2011	0.537
2016	0.539

(c) : Percentage of Children under 5 years who were Underweight by Sex⁽¹⁾

	6 months - <9 months ⁽²⁾	12 months - < 18 months ⁽²⁾	18 months- <24 months ⁽²⁾	48 months – <60 months ⁽³⁾
Number of male children in the sample with weight recorded within the age interval	1 300	1 273	1 226	16 223
Number & percentage of male children being underweight	25 (1.9%)	29 (2.3%)	26 (2.1%)	267 (1.6%)
No of female children in the sample with weight recorded within the age interval	1 231	1 224	1 164	15 065
Number and percentage of female children being underweight	15 (1.2%)	17 (1.4%)	14 (1.2%)	299 (2.0%)

Note:

⁽¹⁾ Underweight was defined as body weight less than the 2 standard deviations below the median weight for age on the World Health Organization 2006 child growth standard. Data was based on the clinical information of children born in ⁽²⁾ 2014 (body weight in 6 to 24 months) and ⁽³⁾ 2010 (48 to 60 months).

(d) : Number of registered infant deaths and infant mortality rate by sex, 2012-2016

Year	Number of registered infant deaths			Infant mortality rate (Number of registered infant deaths per 1 000 registered live births)		
	Male	Female	Total*	Male	Female	Total*
2012	70	66	137	1.4	1.5	1.5
2013	57	39	96	1.9	1.4	1.7
2014	53	53	106	1.7	1.8	1.7
2015	48	41	89	1.5	1.4	1.5
2016	51	50	101	1.6	1.7	1.7

Note: * Total includes unknown sex.

Number of registered maternal deaths and maternal mortality ratio, 2012-2016

Year	Number of registered maternal deaths	Maternal mortality ratio (Number of registered maternal deaths per 100 000 registered live births)
2012	2	2.2
2013	0	0.0
2014	2	3.3
2015	1	1.6
2016	0	0.0

(e) : Ratio of Legal Termination of Pregnancy to Known Live Births, 2012-2016

	Year				
	2012	2013	2014	2015	2016
No. of legal termination of pregnancy	11 298	10 653	10 359	9 890	9 481
No. of known live births	91 558	57 084	62 305	59 878	60 856
Ratio	12.3%	18.7%	16.6%	16.5%	15.6%

(f) : Number of reported cases of HIV/AIDS by age group

Year	2012		2013		2014		2015		2016	
Age Group	HIV	AIDS	HIV	AIDS	HIV	AIDS	HIV	AIDS	HIV	AIDS
0-14	1	0	1	1	0	0	2	1	0	0
15-44	383	46	422	45	503	47	569	68	497	58
45-64	105	35	114	30	127	52	138	36	159	42
65 and above	22	5	22	8	19	9	14	5	27	11
Unknown	2	0	0	0	2	0	2	0	9	0
Total	513	86	559	84	651	108	725	110	692	111

Number of reported cases of HIV/AIDS by sex

Year	2012		2013		2014		2015		2016	
Sex	HIV	AIDS	HIV	AIDS	HIV	AIDS	HIV	AIDS	HIV	AIDS
Male	399	68	444	70	549	83	626	90	596	87
Female	114	18	115	14	102	25	99	20	96	24
Total	513	86	559	84	651	108	725	110	692	111

(g) : Notifications of Notifiable Infectious Diseases 2012 – 2016

Disease	Number of Notifications					Notification Rate † (Number of Notifications per 100 000 Population)				
	2012	2013	2014	2015	2016*	2012	2013	2014	2015	2016*
Amoebic dysentery	7	4	11	5	3	0.10	0.06	0.15	0.07	0.04
Bacillary dysentery	59	66	51	44	39	0.83	0.92	0.71	0.60	0.53
Botulism†	0	0	0	0	13	0.00	0.00	0.00	0.00	0.18
Chickenpox	8 589	10 926	7 800	8 746	8 879	120.12	152.20	107.89	119.95	121.02
Chikungunya fever	0	5	2	1	8	0.00	0.07	0.03	0.01	0.11
Cholera	2	2	1	1	3	0.03	0.03	0.01	0.01	0.04
Community-associated methicillin-resistant <i>Staphylococcus aureus</i> infection	815	990	998	1 047	1 168	11.40	13.79	13.80	14.36	15.92
Creutzfeldt-Jakob disease	8	5	8	9	9	0.11	0.07	0.11	0.12	0.12
Dengue fever	53	103	112	114	124	0.74	1.43	1.55	1.56	1.69
Enterovirus 71 infection	59	12	68	56	38	0.83	0.17	0.94	0.77	0.52
Food poisoning: Outbreaks	378	316	214	254	213	5.29	4.40	2.96	3.48	2.90
Persons affected	(1 529)	(1 176)	(1 134)	(1 076)	(1 084)	(21.38)	(16.38)	(15.69)	(14.76)	(14.78)
<i>Haemophilus influenzae</i> type b infection (invasive)	1	3	6	0	1	0.01	0.04	0.08	0.00	0.01
Invasive pneumococcal disease	-	-	-	162	189	-	-	-	2.22	2.58
Japanese encephalitis	3	6	5	2	2	0.04	0.08	0.07	0.03	0.03
Legionnaires' disease	28	28	41	66	75	0.39	0.39	0.57	0.91	1.02
Leprosy	5	5	9	3	3	0.07	0.07	0.12	0.04	0.04
Leptospirosis	8	2	1	3	7	0.11	0.03	0.01	0.04	0.10
Listeriosis	26	26	22	22	17	0.36	0.36	0.30	0.30	0.23
Malaria	26	20	23	22	24	0.36	0.28	0.32	0.30	0.33
Measles	8	38	50	18	9	0.11	0.53	0.69	0.25	0.12
Meningococcal infection (invasive)	4	3	5	5	6	0.06	0.04	0.07	0.07	0.08
Mumps	150	127	111	118	110	2.10	1.77	1.54	1.62	1.50
Novel influenza A infection‡	1	3	9	2	5	0.01	0.04	0.12	0.03	0.07
Paratyphoid fever	23	23	26	11	15	0.32	0.32	0.36	0.15	0.20
Psittacosis	5	2	6	2	8	0.07	0.03	0.08	0.03	0.11
Q fever	1	1	0	2	2	0.01	0.01	0.00	0.03	0.03
Rabies	0	0	1	0	0	0.00	0.00	0.01	0.00	0.00
Rubella and congenital rubella syndrome	47	25	14	12	3	0.66	0.35	0.19	0.16	0.04
Scarlet fever	1 500	1 100	1 238	1 210	1 466	20.98	15.32	17.12	16.60	19.98
Shiga toxin-producing <i>Escherichia coli</i> infection	8	2	2	0	6	0.11	0.03	0.03	0.00	0.08
<i>Streptococcus suis</i> infection	7	8	12	9	5	0.10	0.11	0.17	0.12	0.07
Tetanus	3	0	0	1	0	0.04	0.00	0.00	0.01	0.00
Tuberculosis	4 858	4 664	4 705	4 418	4 412	67.94	64.97	65.08	60.59	60.14
Typhoid fever	25	33	27	31	14	0.35	0.46	0.37	0.43	0.19
Typhus and other rickettsial diseases	44	57	45	45	53	0.62	0.79	0.62	0.62	0.72
Viral hepatitis	243	184	192	265	270	3.40	2.56	2.66	3.63	3.68
Whooping cough	20	20	30	50	31	0.28	0.28	0.41	0.69	0.42
Zika Virus Infection	-	-	-	-	2	-	-	-	-	0.03
Total §	17 014	18 809	15 845	16 756	17 232	237.95	262.00	219.17	229.81	234.88

Notes: Number of notified cases refers to notifications of infectious disease cases known to the Department of Health as of 10 November 2017.

No case of Acute poliomyelitis, Anthrax, Diphtheria, Hantavirus infection, Middle East Respiratory Syndrome, Plague, Relapsing fever, Severe Acute Respiratory Syndrome, Smallpox, Viral haemorrhagic fever, West Nile Virus Infection or Yellow fever was reported during the specified years.

Infectious diseases which have been made notifiable during the period include:

<u>Infectious disease</u>	<u>Effective date</u>
Variant Influenza A (H3N2)	17 August 2012
Middle East Respiratory Syndrome	28 September 2012
Invasive pneumococcal disease	9 January 2015
Zika Virus Infection	5 February 2016

The 2016 Population By-census conducted by the Census and Statistics Department from June to August 2016 provides a benchmark for revising the population figures compiled since the 2011 Population Census. Population-related figures from 2012 to 2015 have been revised accordingly.

* Provisional figures.

† A revised case definition of Botulism has been adopted since May 2016.

‡ Novel influenza A infection has been listed as a notifiable infectious disease since 21 February 2014, which has replaced Influenza A (H2), Variant influenza A (H3N2), Influenza A (H5), Influenza A (H7) and Influenza A (H9).

§ Number of persons affected in food poisoning cases is excluded.

- Not applicable.

(h) : Persons with chronic diseases by selected type of chronic diseases, sex and age group

Selected type of chronic diseases	Male								Female								Both sexes							
	Age group				Age group				Age group				Age group				Age group				Age group			
	0 - 44		45 - 64		65 +		Total		0 - 44		45 - 64		65 +		Total		0 - 44		45 - 64		65 +		Total	
	No. of	%*	No. of	%*	No. of	%*	No. of	%*	No. of	%*	No. of	%*	No. of	%*	No. of	%*	No. of	%*	No. of	%*	No. of	%*	No. of	%*
	persons	%*	persons	%*	persons	%*	persons	%*	persons	%*	persons	%*	persons	%*	persons	%*	persons	%*	persons	%*	persons	%*	persons	%*
Hypertension	9 800	0.6	120 100	11.1	203 900	42.9	333 700	10.0	6 900	0.3	120 100	10.1	247 100	45.4	374 100	9.7	16 700	0.4	240 100	10.6	451 000	44.2	707 800	9.9
Diabetes mellitus	4 000	0.2	63 900	5.9	82 600	17.4	150 600	4.5	5 600	0.3	53 400	4.5	105 700	19.4	164 700	4.3	9 600	0.2	117 400	5.2	188 300	18.5	315 300	4.4
Heart diseases	1 800	0.1	24 900	2.3	52 900	11.1	79 600	2.4	§	§	11 500	1.0	50 500	9.3	63 300	1.6	3 200	0.1	36 300	1.6	103 400	10.1	143 000	2.0
Hypercholesterolemia	2 600	0.1	26 200	2.4	31 500	6.6	60 400	1.8	1 900	0.1	25 400	2.1	47 700	8.8	75 100	1.9	4 500	0.1	51 700	2.3	79 200	7.8	135 400	1.9
Cataract	§	§	3 500	0.3	27 400	5.8	30 900	0.9	§	§	6 000	0.5	43 000	7.9	49 400	1.3	§	§	9 500	0.4	70 400	6.9	80 300	1.1
Cancer	2 200	0.1	10 600	1.0	18 500	3.9	31 300	0.9	4 000	0.2	24 800	2.1	14 300	2.6	43 100	1.1	6 200	0.2	35 400	1.6	32 800	3.2	74 400	1.0
Diseases of the respiratory system	8 300	0.5	7 300	0.7	18 200	3.8	33 800	1.0	5 100	0.2	6 600	0.6	15 100	2.8	26 800	0.7	13 400	0.3	13 900	0.6	33 300	3.3	60 600	0.8
Cerebrovascular disease (Stroke)	§	§	6 300	0.6	21 300	4.5	29 000	0.9	§	§	5 600	0.5	24 900	4.6	30 900	0.8	1 800	0.0	11 900	0.5	46 200	4.5	59 900	0.8
Degenerative	§	§	4 700	0.4	12 600	2.6	18 100	0.5	§	§	12 000	1.0	20 600	3.8	33 300	0.9	1 600	0.0	16 700	0.7	33 100	3.2	51 400	0.7
Thyroid disease	§	§	5 100	0.5	2 500	0.5	8 900	0.3	6 100	0.3	13 000	1.1	11 300	2.1	30 400	0.8	7 400	0.2	18 100	0.8	13 900	1.4	39 300	0.5
Gastrointestinal	§	§	5 900	0.5	7 400	1.5	14 300	0.4	§	§	6 600	0.6	7 600	1.4	15 300	0.4	2 100	0.1	12 500	0.6	15 000	1.5	29 600	0.4
Liver diseases	2 800	0.2	14 300	1.3	2 200	0.5	19 300	0.6	§	§	6 800	0.6	2 700	0.5	10 100	0.3	3 500	0.1	21 100	0.9	4 900	0.5	29 400	0.4

Notes: * As a percentage of all persons in the respective sex and age sub-groups.

§ Statistics are not released due to large sampling errors.

0.0 Means less than 0.05%

Source: Survey on Persons with Disabilities and Chronic Diseases, 2013. (The survey is conducted on an *ad hoc* basis and was conducted once only during the last five years.)

(i) : Number of registered deaths by ten leading causes of death by age group, 2012-2016
(Ranking is according to the number of registered deaths in 2016)

Rank	Disease group	Age group	Number of registered deaths				
			2012	2013	2014	2015	2016
1	Malignant neoplasms (ICD10: C00-C97)	0-14	20	23	32	25	16
		15-44	497	487	442	525	470
		45-64	3 907	3 960	4 061	4 172	4 138
		65 and above	8 912	9 118	9 267	9 594	9 585
		Total‡	13 336	13 589	13 803	14 316	14 209
2	Pneumonia (ICD10: J12-J18)	0-14	5	6	9	5	5
		15-44	51	58	49	42	57
		45-64	349	332	371	358	434
		65 and above	6 555	6 434	7 072	7 599	7 795
		Total‡	6 960	6 830	7 502	8 004	8 292
3	Diseases of heart (ICD10: I00-I09, I11, I13, I20-I51)	0-14	9	7	14	7	11
		15-44	129	113	133	119	128
		45-64	852	881	910	873	924
		65 and above	5 292	4 833	5 347	5 191	5 136
		Total‡	6 283	5 834	6 405	6 190	6 201
4	Cerebrovascular diseases (ICD10: I60-I69)	0-14	6	5	9	2	6
		15-44	82	58	67	59	71
		45-64	396	402	466	428	405
		65 and above	2 792	2 786	2 793	2 769	2 742
		Total‡	3 276	3 252	3 336	3 259	3 224
5	External causes of morbidity and mortality* (ICD10: V01-Y89)	0-14	15	25	16	11	19
		15-44	479	564	506	522	434
		45-64	478	564	558	589	524
		65 and above	679	703	750	866	831
		Total‡	1 655	1 860	1 834	1 993	1 813
6	Nephritis, nephrotic syndrome and nephrosis (ICD10: N00-N07, N17-N19, N25-N27)	0-14	2	1	1	1	1
		15-44	21	14	16	18	11
		45-64	159	148	151	160	168
		65 and above	1 447	1 426	1 516	1 476	1 525
		Total‡	1 629	1 589	1 684	1 655	1 706
7	Chronic lower respiratory diseases† (ICD10: J40-J47)	0-14	1	3	2	2	1
		15-44	18	9	8	8	12
		45-64	99	110	109	100	89
		65 and above	1 863	1 621	1 622	1 550	1 537
		Total‡	1 981	1 743	1 742	1 660	1 639
8	Dementia (ICD10: F01-F03)	0-14	0	0	0	0	0
		15-44	0	0	0	0	0
		45-64	8	6	17	10	15
		65 and above	896	993	1 095	1 135	1 356
		Total	904	999	1 112	1 145	1 371
9	Septicaemia (ICD10: A40-A41)	0-14	10	8	8	6	5
		15-44	17	21	12	12	16
		45-64	89	85	71	83	100
		65 and above	721	738	793	790	849
		Total	837	852	884	891	970
10	Diabetes mellitus (ICD10: E10-E14)	0-14	0	1	0	0	0
		15-44	11	8	10	13	9
		45-64	58	60	57	68	81
		65 and above	329	291	323	411	408
		Total	398	360	390	492	498
	All other causes	0-14	156	114	112	103	111
		15-44	199	239	241	233	195
		45-64	892	945	973	983	973
		65 and above	5 155	5 172	5 681	5 814	5 445
		Total‡	6 413	6 491	7 018	7 152	6 739
	All causes	0-14	224	193	203	162	175
		15-44	1 504	1 571	1 484	1 551	1 403
		45-64	7 287	7 493	7 744	7 824	7 851
		65 and above	34 641	34 115	36 259	37 195	37 209
		Total‡	43 672	43 399	45 710	46 757	46 662

Notes: Classification of diseases and causes of death is based on the International Statistical Classification of Diseases and Related Health Problems (ICD) 10th Revision from 2001 onwards.

* According to the ICD 10th Revision, when the morbid condition is classifiable under Chapter XIX as “injury, poisoning and certain other consequences of external causes”, the codes under Chapter XX for “external causes of morbidity and mortality” should be used as the primary cause of death.

† Chronic lower respiratory diseases have been included as a disease group for the purpose of ranking the causes of death since 2001.

‡ Including unknown age.

(i) (cont'd) : Number of registered deaths by ten leading causes of death by sex, 2012-2016
(Ranking is according to the number of registered deaths in 2016)

Rank	Disease group	Sex	Number of registered deaths				
			2012	2013	2014	2015	2016
1	Malignant neoplasms (ICD10: C00-C97)	Male	7 933	7 934	8 223	8 345	8 447
		Female	5 403	5 655	5 580	5 971	5 762
		Total	13 336	13 589	13 803	14 316	14 209
2	Pneumonia (ICD10: J12-J18)	Male	3 683	3 690	4 038	4 223	4 393
		Female	3 277	3 140	3 464	3 781	3 899
		Total	6 960	6 830	7 502	8 004	8 292
3	Diseases of heart (ICD10: I00-I09, I11, I13, I20-I51)	Male	3 398	3 210	3 510	3 349	3 396
		Female	2 885	2 624	2 895	2 841	2 805
		Total	6 283	5 834	6 405	6 190	6 201
4	Cerebrovascular diseases (ICD10: I60-I69)	Male	1 680	1 657	1 717	1 671	1 666
		Female	1 596	1 595	1 619	1 588	1 558
		Total	3 276	3 252	3 336	3 259	3 224
5	External causes of morbidity and mortality* (ICD10: V01-Y89)	Male	1 069	1 202	1 175	1 279	1 176
		Female	585	658	659	714	637
		Total‡	1 655	1 860	1 834	1 993	1 813
6	Nephritis, nephrotic syndrome and nephrosis (ICD10: N00-N07, N17-N19, N25-N27)	Male	799	763	813	812	840
		Female	830	826	871	843	866
		Total	1 629	1 589	1 684	1 655	1 706
7	Chronic lower respiratory diseases† (ICD10: J40-J47)	Male	1 470	1 325	1 310	1 275	1 256
		Female	511	418	432	385	383
		Total	1 981	1 743	1 742	1 660	1 639
8	Dementia (ICD10: F01-F03)	Male	337	388	445	455	549
		Female	567	611	667	690	822
		Total	904	999	1 112	1 145	1 371
9	Septicaemia (ICD10: A40-A41)	Male	430	406	383	424	490
		Female	407	446	501	467	480
		Total	837	852	884	891	970
10	Diabetes mellitus (ICD10: E10-E14)	Male	198	181	186	241	246
		Female	200	179	204	251	252
		Total	398	360	390	492	498
	All other causes	Male	3 349	3 393	3 578	3 736	3 543
		Female	3 060	3 092	3 436	3 412	3 195
		Total‡	6 413	6 491	7 018	7 152	6 739
	All causes	Male	24 346	24 149	25 378	25 810	26 002
		Female	19 321	19 244	20 328	20 943	20 659
		Total‡	43 672	43 399	45 710	46 757	46 662

Notes: Classification of diseases and causes of death is based on the International Statistical Classification of Diseases and Related Health Problems (ICD) 10th Revision from 2001 onwards.

* According to the ICD 10th Revision, when the morbid condition is classifiable under Chapter XIX as “injury, poisoning and certain other consequences of external causes”, the codes under Chapter XX for “external causes of morbidity and mortality” should be used as the primary cause of death.

† Chronic lower respiratory diseases have been included as a disease group for the purpose of ranking the causes of death since 2001.

‡ Including unknown sex.

(j) : Net Enrolment Ratio⁽¹⁾ by Level and Sex, 2012/13 – 2016/17 School Years

Level	Sex	Net Enrolment Ratios (%) ⁽⁷⁾				
		2012/13	2013/14	2014/15	2015/16 ⁽²⁾	2016/17 ⁽²⁾
Primary (P1-P6)	Male	97.2	98.4	98.0	99.5	99.1 [#]
	Female	95.7	96.2	95.3	98.0	97.7 [#]
	Both Sexes	96.5	97.3	96.7	98.8	98.5 [#]
Junior Secondary (S1-S3) ⁽³⁾	Male	87.4	89.9	90.2	94.1	93.3 [#]
	Female	85.2	88.4	89.1	93.1	90.6 [#]
	Both Sexes	86.3	89.1	89.7	93.6	92.0 [#]
Senior Secondary (S4-S6) ⁽³⁾⁽⁴⁾⁽⁵⁾⁽⁶⁾	Male	77.6	77.7	79.4	84.3	86.4 [#]
	Female	79.8	79.3	80.8	88.1	90.8 [#]
	Both Sexes	78.7	78.5	80.0	86.1	88.5 [#]
Secondary (S1-S6) ⁽³⁾⁽⁴⁾⁽⁵⁾⁽⁶⁾	Male	90.3	91.3	92.7	96.8	97.0 [#]
	Female	89.5	90.7	92.1	96.4	96.1 [#]
	Both Sexes	89.9	91.0	92.4	96.6	96.5 [#]

Notes:

Figures include students attending in both day and evening schools, special schools and special classes.

- (1) “Net enrolment ratio (NER)” is defined as the total number of students in the theoretical age group for a given level of education enrolled in that level, expressed as a percentage of the total population in that age group. In Hong Kong, the theoretical age groups for primary level, junior secondary level (i.e. Secondary 1-3) and senior secondary level (i.e. Secondary 4-6) are aged 6-11, aged 12-14 and aged 15-17 respectively. Since some children in a theoretical age group could be enrolled across other education levels, the NER is below 100% despite that nine years of free and universal primary and junior secondary education is provided in Hong Kong.
- (2) Hong Kong has been providing nine years of free and universal basic education (six years of primary education and three years of junior secondary education) through public sector primary and secondary schools (including government schools, aided schools and caput schools) since 1978. The minimum age for entering public sector primary education in Hong Kong is five years and eight months as at 1 September of the year, which corresponds to six years old as at 31 December of the year. Starting from the 2015/16 school year, the reference time point for counting of age is shifted to 31 December of the year for compilation of Net Enrolment Ratio to better reflect Hong Kong students’ schooling situation.
- (3) Figures include correctional/residential home under the Social Welfare Department and correctional institutions under the Correctional Services Department.
- (4) Figures include students enrolled in craft level courses and Diploma Yi Jin Programme.
- (5) Figures include secondary day courses operated by private schools offering tutorial, vocational and adult education courses.
- (6) The New Senior Secondary academic structure has been implemented fully from 2011/12 school year onwards. The Net Enrolment Ratio at secondary level from this year is compiled based on school-age population 12-17.
- (7) The 2016 Population By-census conducted from June to August 2016 provides a benchmark for revising the population figures compiled since the 2011 Population Census. Population figures from end-2011 to mid-2016 have been revised accordingly. Net Enrolment Ratio has been compiled using the revised population figures.

Provisional figures

(k) : School Attendance Rates by Age Group and Sex, 2006, 2011 and 2016

Age Group	School Attendance Rate (%)								
	2006			2011			2016		
	Male	Female	Both Sexes	Male	Female	Both Sexes	Male	Female	Both Sexes
3 – 5	89.9	88.3	89.1	91.0	91.6	91.3	92.7	92.3	92.5
6 – 11	99.9	99.9	99.9	100.0	100.0	100.0	100.0	100.0	100.0
12 – 17	96.4	97.4	96.9	96.6	97.7	97.1	97.6	98.0	97.8
18 – 24	43.5	41.9	42.7	48.9	49.3	49.1	50.8	52.7	51.8
	(43.5)	(45.9)	(44.7)	(49.0)	(51.7)	(50.3)	(50.8)	(54.4)	(52.6)
25+	0.5	0.4	0.4	0.5	0.5	0.5	0.6	0.6	0.6

Note: Figures in brackets are school attendance rates compiled with foreign domestic helpers excluded from the population in the respective age-sex groups.

(l) : Pupil-Teacher Ratios in Public Sector Primary and Secondary Schools, 2012 - 2016

	2012	2013	2014	2015	2016
Primary school	14.4	14.2	14.0	14.1	14.2
Secondary school	14.5	13.8	13.0	12.3	11.9

Notes: Figures refer to the position as at mid-September of the respective school years.
Figures include Government, aided and caput schools, but exclude special schools.

(m) : Unemployment and Unemployment Rates by Sex and by Age Group

Sex/Age group	2012		2013		2014		2015		2016	
	Number (‘000)	Rate (%)	Number (‘000)	Rate (%)	Number (‘000)	Rate (%)	Number (‘000)	Rate (%)	Number (‘000)	Rate (%)
Male										
15 - 19	3.4	15.5	4.0	17.6	2.9	13.3	3.4	15.6	3.6	15.8
20 - 24	14.0	10.2	14.5	10.3	13.6	10.0	14.7	10.7	13.5	10.2
25 - 29	9.1	4.3	9.3	4.5	8.3	4.0	7.9	3.7	10.3	4.9
30 - 34	6.8	3.1	5.8	2.6	5.2	2.3	5.4	2.4	6.2	2.8
35 - 39	6.1	2.7	5.5	2.5	5.3	2.4	4.1	1.9	5.2	2.4
40 - 44	6.6	2.9	6.3	2.8	6.2	2.7	6.2	2.7	5.3	2.4
45 - 49	8.4	3.1	8.7	3.4	7.1	3.0	6.5	2.8	7.6	3.4
50 - 54	9.4	3.4	9.3	3.2	8.2	2.9	7.4	2.7	8.6	3.2
55 - 59	7.0	3.3	8.3	3.6	8.1	3.4	7.2	2.9	8.0	3.2
60 - 64	3.2	2.8	3.2	2.7	4.2	3.3	4.3	3.2	3.8	2.6
≥ 65	0.4	0.9	0.9	1.6	1.9	2.7	1.5	2.0	1.5	1.8
Overall	74.3	3.8	75.8	3.8	71.0	3.6	68.7	3.4	73.7	3.7
Female										
15 - 19	2.3	11.9	2.6	11.3	2.8	11.8	2.9	13.0	2.3	11.5
20 - 24	10.2	7.1	10.6	7.2	10.4	7.5	13.0	9.1	11.7	8.2
25 - 29	6.9	2.6	7.4	2.9	7.3	2.9	7.7	3.1	7.8	3.2
30 - 34	4.6	1.7	5.6	2.0	6.0	2.1	5.2	1.9	5.6	2.0
35 - 39	5.4	2.2	5.6	2.3	4.9	2.0	5.5	2.2	5.2	2.0
40 - 44	6.2	2.6	6.5	2.6	6.4	2.6	6.8	2.7	6.5	2.7
45 - 49	6.0	2.5	6.4	2.7	6.5	2.8	6.9	2.9	6.9	2.9
50 - 54	5.0	2.5	5.2	2.4	6.4	2.9	6.8	3.0	6.9	2.9
55 - 59	2.5	2.0	4.0	3.0	4.1	2.8	4.1	2.7	4.4	2.7
60 - 64	0.8	1.6	1.4	2.6	1.5	2.5	1.5	2.2	1.4	1.9
≥ 65	§	§	§	§	0.4	1.8	0.3	1.2	0.6	2.2
Overall	49.9	2.8	55.3	3.0	56.6	3.0	60.7	3.2	59.3	3.1
Both sexes										
15 - 19	5.8	13.8	6.6	14.5	5.7	12.5	6.3	14.3	5.9	13.8
20 - 24	24.2	8.6	25.1	8.7	24.0	8.7	27.8	9.9	25.2	9.1
25 - 29	16.0	3.4	16.6	3.6	15.6	3.4	15.6	3.4	18.1	4.0
30 - 34	11.3	2.3	11.3	2.3	11.2	2.2	10.6	2.1	11.9	2.4
35 - 39	11.5	2.4	11.1	2.4	10.2	2.2	9.7	2.1	10.5	2.2
40 - 44	12.8	2.7	12.9	2.7	12.6	2.6	13.0	2.7	11.8	2.5
45 - 49	14.4	2.8	15.1	3.0	13.6	2.9	13.4	2.9	14.5	3.1
50 - 54	14.4	3.0	14.4	2.9	14.6	2.9	14.2	2.8	15.4	3.1
55 - 59	9.5	2.8	12.3	3.4	12.2	3.2	11.3	2.8	12.4	3.0
60 - 64	3.9	2.4	4.6	2.7	5.7	3.0	5.8	2.9	5.2	2.4
≥ 65	0.5	0.8	1.1	1.4	2.2	2.5	1.8	1.8	2.1	1.9
Overall	124.3	3.3	131.1	3.4	127.6	3.3	129.4	3.3	133.0	3.4

Notes: The 2016 Population By-census conducted from June to August 2016 provides a benchmark for revising the population figures compiled since the 2011 Population Census. In the above table, population-related figures from 2012 to 2015 have been revised accordingly.

§ Statistics are not released due to large sampling errors.

(n) : Employed Persons by Industry of Main Employment, Age Group and Sex

		2012						2013					
		Male		Female		Both Sexes		Male		Female		Both Sexes	
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Industry/Age group		('000)	(%)	('000)	(%)	('000)	(%)	('000)	(%)	('000)	(%)	('000)	(%)
Manufacturing	15 - 24	3.4	0.2	1.6	0.1	5.0	0.1	3.6	0.2	1.0	0.1	4.6	0.1
	25 - 39	22.5	1.2	11.1	0.6	33.6	0.9	18.1	0.9	10.3	0.6	28.4	0.8
	≥ 40	63.6	3.4	31.2	1.8	94.9	2.6	63.8	3.3	29.5	1.6	93.3	2.5
	Sub-total	89.5	4.7	43.9	2.5	133.4	3.6	85.4	4.5	40.8	2.3	126.3	3.4
Construction	15 - 24	13.8	0.7	1.7	0.1	15.5	0.4	13.5	0.7	2.1	0.1	15.5	0.4
	25 - 39	74.6	3.9	9.7	0.6	84.3	2.3	78.3	4.1	11.5	0.6	89.8	2.4
	≥ 40	176.3	9.3	13.9	0.8	190.3	5.2	187.6	9.8	16.1	0.9	203.7	5.5
	Sub-total	264.7	14.0	25.3	1.4	290.1	7.9	279.4	14.6	29.6	1.6	309.0	8.3
Import/export trade & wholesale	15 - 24	12.5	0.7	15.3	0.9	27.8	0.8	10.1	0.5	13.5	0.7	23.5	0.6
	25 - 39	91.7	4.8	121.2	6.9	213.0	5.8	80.1	4.2	109.9	6.1	190.0	5.1
	≥ 40	174.7	9.2	146.4	8.3	321.1	8.8	169.2	8.8	139.7	7.7	308.8	8.3
	Sub-total	279.0	14.7	282.9	16.1	561.9	15.4	259.3	13.5	263.1	14.6	522.4	14.0
Retail, accommodation ⁽¹⁾ & food services ⁽²⁾	15 - 24	43.1	2.3	42.7	2.4	85.7	2.3	44.0	2.3	47.0	2.6	91.0	2.4
	25 - 39	90.3	4.8	113.1	6.4	203.3	5.6	93.7	4.9	115.3	6.4	209.0	5.6
	≥ 40	126.0	6.6	172.0	9.8	298.0	8.1	128.6	6.7	180.6	10.0	309.3	8.3
	Sub-total	259.3	13.7	327.7	18.6	587.0	16.0	266.3	13.9	343.0	19.0	609.3	16.4
Transportation, storage, postal and courier services, information & communications	15 - 24	18.7	1.0	11.2	0.6	29.9	0.8	18.8	1.0	11.1	0.6	29.9	0.8
	25 - 39	112.4	5.9	48.5	2.8	160.9	4.4	115.3	6.0	49.3	2.7	164.6	4.4
	≥ 40	201.0	10.6	42.3	2.4	243.3	6.7	205.2	10.7	44.5	2.5	249.7	6.7
	Sub-total	332.1	17.5	102.0	5.8	434.1	11.9	339.3	17.7	104.9	5.8	444.3	11.9
Financing, insurance, real estate, professional & business services	15 - 24	22.6	1.2	23.8	1.4	46.4	1.3	24.6	1.3	23.0	1.3	47.6	1.3
	25 - 39	138.9	7.3	122.1	6.9	261.0	7.1	138.7	7.2	124.9	6.9	263.6	7.1
	≥ 40	208.0	11.0	175.4	10.0	383.4	10.5	215.4	11.2	187.6	10.4	403.0	10.8
	Sub-total	369.5	19.5	321.3	18.2	690.8	18.9	378.7	19.7	335.5	18.6	714.2	19.2
Public administration, social & personal services	15 - 24	27.6	1.5	54.5	3.1	82.1	2.2	29.8	1.6	59.5	3.3	89.2	2.4
	25 - 39	100.4	5.3	334.9	19.0	435.2	11.9	101.3	5.3	337.5	18.7	438.8	11.8
	≥ 40	154.6	8.2	264.9	15.0	419.5	11.5	160.0	8.3	287.2	15.9	447.1	12.0
	Sub-total	282.6	14.9	654.2	37.1	936.8	25.6	291.1	15.2	684.2	37.9	975.2	26.2
Other industries	15 - 24	0.5	0.0	0.3	0.0	0.8	0.0	0.8	0.0	0.4	0.0	1.2	0.0
	25 - 39	4.2	0.2	1.2	0.1	5.4	0.1	4.6	0.2	1.7	0.1	6.4	0.2
	≥ 40	15.1	0.8	2.7	0.2	17.8	0.5	12.6	0.7	3.2	0.2	15.8	0.4
	Sub-total	19.9	1.0	4.1	0.2	24.0	0.7	18.1	0.9	5.4	0.3	23.4	0.6
Total	15 - 24	142.1	7.5	151.0	8.6	293.1	8.0	145.0	7.6	157.6	8.7	302.6	8.1
	25 - 39	635.0	33.5	761.6	43.2	1 396.6	38.2	630.2	32.9	760.5	42.1	1 390.7	37.3
	≥ 40	1 119.5	59.0	848.8	48.2	1 968.2	53.8	1 142.3	59.6	888.4	49.2	2 030.7	54.5
	Sub-total	1 896.6	100.0	1 761.4	100.0	3 658.0	100.0	1 917.6	100.0	1 806.5	100.0	3 724.0	100.0

(n) (cont'd) : Employed Persons by Industry of Main Employment, Age Group and Sex

Industry/Age group		2014						2015					
		Male		Female		Both Sexes		Male		Female		Both Sexes	
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
		('000)	(%)	('000)	(%)	('000)	(%)	('000)	(%)	('000)	(%)	('000)	(%)
Manufacturing	15 - 24	4.8	0.2	1.0	0.1	5.8	0.2	3.1	0.2	1.4	0.1	4.5	0.1
	25 - 39	19.3	1.0	9.7	0.5	29.0	0.8	17.5	0.9	8.9	0.5	26.4	0.7
	≥ 40	62.5	3.3	32.7	1.8	95.2	2.5	54.6	2.8	28.0	1.5	82.6	2.2
	Sub-total	86.6	4.5	43.4	2.4	130.0	3.5	75.2	3.9	38.3	2.1	113.5	3.0
Construction	15 - 24	14.3	0.7	1.6	0.1	15.9	0.4	16.2	0.8	1.5	0.1	17.7	0.5
	25 - 39	77.3	4.0	12.1	0.7	89.4	2.4	76.7	4.0	11.4	0.6	88.1	2.3
	≥ 40	187.1	9.7	17.3	0.9	204.3	5.5	190.9	9.9	20.0	1.1	210.9	5.6
	Sub-total	278.7	14.5	31.0	1.7	309.7	8.3	283.7	14.7	32.9	1.8	316.7	8.4
Import/export trade & wholesale	15 - 24	8.7	0.5	12.1	0.7	20.7	0.6	8.5	0.4	9.4	0.5	18.0	0.5
	25 - 39	78.7	4.1	100.8	5.5	179.5	4.8	73.8	3.8	95.6	5.2	169.4	4.5
	≥ 40	166.5	8.7	135.5	7.4	302.0	8.1	159.8	8.3	133.0	7.2	292.8	7.8
	Sub-total	253.9	13.2	248.4	13.6	502.3	13.4	242.1	12.6	238.1	12.9	480.2	12.7
Retail, accommodation ⁽¹⁾ & food services ⁽²⁾	15 - 24	44.5	2.3	45.5	2.5	90.0	2.4	38.8	2.0	45.1	2.4	83.9	2.2
	25 - 39	100.5	5.2	118.5	6.5	219.0	5.9	95.7	5.0	117.9	6.4	213.6	5.7
	≥ 40	135.3	7.1	189.0	10.4	324.3	8.7	135.2	7.0	192.5	10.4	327.6	8.7
	Sub-total	280.3	14.6	353.0	19.3	633.3	16.9	269.7	14.0	355.5	19.3	625.1	16.6
Transportation, storage, postal and courier services, information & communications	15 - 24	19.8	1.0	10.8	0.6	30.6	0.8	19.6	1.0	10.0	0.5	29.6	0.8
	25 - 39	107.5	5.6	52.7	2.9	160.2	4.3	113.2	5.9	50.6	2.7	163.8	4.3
	≥ 40	206.2	10.7	48.5	2.7	254.8	6.8	209.3	10.9	51.8	2.8	261.1	6.9
	Sub-total	333.5	17.4	112.1	6.1	445.6	11.9	342.1	17.7	112.5	6.1	454.6	12.0
Financing, insurance, real estate, professional & business services	15 - 24	22.9	1.2	23.3	1.3	46.2	1.2	24.0	1.2	23.4	1.3	47.3	1.3
	25 - 39	138.6	7.2	134.0	7.3	272.6	7.3	143.7	7.5	134.8	7.3	278.5	7.4
	≥ 40	219.2	11.4	194.6	10.7	413.8	11.1	223.8	11.6	200.5	10.9	424.4	11.2
	Sub-total	380.7	19.8	351.9	19.3	732.6	19.6	391.5	20.3	358.7	19.4	750.2	19.9
Public administration, social & personal services	15 - 24	26.4	1.4	54.7	3.0	81.2	2.2	30.0	1.6	58.9	3.2	88.9	2.4
	25 - 39	104.0	5.4	335.1	18.4	439.1	11.7	109.2	5.7	338.9	18.4	448.1	11.9
	≥ 40	157.0	8.2	290.2	15.9	447.2	11.9	164.8	8.5	306.7	16.6	471.5	12.5
	Sub-total	287.4	15.0	680.0	37.3	967.4	25.8	304.0	15.8	704.5	38.2	1 008.5	26.7
Other industries	15 - 24	0.7	0.0	0.3	0.0	1.0	0.0	0.8	0.0	0.4	0.0	1.2	0.0
	25 - 39	3.7	0.2	1.6	0.1	5.3	0.1	3.7	0.2	1.2	0.1	4.9	0.1
	≥ 40	13.1	0.7	3.2	0.2	16.3	0.4	15.7	0.8	3.3	0.2	19.0	0.5
	Sub-total	17.5	0.9	5.1	0.3	22.6	0.6	20.2	1.0	4.9	0.3	25.1	0.7
Total	15 - 24	142.1	7.4	149.4	8.2	291.5	7.8	141.0	7.3	150.2	8.1	291.2	7.7
	25 - 39	629.6	32.8	764.4	41.9	1 394.1	37.2	633.5	32.8	759.3	41.1	1 392.8	36.9
	≥ 40	1 147.0	59.8	911.0	49.9	2 057.9	55.0	1 154.0	59.8	935.8	50.7	2 089.8	55.4
	Sub-total	1 918.7	100.0	1 824.8	100.0	3 743.5	100.0	1 928.5	100.0	1 845.3	100.0	3 773.8	100.0

(n) (cont'd) : Employed Persons by Industry of Main Employment, Age Group and Sex

		2016					
		Male		Female		Both Sexes	
Industry/Age group		Number Percentage		Number Percentage		Number Percentage	
		('000)	(%)	('000)	(%)	('000)	(%)
Manufacturing	15 - 24	4.1	0.2	1.5	0.1	5.6	0.1
	25 - 39	16.1	0.8	10.6	0.6	26.7	0.7
	≥ 40	58.5	3.0	27.0	1.4	85.5	2.3
	Sub-total	78.7	4.1	39.1	2.1	117.8	3.1
Construction	15 - 24	16.8	0.9	1.8	0.1	18.6	0.5
	25 - 39	84.0	4.4	12.1	0.6	96.1	2.5
	≥ 40	194.2	10.1	19.5	1.0	213.7	5.6
	Sub-total	294.9	15.3	33.4	1.8	328.4	8.7
Import/export trade & wholesale	15 - 24	6.8	0.4	10.2	0.5	17.0	0.4
	25 - 39	69.0	3.6	89.4	4.8	158.4	4.2
	≥ 40	158.7	8.3	131.3	7.0	290.0	7.7
	Sub-total	234.5	12.2	230.9	12.4	465.4	12.3
Retail, accommodation ⁽¹⁾ & food services ⁽²⁾	15 - 24	41.0	2.1	43.0	2.3	84.0	2.2
	25 - 39	96.4	5.0	111.3	6.0	207.7	5.5
	≥ 40	133.6	6.9	194.3	10.4	327.9	8.7
	Sub-total	270.9	14.1	348.6	18.7	619.5	16.4
Transportation, storage, postal and courier services, information & communications	15 - 24	16.7	0.9	11.0	0.6	27.7	0.7
	25 - 39	112.6	5.9	51.5	2.8	164.0	4.3
	≥ 40	206.9	10.8	51.1	2.7	258.1	6.8
	Sub-total	336.2	17.5	113.6	6.1	449.8	11.9
Financing, insurance, real estate, professional & business services	15 - 24	25.6	1.3	23.5	1.3	49.1	1.3
	25 - 39	141.3	7.3	136.6	7.3	277.9	7.3
	≥ 40	227.1	11.8	208.1	11.2	435.3	11.5
	Sub-total	394.0	20.5	368.3	19.7	762.2	20.1
Public administration, social & personal services	15 - 24	26.7	1.4	57.4	3.1	84.1	2.2
	25 - 39	105.9	5.5	346.2	18.6	452.1	11.9
	≥ 40	160.9	8.4	320.9	17.2	481.9	12.7
	Sub-total	293.6	15.3	724.5	38.8	1 018.1	26.9
Other industries	15 - 24	1.0	0.1	0.5	0.0	1.5	0.0
	25 - 39	4.7	0.2	2.1	0.1	6.8	0.2
	≥ 40	13.7	0.7	4.0	0.2	17.7	0.5
	Sub-total	19.4	1.0	6.6	0.4	26.0	0.7
Total	15 - 24	138.6	7.2	148.9	8.0	287.4	7.6
	25 - 39	629.9	32.8	759.8	40.7	1 389.6	36.7
	≥ 40	1 153.7	60.0	956.4	51.3	2 110.0	55.7
	Sub-total	1 922.1	100.0	1 865.0	100.0	3 787.1	100.0

Notes: The 2016 Population By-census conducted from June to August 2016 provides a benchmark for revising the population figures compiled since the 2011 Population Census. In the above table, population-related figures from 2012 to 2015 have been revised accordingly.

Statistics are compiled based on HSIC Version 2.0.

(1) Accommodation services cover hotels, guesthouses, boarding houses and other establishments providing short term accommodation.

(2) The retail, accommodation and food services industries as a whole are generally referred to as the consumption- and tourism-related segment.

0.0 Means less than 0.05%

(o) : Labour Force and Labour Force Participation Rates by Sex and Age Group

Sex/Age group	2012		2013		2014		2015		2016	
	Number (‘000)	Rate (%)	Number (‘000)	Rate (%)	Number (‘000)	Rate (%)	Number (‘000)	Rate (%)	Number (‘000)	Rate (%)
Male										
15 - 19	22.2	10.4	22.8	11.0	22.0	11.1	21.7	11.7	22.7	12.9
20 - 24	137.3	61.1	140.7	62.5	136.6	61.4	137.4	62.0	133.0	60.7
25 - 29	211.9	94.4	206.8	93.8	208.0	93.4	210.7	93.7	210.5	92.9
30 - 34	220.8	97.3	223.3	96.9	223.5	96.6	223.9	96.3	222.2	96.0
35 - 39	224.2	96.3	220.6	96.8	217.0	96.4	216.3	96.7	219.0	96.8
40 - 44	230.1	96.0	228.5	95.9	227.8	95.7	227.6	95.7	223.4	95.9
45 - 49	269.6	94.7	256.3	95.2	240.5	93.8	231.0	94.4	224.8	94.2
50 - 54	280.4	90.4	286.2	91.8	282.9	91.7	274.5	90.9	264.1	90.8
55 - 59	209.9	79.0	227.2	81.3	235.7	81.4	245.9	82.2	248.3	81.5
60 - 64	113.7	53.7	120.5	55.3	126.8	56.2	133.8	57.6	146.6	60.5
≥ 65	50.8	11.7	60.4	13.3	68.7	14.5	74.3	14.9	81.2	15.6
Overall	1 970.9	68.7	1 993.4	69.2	1 989.7	68.8	1 997.2	68.8	1 995.8	68.6
Female										
15 - 19	19.7	9.7	22.7	11.5	23.5	12.5	22.5	12.8	20.1	12.3
20 - 24	143.8	62.2	148.1	64.2	139.1	61.4	143.7	63.6	142.7	63.6
25 - 29	263.9	87.3	254.6	86.5	250.5	86.3	246.0	85.7	243.2	86.2
30 - 34	267.1	80.4	277.5	81.4	281.2	81.4	279.7	81.2	276.4	80.5
35 - 39	247.5	74.8	246.8	75.2	250.9	76.3	252.0	75.6	258.7	75.5
40 - 44	242.6	72.7	250.0	74.2	248.3	73.6	250.9	74.1	246.1	73.6
45 - 49	241.3	68.9	239.7	71.3	237.7	72.4	237.1	73.4	238.4	73.2
50 - 54	199.9	60.9	216.8	63.9	223.0	64.3	229.9	65.6	235.6	67.5
55 - 59	123.8	45.5	135.1	47.1	145.7	48.9	153.8	49.9	160.7	51.1
60 - 64	47.5	22.2	53.1	24.0	61.5	26.6	65.5	27.4	74.2	29.7
≥ 65	14.2	2.9	17.1	3.4	20.0	3.8	24.9	4.5	28.1	4.8
Overall	1 811.3	53.5	1 861.8	54.5	1 881.4	54.5	1 906.0	54.7	1 924.3	54.8
Both sexes										
15 - 19	41.9	10.0	45.5	11.3	45.5	11.8	44.2	12.3	42.8	12.6
20 - 24	281.2	61.6	288.8	63.4	275.7	61.4	281.0	62.8	275.7	62.2
25 - 29	475.8	90.3	461.4	89.6	458.5	89.4	456.7	89.2	453.7	89.2
30 - 34	488.0	87.3	500.8	87.7	504.7	87.5	503.7	87.3	498.7	86.7
35 - 39	471.6	83.7	467.4	84.1	467.8	84.5	468.3	84.1	477.7	84.0
40 - 44	472.6	82.4	478.5	83.2	476.2	82.7	478.5	83.0	469.5	82.8
45 - 49	510.8	80.4	496.0	81.9	478.2	81.8	468.0	82.4	463.2	82.1
50 - 54	480.3	75.2	503.0	77.3	505.9	77.2	504.5	77.3	499.8	78.1
55 - 59	333.7	62.0	362.3	64.0	381.4	64.9	399.7	65.8	409.0	66.0
60 - 64	161.2	37.9	173.7	39.5	188.3	41.2	199.3	42.3	220.8	44.9
≥ 65	65.0	7.1	77.6	8.1	88.8	8.9	99.2	9.4	109.2	9.9
Overall	3 782.2	60.5	3 855.1	61.2	3 871.1	61.1	3 903.2	61.1	3 920.1	61.1

Note: The 2016 Population By-census conducted from June to August 2016 provides a benchmark for revising the population figures compiled since the 2011 Population Census. In the above table, population-related figures from 2012 to 2015 have been revised accordingly.

(p) : Per capita income

	Year				
	2012	2013	2014	2015	2016
Per capita income ⁽¹⁾ (HK\$)	284,899	297,860	312,609	328,945	339,531

Note:

⁽¹⁾ Figures refer to per capita GDP at current market prices.

(q) : GDP at current market prices

	Year				
	2012	2013	2014	2015	2016
GDP at current market prices (HK\$ million)	2,037,059	2,138,305	2,260,005	2,398,437	2,491,001

(r) : Annual growth rate of GDP

	Year				
	2012	2013	2014	2015	2016
Annual growth rate ⁽¹⁾ (%)	1.7	3.1	2.8	2.4	2.0

Note:

⁽¹⁾ Figures refer to percentage change of GDP in real terms.

(s) : Gross National Income (GNI) , real Gross National Income (RGNI), per capita GNI and per capita RGNI of Hong Kong

Year	GNI ⁽¹⁾		RGNI ⁽²⁾		Per capita GNI ⁽³⁾		Per capita RGNI ⁽⁴⁾	
	At current market prices		In chained (2015) dollars		At current market prices		In chained (2015) dollars	
	HK\$ million		HK\$ million		HK\$		HK\$	
1993	936,211		1,278,685		158,653		216,690	
1994	1,051,860		1,332,601		174,282		220,797	
1995	1,128,818		1,337,248		183,366		217,223	
1996	1,224,628		1,387,412		190,293		215,587	
1997	1,371,972		1,479,932		211,421		228,057	
1998	1,333,641		1,450,838		203,805		221,715	
1999	1,312,098		1,467,359		198,607		222,108	
2000	1,348,246		1,541,988		202,287		231,356	
2001	1,351,595		1,582,385		201,301		235,674	
2002	1,305,731		1,604,774		193,611		237,952	
2003	1,288,895		1,645,544		191,492		244,480	
2004	1,344,927		1,713,280		198,264		252,566	
2005	1,419,589		1,787,101		208,359		262,300	
2006	1,538,864		1,906,461		224,419		278,027	
2007	1,703,567		2,063,637		246,312		298,373	
2008	1,807,994		2,131,727		259,851		306,379	
2009	1,709,007		2,034,227		245,096		291,737	
2010	1,813,928		2,108,645		258,240		300,197	
2011	1,987,256		2,209,021		281,019		312,379	
2012	2,066,514		2,204,755		289,019		308,353	
2013*	2,178,824		2,293,380		303,504		319,461	
2014*	2,306,612		2,354,266		319,056		325,647	
2015*	2,442,813		2,442,813		335,031		335,031	
2016*	2,575,114		2,539,659		350,996		346,163	

Notes: Figures in this table are the latest data released on 10 November 2017.

In Hong Kong, the first released GNI statistics in respect of a period are called “preliminary figures”. When more data become available, the preliminary figures will be revised. All those figures published subsequently, on revision, are called “revised figures”. The figures are finalised when data from all regular sources are incorporated.

(1) GNI is a measure of the total income earned by residents of an economy from engaging in various economic activities, irrespective of whether the economic activities are carried out within the economic territory of the economy or outside. GNI is computed as follows:

GNI = GDP + Net external primary income flows

Primary income comprises investment income and compensation of employees. Investment income includes direct investment income, portfolio investment income and other investment income as well as income on reserve assets.

(2) The chained dollar estimate of RGNI for a particular year is obtained by multiplying the chain volume index for that year by the current price value for the reference year. In compiling the continuous time series of the chain volume indices of RGNI, the annually re-weighted chain linking approach is adopted.

(3) Per capita GNI of an economy is obtained by dividing GNI in a year by the population of that economy in the same year.

(4) Per capita RGNI of an economy is obtained by dividing RGNI in a year by the population of that economy in the same year.

The 2016 Population By-census conducted from June to August 2016 provides a benchmark for revising the population figures compiled since the 2011 Population Census. In this table, per capita GNI and per capita RGNI figures from 2012 to 2016 have been revised accordingly.

* Revised figures

(t) : Consumer Price Index**Table 1(A) - Composite Consumer Price Index (Oct 2014 – Sep 2015 = 100) ⁽¹⁾**

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2010	81.3	82.1	81.6	82.1	82.0	82.1	80.2	80.2	80.4	82.9	83.2	83.6	81.8
2011	84.1	85.0	85.2	85.8	86.3	86.7	86.5	84.8	85.1	87.7	87.9	88.4	86.1
2012	89.2	89.0	89.4	89.9	89.9	89.9	88.0	88.0	88.3	91.0	91.2	91.7	89.6
2013	91.9	92.8	92.7	93.5	93.4	93.6	94.1	91.9	92.4	94.9	95.2	95.6	93.5
2014	96.1	96.5	96.3	97.0	96.9	96.9	97.9	95.6	98.5	99.8	100.0	100.3	97.7
2015	100.0	100.8	100.5	99.7	99.7	99.8	100.3	98.6	100.5	102.1	102.3	102.6	100.6
2016	102.5	103.8	103.4	102.4	102.3	102.3	102.7	102.8	103.1	103.3	103.6	103.8	103.0

Table 1(B) - Consumer Price Index (A) (Oct 2014 – Sep 2015 = 100) ⁽¹⁾

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2010	80.1	80.9	80.5	80.7	80.6	80.8	75.4	75.4	76.0	81.7	81.9	82.3	79.7
2011	83.0	84.0	84.4	84.7	85.2	85.5	84.9	79.5	79.9	86.0	86.3	86.7	84.2
2012	87.5	87.5	88.0	88.2	88.4	88.3	82.8	82.8	83.3	89.6	89.9	90.4	87.2
2013	90.8	91.6	91.5	92.3	92.3	92.4	92.8	86.9	87.5	93.7	93.9	94.2	91.7
2014	94.8	95.5	95.4	95.9	95.8	95.9	97.1	91.1	98.4	100.2	100.5	100.6	96.8
2015	100.6	101.3	101.4	99.7	99.9	100.0	100.3	95.2	100.4	102.7	103.0	103.2	100.6
2016	103.4	104.9	104.4	102.7	102.5	102.5	102.7	102.8	103.7	103.8	104.2	104.3	103.5

Table 1(C) - Consumer Price Index (B) (Oct 2014 – Sep 2015 = 100) ⁽¹⁾

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2010	81.5	82.2	81.7	82.1	82.0	82.1	81.6	81.7	81.8	82.8	83.2	83.7	82.2
2011	84.1	85.0	85.2	85.8	86.3	86.7	86.7	86.4	86.7	87.8	88.1	88.7	86.5
2012	89.5	89.3	89.6	90.1	90.2	90.2	89.7	89.7	90.0	91.1	91.3	91.8	90.2
2013	92.0	93.0	92.8	93.6	93.6	93.7	94.2	93.7	94.1	95.1	95.4	95.8	93.9
2014	96.4	96.7	96.5	97.1	97.0	97.1	98.0	97.2	98.4	99.6	99.8	100.1	97.8
2015	99.8	100.6	100.3	99.6	99.6	99.7	100.3	99.9	100.5	102.0	102.2	102.5	100.6
2016	102.3	103.5	103.2	102.3	102.3	102.3	102.7	102.9	103.0	103.2	103.4	103.7	102.9

Table 1(D) - Consumer Price Index (C) (Oct 2014 – Sep 2015 = 100) ⁽¹⁾

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2010	82.5	83.3	82.9	83.7	83.5	83.5	83.8	83.8	83.8	84.2	84.6	85.1	83.7
2011	85.3	86.2	86.3	87.2	87.6	88.0	88.3	88.8	89.1	89.5	89.7	90.1	88.0
2012	90.8	90.3	90.8	91.5	91.4	91.3	91.6	91.7	92.0	92.4	92.6	93.1	91.6
2013	93.0	94.1	93.9	94.7	94.6	94.7	95.3	95.6	95.8	96.2	96.5	96.9	95.1
2014	97.2	97.4	97.2	98.0	97.9	98.0	98.7	98.7	98.7	99.6	99.8	100.1	98.4
2015	99.5	100.4	99.9	99.8	99.7	99.8	100.5	100.5	100.5	101.6	101.8	102.2	100.5
2016	101.8	103.0	102.6	102.2	102.1	102.1	102.7	102.8	102.7	102.9	103.1	103.5	102.6

Note: ⁽¹⁾ The Consumer Price Indices from October 2014 onwards are compiled based on expenditure weights obtained from the 2014/15 Household Expenditure Survey. The Consumer Price Indices for earlier periods are compiled based on old weights and have been *re-scaled* to the new base period for linking with the new index series.

(t) (cont'd) : Consumer Price Index**Table 1(A) – Year-on-year rates of change in Composite Consumer Price Index⁽¹⁾**

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2010	1.0	2.8	2.0	2.4	2.5	2.8	1.3	3.0	2.6	2.5	2.8	2.9	2.4
2011	3.4	3.6	4.4	4.6	5.2	5.6	7.9	5.7	5.8	5.8	5.7	5.7	5.3
2012	6.1	4.7	4.9	4.7	4.3	3.7	1.6	3.7	3.8	3.8	3.7	3.7	4.1
2013	3.0	4.4	3.6	4.0	3.9	4.1	6.9	4.5	4.6	4.3	4.3	4.3	4.3
2014	4.6	3.9	3.9	3.7	3.7	3.6	4.0	3.9	6.6	5.2	5.1	4.9	4.4
2015	4.1	4.6	4.5	2.8	3.0	3.1	2.5	2.4	2.0	2.3	2.3	2.4	3.0
2016	2.5	3.0	2.9	2.7	2.6	2.4	2.3	4.3	2.7	1.2	1.2	1.2	2.4

Table 1(B) - Year-on-year rates of change in Consumer Price Index (A) ⁽¹⁾

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2010	1.7	3.4	2.5	2.9	3.0	3.2	-0.8	3.6	3.2	3.0	3.3	3.3	2.7
2011	3.6	3.8	4.8	5.0	5.6	5.9	12.5	5.4	5.2	5.2	5.3	5.3	5.6
2012	5.4	4.2	4.3	4.2	3.8	3.3	-2.4	4.1	4.3	4.3	4.2	4.2	3.6
2013	3.8	4.7	4.0	4.7	4.4	4.6	12.0	4.9	5.1	4.5	4.4	4.3	5.1
2014	4.5	4.2	4.3	3.9	3.9	3.7	4.6	4.8	12.3	7.1	7.2	6.9	5.6
2015	6.3	6.5	6.6	3.9	4.2	4.4	3.4	3.0	2.1	2.5	2.5	2.6	4.0
2016	2.8	3.6	3.0	3.0	2.7	2.5	2.4	8.0	3.3	1.1	1.2	1.1	2.8

Table 1(C) - Year-on-year rates of change in Consumer Price Index (B) ⁽¹⁾

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2010	0.9	2.7	1.9	2.3	2.4	2.7	2.1	3.0	2.5	2.3	2.5	2.7	2.3
2011	3.2	3.5	4.2	4.5	5.2	5.6	6.2	5.8	6.0	6.0	6.0	5.9	5.2
2012	6.3	4.9	5.2	5.0	4.6	4.0	3.5	3.8	3.9	3.7	3.6	3.6	4.3
2013	2.8	4.2	3.5	3.8	3.7	3.9	5.0	4.4	4.5	4.4	4.4	4.4	4.1
2014	4.8	4.0	3.9	3.8	3.7	3.6	4.0	3.8	4.7	4.7	4.6	4.4	4.2
2015	3.6	4.2	4.1	2.6	2.8	2.9	2.4	2.4	2.1	2.3	2.3	2.4	2.9
2016	2.5	2.9	2.8	2.7	2.7	2.5	2.4	3.0	2.5	1.2	1.2	1.2	2.3

Table 1(D) - Year-on-year rates of change in Consumer Price Index (C) ⁽¹⁾

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2010	0.5	2.2	1.5	2.0	2.2	2.4	2.6	2.5	2.0	2.1	2.5	2.8	2.1
2011	3.5	3.5	4.2	4.2	4.9	5.4	5.4	6.0	6.3	6.2	5.9	5.9	5.1
2012	6.4	4.7	5.1	4.9	4.3	3.7	3.7	3.2	3.3	3.2	3.3	3.3	4.1
2013	2.4	4.2	3.4	3.5	3.6	3.7	4.0	4.3	4.2	4.1	4.2	4.1	3.8
2014	4.5	3.5	3.5	3.5	3.5	3.5	3.5	3.2	3.1	3.6	3.4	3.2	3.5
2015	2.2	3.0	2.8	1.9	2.0	2.0	1.8	1.8	1.8	1.9	2.0	2.1	2.1
2016	2.3	2.6	2.8	2.4	2.4	2.2	2.2	2.3	2.2	1.4	1.3	1.3	2.1

Note: ⁽¹⁾ From October 2015 onwards, the year-on-year rates of change are derived from the 2014/15-based Consumer Price Indices. The year-on-year rates of change before October 2015 were derived using the index series in the base periods at that time (for instance the 2009/10-based index series), compared with the index a year earlier in the same base period.

(u) : External Debt Statistics

Position as at end of	HK\$ million		
	General Government		
	Short-term	Long-term	All maturities
2004	149	12,341	12,490
2005	*	12,227	12,227
2006	*	12,990	12,990
2007	*	13,421	13,421
2008	*	13,096	13,096
2009	*	11,017	11,017
2010	*	10,426	10,426
2011	*	10,827	10,827
2012	*	10,837	10,837
2013	*	10,778	10,778
2014	*	9,744	9,744
2015	*	18,640	18,640
2016	*	18,525	18,525

Note: * Data are not released due to relatively insignificant value (less than HK\$10 million).

**National laws listed in Annex III to the Basic Law
which shall be applied in the HKSAR**

1. Resolution on the Capital, Calendar, National Anthem and National Flag of the People's Republic of China
2. Resolution on the National Day of the People's Republic of China
3. Declaration of the Government of the People's Republic of China on the Territorial Sea
4. Nationality Law of the People's Republic of China
5. Regulations of the People's Republic of China Concerning Diplomatic Privileges and Immunities
6. Law of the People's Republic of China on the National Flag
7. Regulations of the People's Republic of China concerning Consular Privileges and Immunities.
8. Law of the People's Republic of China on the National Emblem
9. Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone
10. Law of the People's Republic of China on the Garrisoning of the Hong Kong Special Administrative Region
11. Law of the People's Republic of China on the Exclusive Economic Zone and the Continental Shelf
12. Law of the People's Republic of China on Judicial Immunity from Compulsory Measures concerning the Property of Foreign Central Banks

Statistics on the political system

(a) Number of registered electors and registration rate for geographical constituencies

Year of publishing the final register of electors	Number of registered electors	Registration rate
2011	3,560,535	75.60%
2012	3,466,201	73.56%
2013	3,471,423	73.17%
2014	3,507,786	73.48%
2015	3,693,942	77.35%
2016	3,779,085	78.90%
2017	3,805,069	79.45%

(b) Average voter turnouts in elections

	Voter Turnout Rate (%)
(1) 2017 Chief Executive Election	99.33
(2) 2012 Chief Executive Election	94.89
(3) 2007 Chief Executive Election	99.12
(4) 2016 Election Committee Subsector Elections	46.53
(5) 2011 Election Committee Subsector Elections	27.60
(6) 2006 Election Committee Subsector Elections	27.43
(7) 2005 Election Committee Subsector By-elections	14.95
(8) 2016 Legislative Council General Election	
• <i>Geographical Constituency</i>	58.28
• <i>District Council (Second) Functional Constituency</i>	57.09
• <i>Functional Constituency (other than District Council (Second) Functional Constituency)</i>	74.33
(9) 2016 Legislative Council New Territories East Geographical Constituency By-election	46.18
(10) 2012 Legislative Council General Election	
• <i>Geographical Constituency</i>	53.05
• <i>District Council (Second) Functional Constituency</i>	51.95
• <i>Functional Constituency (other than District Council (Second) Functional Constituency)</i>	69.65
(11) 2010 Legislative Council Geographical Constituency By-election	17.19
(12) 2008 Legislative Council General Election	
• <i>Geographical Constituency</i>	45.20
• <i>Functional Constituency</i>	59.76
(13) 2007 Legislative Council Hong Kong Island Geographical Constituency By-election	52.06

	Voter Turnout Rate (%)
(14) 2015 District Council Ordinary Election	47.01
(15) 2011 District Council Ordinary Election	41.49
(16) 2007 District Council Ordinary Election	38.83
(17) 2005-2015 District Councils By-elections	
• 2015 Tai Po District Council San Fu Constituency	42.55
• 2014 Islands District Council Peng Chau and Hei Ling Chau Constituency	60.96
• 2014 Eastern District Council Nam Fung Constituency	49.49
• 2014 Islands District Council Tung Chung North Constituency	40.73
• 2014 Southern District Council South Horizons West Constituency	53.65
• 2013 Yau Tsim Mong District Council King's Park Constituency	36.62
• 2013 Kwun Tong District Council Ping Shek Constituency	44.77
• 2013 Sha Tin District Council Tin Sum Constituency	45.40
• 2012 Sha Tin District Council On Tai Constituency	39.40
• 2011 Tsuen Wan District Council Fuk Loi Constituency	41.32
• 2011 Yuen Long District Council Shap Pat Heung North Constituency	26.03
• 2010 Southern District Council Pokfulam Constituency	39.47
• 2009 Kwai Tsing District Council Kwai Shing East Estate Constituency	38.62
• 2009 Wan Chai District Council Canal Road Constituency	25.86
• 2009 Sha Tin District Council Tai Wai Constituency	49.02
• 2008 Wong Tai Sin District Council Tsz Wan West Constituency	41.34
• 2008 Yau Tsim Mong District Council Jordan East Constituency	25.68
• 2007 Kowloon City District Council Hung Hom Bay Constituency	20.83
• 2007 Tai Po District Council Hong Lok Yuen Constituency	30.78
• 2007 Kwun Tong District Council Kai Yip Constituency	46.97
• 2007 Sha Tin District Council Kam Ying Constituency	35.35
• 2006 Eastern District Council Tsui Wan Constituency	45.39
• 2006 Central & Western District Council Centre Street Constituency	36.88
• 2005 Kwun Tong District Council King Tin Constituency	37.50
• 2005 Southern District Council Ap Lei Chau North Constituency	31.28
• 2005 Eastern District Council Fort Street Constituency	28.30
• 2005 Sham Shui Po District Council Nam Cheong Central Constituency	33.13

Statistics on crime and the administration of justice

(a) Average length of remand in correctional facilities

	2012	2013	2014	2015	2016
Male	62	68	77	86	87
Female	47	51	60	67	64
All	59	64	73	82	82

Note: Figures refer to the average remand lengths (in number of days) for sentenced persons from the time they were remanded by CSD to the time they were sentenced to imprisonment in correctional facilities.

(b) Statistics on sentenced persons

(1) Sentenced persons by type of offence and by sex (as at end of year)

Type of Offence	Male					Female					Total				
	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016
Against Lawful Authority															
Unlawful society	28	36	21	25	29	1	0	0	0	0	29	36	21	25	29
Possession of offensive weapons	18	13	14	19	15	1	0	1	0	1	19	13	15	19	16
Perjury	30	24	18	18	19	22	38	37	29	33	52	62	55	47	52
Others	41	29	25	17	16	0	3	0	3	4	41	32	25	20	20
Sub-total	117	102	78	79	79	24	41	38	32	38	141	143	116	111	117

Type of Offence	Male					Female					Total				
	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016
Against Public Morality															
Rape	72	73	78	65	57	2	1	1	0	0	74	74	79	65	57
Indecent assault	60	55	54	57	49	0	0	1	0	1	60	55	55	57	50
Keeping a vice establishment	56	42	14	20	32	1	5	3	4	16	57	47	17	24	48
Others	78	88	65	69	53	4	10	6	4	5	82	98	71	73	58
Sub-total	266	258	211	211	191	7	16	11	8	22	273	274	222	219	213
Against the Person															
Murder	245	239	237	227	215	12	12	12	11	11	257	251	249	238	226
Manslaughter/Attempted murder	72	65	61	61	56	10	11	11	9	7	82	76	72	70	63
Wounding/Serious assault	203	207	201	182	191	14	17	15	14	11	217	224	216	196	202
Others	69	70	44	42	48	6	6	3	2	2	75	76	47	44	50
Sub-total	589	581	543	512	510	42	46	41	36	31	631	627	584	548	541
Against Property															
Robbery	305	267	232	197	170	2	5	9	3	2	307	272	241	200	172
Burglary	278	247	244	203	207	13	9	7	4	6	291	256	251	207	213
Theft	721	645	606	579	531	226	202	169	174	164	947	847	775	753	695
Others	157	162	150	157	147	36	27	21	17	13	193	189	171	174	160
Sub-total	1 461	1 321	1 232	1 136	1 055	277	243	206	198	185	1 738	1 564	1 438	1 334	1 240
Against the Penal Code															
Possession of forged identity document	118	105	92	115	201	132	111	87	157	153	250	216	179	272	354
Forgery/Counterfeiting	92	83	63	43	50	26	35	21	25	24	118	118	84	68	74

Type of Offence	Male					Female					Total				
	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016
Others	212	177	117	124	100	84	90	46	39	55	296	267	163	163	155
Sub-total	422	365	272	282	351	242	236	154	221	232	664	601	426	503	583
Against Local Laws															
Remaining in Hong Kong unlawfully	251	224	213	184	233	134	102	104	106	90	385	326	317	290	323
Breach of condition of stay	105	58	27	65	43	170	127	100	153	128	275	185	127	218	171
Publishing of obscene articles	119	98	50	52	38	1	5	3	0	1	120	103	53	52	39
Soliciting for immoral purpose	1	3	0	0	1	31	43	25	7	25	32	46	25	7	26
Possession of dutiable commodities	52	63	42	38	36	14	21	18	14	21	66	84	60	52	57
Others	349	336	342	360	327	78	74	72	77	70	427	410	414	437	397
Sub-total	877	782	674	699	678	428	372	322	357	335	1 305	1 154	996	1 056	1 013
Narcotics Offences															
Trafficking in Dangerous Drugs	1 924	2 025	2 046	2 010	1 990	329	385	437	438	475	2 253	2 410	2 483	2 448	2 465
Possession of Dangerous Drugs	521	503	432	426	510	125	149	121	132	136	646	652	553	558	646
Others	77	70	58	65	63	10	12	8	14	17	87	82	66	79	80
Sub-total	2 522	2 598	2 536	2 501	2 563	464	546	566	584	628	2 986	3 144	3 102	3 085	3 191
Total	6 254	6 007	5 546	5 420	5 427	1 484	1 500	1 338	1 436	1 471	7 738	7 507	6 884	6 856	6 898

Note: Sentenced persons include prisoners and inmates but exclude civil prisoners.

(2) Sentenced persons by type of offence and by age (as at end of year)

Type of Offence	Aged 21 or over					Aged under 21					Total				
	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016
Against Lawful Authority															
Unlawful society	18	22	12	13	18	11	14	9	12	11	29	36	21	25	29
Possession of offensive weapons	10	8	11	16	14	9	5	4	3	2	19	13	15	19	16
Perjury	50	61	53	43	50	2	1	2	4	2	52	62	55	47	52
Others	27	26	21	17	17	14	6	4	3	3	41	32	25	20	20
Sub-total	105	117	97	89	99	36	26	19	22	18	141	143	116	111	117
Against Public Morality															
Rape	69	69	71	61	53	5	5	8	4	4	74	74	79	65	57
Indecent assault	52	44	48	52	44	8	11	7	5	6	60	55	55	57	50
Keeping a vice establishment	56	46	17	24	47	1	1	0	0	1	57	47	17	24	48
Others	64	78	60	64	47	18	20	11	9	11	82	98	71	73	58
Sub-total	241	237	196	201	191	32	37	26	18	22	273	274	222	219	213
Against the Person															
Murder	256	251	248	238	226	1	0	1	0	0	257	251	249	238	226
Manslaughter/Attempted murder	79	71	67	67	62	3	5	5	3	1	82	76	72	70	63
Wounding/Serious assault	182	170	173	179	181	35	54	43	17	21	217	224	216	196	202
Others	72	70	46	42	49	3	6	1	2	1	75	76	47	44	50
Sub-total	589	562	534	526	518	42	65	50	22	23	631	627	584	548	541

Type of Offence	Aged 21 or over					Aged under 21					Total				
	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016
Against Property															
Robbery	232	228	214	180	146	75	44	27	20	26	307	272	241	200	172
Burglary	277	248	240	200	211	14	8	11	7	2	291	256	251	207	213
Theft	884	784	738	722	671	63	63	37	31	24	947	847	775	753	695
Others	167	166	158	162	147	26	23	13	12	13	193	189	171	174	160
Sub-total	1 560	1 426	1 350	1 264	1 175	178	138	88	70	65	1 738	1 564	1 438	1 334	1 240
Against the Penal Code															
Possession of forged identity document	249	215	178	270	351	1	1	1	2	3	250	216	179	272	354
Forgery/Counterfeiting	116	114	82	63	70	2	4	2	5	4	118	118	84	68	74
Others	292	260	160	163	150	4	7	3	0	5	296	267	163	163	155
Sub-total	657	589	420	496	571	7	12	6	7	12	664	601	426	503	583
Against Local Laws															
Remaining in Hong Kong unlawfully	381	319	312	283	320	4	7	5	7	3	385	326	317	290	323
Breach of condition of stay	268	180	124	215	169	7	5	3	3	2	275	185	127	218	171
Publishing of obscene articles	116	102	51	52	39	4	1	2	0	0	120	103	53	52	39
Soliciting for immoral purpose	32	46	25	6	26	0	0	0	1	0	32	46	25	7	26
Possession of dutiable commodities	63	78	55	49	53	3	6	5	3	4	66	84	60	52	57
Others	382	380	393	412	386	45	30	21	25	11	427	410	414	437	397
Sub-total	1 242	1 105	960	1 017	993	63	49	36	39	20	1 305	1 154	996	1 056	1 013

Type of Offence	Aged 21 or over					Aged under 21					Total				
	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016
Narcotics Offences															
Trafficking in dangerous drugs	1 992	2 106	2 171	2 194	2 267	261	304	312	254	198	2 253	2 410	2 483	2 448	2 465
Possession of dangerous drugs	584	578	516	536	616	62	74	37	22	30	646	652	553	558	646
Others	84	81	64	79	77	3	1	2	0	3	87	82	66	79	80
Sub-total	2 660	2 765	2 751	2 809	2 960	326	379	351	276	231	2 986	3 144	3 102	3 085	3 191
Total	7 054	6 801	6 308	6 402	6 507	684	706	576	454	391	7 738	7 507	6 884	6 856	6 898

Note: Sentenced persons include prisoners and inmates but exclude civil prisoners.

(3) Sentenced persons (prisoners only) by length of sentence and by sex (as at end of year)

Length of Sentence	Male					Female					Total				
	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016
Determinate Sentence															
less than 1 month	16	24	34	41	30	14	9	14	19	11	30	33	48	60	41
1 to less than 3 months	184	136	95	128	116	168	145	100	126	131	352	281	195	254	247
3 to less than 6 months	243	258	170	225	214	87	89	58	78	88	330	347	228	303	302
6 to less than 12 months	482	479	348	373	422	132	147	110	106	120	614	626	458	479	542
12 to less than 18 months	654	560	485	534	605	351	295	260	326	310	1005	855	745	860	915
18 months to less than 3 years	974	828	756	657	671	147	144	125	115	127	1 121	972	881	772	798
3 years	134	114	109	77	80	11	9	16	13	13	145	123	125	90	93
over 3 to 6 years	1 194	1 169	1150	1 002	850	135	154	167	148	121	1 329	1 323	1 317	1 150	971
over 6 to less than 10 years	511	512	539	533	488	85	91	100	94	99	596	603	639	627	587
10 years and over	687	753	816	922	985	126	160	183	215	259	813	913	999	1 137	1 244

Length of Sentence	Male					Female					Total				
	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016
Indeterminate Sentence															
Life (Mandatory)	224	220	221	206	201	12	11	11	11	11	236	231	232	217	212
Life (Discretionary)	22	20	16	16	16	0	0	0	0	0	22	20	16	16	16
Admissions under Mental Health Ordinance/ Criminal Procedure Ordinance	45	44	46	44	43	10	9	8	7	7	55	53	54	51	50
Total	5 370	5 117	4 785	4 758	4 721	1 278	1 263	1 152	1 258	1 297	6 648	6 380	5 937	6 016	6 018

Note: Figures exclude civil prisoners.

(4) Sentenced persons (prisoners only) by length of sentence and by age (as at end of year)

Length of Sentence	Aged 21 or over					Aged under 21					Total				
	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016
Determinate Sentence															
less than 1 month	28	33	48	57	41	2	0	0	3	0	30	33	48	60	41
1 to less than 3 months	341	274	192	250	245	11	7	3	4	2	352	281	195	254	247
3 to less than 6 months	327	343	227	301	300	3	4	1	2	2	330	347	228	303	302
6 to less than 12 months	608	619	454	472	536	6	7	4	7	6	614	626	458	479	542
12 to less than 18 months	991	841	737	848	906	14	14	8	12	9	1 005	855	745	860	915
18 months to less than 3 years	1 070	923	836	749	782	51	49	45	23	16	1 121	972	881	772	798
3 years	135	114	119	86	91	10	9	6	4	2	145	123	125	90	93
over 3 to 6 years	1 184	1 193	1 182	1 040	902	145	130	135	110	69	1 329	1 323	1 317	1 150	971
over 6 to less than 10 years	569	558	585	577	546	27	45	54	50	41	596	603	639	627	587
10 years and over	799	893	975	1 113	1 210	14	20	24	24	34	813	913	999	1 137	1 244

Length of Sentence	Aged 21 or over					Aged under 21					Total				
	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016
Indeterminate Sentence															
Life (Mandatory)	236	231	231	217	212	0	0	1	0	0	236	231	232	217	212
Life (Discretionary)	22	20	16	16	16	0	0	0	0	0	22	20	16	16	16
Admissions under Mental Health Ordinance/ Criminal Procedure Ordinance	54	52	53	50	50	1	1	1	1	0	55	53	54	51	50
Total	6 364	6 094	5 655	5 776	5 837	284	286	282	240	181	6 648	6 380	5 937	6 016	6 018

Note: Figures exclude civil prisoners.

(c) Death of Persons under custody of the Police and Correctional Services Department (CSD)

(1) Incidence of death in Police custody – by age and sex

Age on Death	Male					Female					Total				
	2013	2014	2015	2016	2017^	2013	2014	2015	2016	2017^	2013	2014	2015	2016	2017^
< 21	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21 - 30	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0
31 - 40	0	4	1	0	0	0	1	0	0	0	0	5	1	0	0
41 - 50	0	1	0	1	1	0	0	1	0	0	0	1	1	1	1
51 - 60	1	1	0	1	0	0	0	0	0	0	1	1	0	1	0
61 - 70	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0
71 - 80	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
81 and over	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	1	6	1	4	1	0	1	1	0	0	1	7*	2	4[#]	1

* Four of the deceased were found dead in hospital. They were all sent directly to hospital after arrest, or originally admitted to hospital before being arrested.

^ Figure as at 31 July 2017.

Two of the deceased were found dead in hospital. They were all sent directly to hospital after arrest.

(2) Incidence of death in custody of the CSD - by age and sex

Age on Death	Male					Female					Total				
	2013	2014	2015	2016	2017^	2013	2014	2015	2016	2017^	2013	2014	2015	2016	2017^
< 21	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21 - 30	2	2	0	0	1	0	0	0	0	0	2	2	0	0	1
31 - 40	0	0	0	1	1	0	0	2	0	0	0	0	2	1	1
41 - 50	3	5	2	0	0	0	1	1	0	0	3	6	3	0	0
51 - 60	8	3	0	1	2	2	0	0	1	0	10	3	0	2	2
61 - 70	3	3	1	2	1	0	0	0	0	0	3	3	1	2	1
71 - 80	2	1	4	1	1	0	0	0	0	0	2	1	4	1	1
81 and over	0	0	0	2	1	0	0	0	0	0	0	0	0	2	1
Total	18	14	7	7	7	2	1	3	1	0	20	15	10	8	7

^ Figure as at 31 July 2017.

**Application of international human rights treaties
to the HKSAR**

Part A : Major international human rights treaties

International Covenant on Economic, Social and Cultural Rights

By a notification on 20 June 1997, the Government of the People's Republic of China informed the United Nations Secretary-General of the status of Hong Kong in relation to treaties deposited with the Secretary-General. The notification specifically sets out, among other things, that the provisions of the Covenant as applied to Hong Kong shall remain in force beginning from 1 July 1997.

On 20 April 2001, the Government of the People's Republic of China notified the Secretary-General of the following statement on the application of the Covenant to the HKSAR:

- “1. Article 6 of the Covenant does not preclude the formulation of regulations by the HKSAR for employment restrictions, based on place of birth or residence qualifications, for the purpose of safeguarding the employment opportunities of local workers in the HKSAR.
2. “National federations or confederations” in Article 8.1(b) of the Covenant shall be interpreted, in this case, as “federations or confederations in the HKSAR” and this Article does not imply the right of trade union federations or confederations to form or join political organizations or bodies established outside the HKSAR.”

International Covenant on Civil and Political Rights

The abovementioned notification of 20 June 1997 from the Government of the People's Republic of China also informed the United Nations Secretary-General that the provisions of the Covenant as applied to Hong Kong shall remain in force beginning from 1 July 1997.

In 1976, the Government of the United Kingdom ratified the Covenant with certain reservations and declarations, and extended the Covenant to Hong Kong. The reservations and declarations which continue to apply to HKSAR are as follows.

Declaration made on signing the Covenant

"First, the Government of the United Kingdom declare their understanding that, by virtue of Article 103 of the Charter of the United Nations, in the event of any conflict between their obligations under Article 1 of the Covenant and their obligations under the Charter (in particular, under Articles 1, 2 and 73 thereof) their obligations under the Charter shall prevail."

Declarations and reservations made on depositing the instrument of ratification of the Covenant

"Firstly the Government of the United Kingdom maintain their declaration in respect of Article 1 made at the time of signature of the Covenant."

"The Government of the United Kingdom reserve the right to apply to members of and persons serving with the armed forces of the Crown and to persons lawfully detained in penal establishments of whatever character such laws and procedures as they may from time to time deem to be necessary for the preservation of service and custodial discipline and their acceptance of the provisions of the Covenant is subject to such restrictions as may for these purposes from time to time be authorised by law."

"Where at any time there is a lack of suitable prison facilities or where the mixing of adults and juveniles is deemed to be mutually beneficial, the Government of the United Kingdom reserve the right not to apply Article 10.2(b) and 10.3 so far as those provisions require juveniles who are detained to be accommodated separately from adults, ..."

“The Government of the United Kingdom reserve the right to interpret the provisions of Article 12.1 relating to the territory of a State as applying separately to each of the territories comprising the United Kingdom and its dependencies.”

“The Government of the United Kingdom reserve the right to continue to apply such immigration legislation governing entry into, stay in and departure from the United Kingdom as they may deem necessary from time to time and, accordingly, their acceptance of Article 12.4 and of the other provisions of the Covenant is subject to the provisions of any such legislation as regards persons not at the time having the right under the law of the United Kingdom to enter and remain in the United Kingdom. The United Kingdom also reserves a similar right in regard to each of its dependent territories.”

“The Government of the United Kingdom reserve the right not to apply Article 13 in Hong Kong in so far as it confers a right of review of a decision to deport an alien and a right to be represented for this purpose before the competent authority.”

“The Government of the United Kingdom interpret Article 20 consistently with the rights conferred by Articles 19 and 21 of the Covenant and having legislated in matters of practical concern in the interests of public order (*ordre public*) reserve the right not to introduce any further legislation. The United Kingdom also reserve a similar right in regard to each of its dependent territories.”

“The Government of the United Kingdom reserve the right to enact such nationality legislation as they may deem necessary from time to time to reserve the acquisition and possession of citizenship under such legislation to those having sufficient connection with the United Kingdom or any of its dependent territories and accordingly their acceptance of Article 24.3 and of the other provisions of the Covenant is subject to the provisions of any such legislation.”

“The Government of the United Kingdom reserve the right not to apply sub-paragraph (b) of Article 25 in so far as it may require the establishment of an elected Executive or Legislative Council in Hong Kong”

International Convention on the Elimination of All Forms of Racial Discrimination

On 10 June 1997, the Government of the People's Republic of China issued a letter to the United Nations Secretary-General giving notification that the Convention will apply to the HKSAR with effect from 1 July 1997. The Government of the People's Republic of China also made the following declarations:

“The reservation made by the Government of the People's Republic of China to Article 22 of the Convention will also apply to the Hong Kong Special Administrative Region.

The Government of the People's Republic of China on behalf of the Hong Kong Special Administrative Region interprets the requirement in Article 6 concerning “reparation and satisfaction” as being fulfilled if one or other of these forms of redress is made available and interprets “satisfaction” as including any form of redress effective to bring the discriminatory conduct to an end.”

Convention on the Elimination of All Forms of Discrimination against Women

The Convention was extended to Hong Kong, with the consent of the People's Republic of China and the United Kingdom, on 14 October 1996. The Government of the People's Republic of China notified the United Nations Secretary-General that the Convention would continue to apply to the HKSAR with effect from 1 July 1997, with the following reservations and declarations:

- “1. The reservation made by the Government of the People's Republic of China to paragraph 1 of Article 29 of the Convention will also apply to the Hong Kong Special Administrative Region.
2. The Government of the People's Republic of China understands, on behalf of the Hong Kong Special Administrative Region, the main purpose of the Convention, in the light of the definition contained in Article 1, to be the reduction, in accordance with its terms, of discrimination against women, and does not therefore regard the Convention as imposing any requirement upon the Hong Kong Special Administrative Region to repeal or modify any of its existing laws, regulations, customs or practices which provide for women to be treated more favourably than men, whether temporarily or in the longer term. Undertakings by the Government of the People's Republic of China on behalf of the Hong Kong Special Administrative Region under Article 4, paragraph 1, and other provisions of the Convention are to be construed accordingly.
3. The Government of the People's Republic of China reserves, for the Hong Kong Special Administrative Region, the right to continue to apply relevant immigration legislation governing the entry into, stay in and departure from the Hong Kong Special Administrative Region as may be deemed necessary from time to time. Accordingly, acceptance of Article 15, paragraph 4, and of the other provisions of the Convention is subject to the provisions of any such legislation as regards persons not at the time having the right under the laws of the Hong Kong Special Administrative Region to enter and remain in the Hong Kong Special Administrative Region.

4. The Government of the People's Republic of China understands, in the light of the definition contained in Article 1, that none of its obligations under the Convention shall be treated as extending to the affairs of religious denominations or orders in the Hong Kong Special Administrative Region.
5. Laws applicable in the New Territories of the Hong Kong Special Administrative Region which enable male indigenous villagers to exercise certain rights in respect of property and which provide for rent concessions in respect of land or property held by indigenous persons or their lawful successors through the male line will continue to be applied.
6. The Government of the People's Republic of China reserves, for the Hong Kong Special Administrative Region, the right to apply all its legislation and the rules of pension schemes affecting retirement pensions, survivors' benefits in relation to death or retirement (including retirement on ground of redundancy), whether or not derived from a social security scheme.

This reservation will apply equally to any future legislation which may modify or replace such aforesaid legislation, or the rules of pension schemes, on the understanding that the terms of such legislation will be compatible with the Government of the People's Republic of China's obligations under the Convention in respect of the Hong Kong Special Administrative Region.

The Government of the People's Republic of China reserves the right for the Hong Kong Special Administrative Region to apply any non-discriminatory requirement for a qualifying period of employment for the application of the provisions contained in Article 11, paragraph 2 of the Convention.

7. The Government of the People's Republic of China understands, on behalf of the Hong Kong Special Administrative Region, the intention of Article 15, paragraph 3, of the Convention to be that only those terms or elements of the contract or other private instrument which are discriminatory in the sense described are to be deemed null and void, but not necessarily the contract or instrument as a whole."

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

On 10 June 1997, the Government of the People's Republic of China notified the United Nations Secretary-General that the Convention will apply to the HKSAR with effect from 1 July 1997. The Government of the People's Republic of China also made the following declaration:

- “the reservations made by the Government of the People's Republic of China to article 20 and paragraph 1 of article 30 of the Convention will also apply to the Hong Kong Special Administrative Region.”

The aforementioned reservations are:

- “1. The Chinese Government does not recognize the competence of the Committee against Torture as provided for in article 20 of the Convention.
2. The Chinese Government does not consider itself bound by article 30, paragraph 1, of the Convention.”

Convention on the Rights of the Child

On 10 June 1997, the Government of the People's Republic of China issued a letter to the United Nations Secretary-General and a number of diplomatic notes stating that the reservations and declarations entered by the Government of the People's Republic of China on its ratification of the Convention in 1992 were also applicable to the HKSAR with effect from 1 July 1997. These reservations and declarations were:

- “1. The Government of the People's Republic of China, on behalf of the Hong Kong Special Administrative Region, interprets the Convention as applicable only following a live birth.
2. The Government of the People's Republic of China reserves, for the Hong Kong Special Administrative Region, the right to apply such legislation, in so far as it relates to the entry into, stay in and departure from the Hong Kong Special Administrative Region of those who do not have the right under the laws of the Hong Kong Special Administrative Region to enter and remain in the Hong Kong Special Administrative Region, and to the acquisition and possession of residentship as it may deem necessary from time to time.
3. The Government of the People's Republic of China interprets, on behalf of the Hong Kong Special Administrative Region, the references in the Convention to “parents” to mean only those persons who, under the laws of the Hong Kong Special Administrative Region, are treated as parents. This includes cases where the laws regard a child as having only one parent, for example where a child has been adopted by one person only and in certain cases where a child is conceived other than as a result of sexual intercourse by the woman who gives birth to it and she is treated as the only parent.
4. The Government of the People's Republic of China reserves, for the Hong Kong Special Administrative Region, the right not to apply article 32(2)(b) of the Convention in so far as it might require regulation of the hours of employment of young persons who have attained the age of fifteen years in respect of work in non-industrial establishments.

5. The Government of the People's Republic of China, on behalf of the Hong Kong Special Administrative Region, seeks to apply the Convention to the fullest extent to children seeking asylum in the Hong Kong Special Administrative Region except in so far as conditions and resources make full implementation impracticable. In particular, in relation to article 22 of the Convention, the Government of the People's Republic of China reserves the right to continue to apply legislation in the Hong Kong Special Administrative Region governing the detention of children seeking refugee status, the determination of their status and their entry into, stay in and departure from the Hong Kong Special Administrative Region.
6. Where at any time there is a lack of suitable detention facilities, or where the mixing of adults and children is deemed to be mutually beneficial, the Government of the People's Republic of China reserves, for the Hong Kong Special Administrative Region, the right not to apply Article 37(c) of the Convention in so far as those provisions require children who are detained to be accommodated separately from adults."

On 10 April 2003, the Government of the People's Republic of China informed the Secretary-General that it had decided to withdraw its declaration relating to article 22 of the Convention.

Convention on the Rights of Persons with Disabilities

On 1 August 2008, the Government of the People's Republic of China deposited its Instrument of Ratification of the Convention with the United Nations Secretary-General and made the following declarations in respect of the HKSAR:

“In accordance with the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China ..., the Government of the People's Republic of China decides that the Convention shall apply to the Hong Kong Special Administrative Region ... of the People's Republic of China.

The application of the provisions regarding *Liberty of movement and nationality* of the Convention on the Rights of Persons with Disabilities to the Hong Kong Special Administrative Region of the People's Republic of China, shall not change the validity of relevant laws on immigration control and nationality application of the Hong Kong Special Administrative Region of the People's Republic of China.”

The Convention entered into force for the People's Republic of China, including the HKSAR, on 31 August 2008.

Part B : Other United Nations human rights and related treaties

The following United Nations human rights and related treaties apply to the HKSAR:

- Convention on the Prevention and Punishment of the Crime of Genocide, 1948
- Slavery Convention, 1926
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956
- Convention relating to the Status of Stateless Persons, 1954
- United Nations Convention against Transnational Organized Crime, 2000
- United Nations Convention against Corruption, 2003

Part C : Geneva Conventions

The following Geneva Conventions apply to the HKSAR:

- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949
- Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949
- Geneva Convention relative to the Treatment of Prisoners of War, 1949
- Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1949

Part D : Conventions of the International Labour Organization

The following Conventions of the International Labour Organization apply to the HKSAR:

- Weekly Rest (Industry) Convention, 1921 (No. 14)
- Forced Labour Convention, 1930 (No. 29)
- Labour Inspection Convention, 1947 (No. 81)
- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Migration for Employment Convention (Revised), 1949 (No. 97)
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- Abolition of Forced Labour Convention, 1957 (No. 105)
- Employment Policy Convention, 1964 (No. 122)
- Minimum Age Convention, 1973 (No. 138)
- Labour Relations (Public Service) Convention, 1978 (No. 151)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

Part E : Conventions of the Hague Conference on Private International Law

The following Conventions of the Hague Conference on Private International Law apply to the HKSAR:

- Convention on Protection of Children and Co-operation in respect of Inter-country Adoption, 1993
- Convention on the Recognition of Divorces and Legal Separations, 1970
- Convention on the Civil Aspects of International Child Abduction, 1980