

香港兒童權利委員會
THE HONG KONG COMMITTEE ON CHILDREN'S RIGHTS

**Our views on the outline of the topics to be covered in the
third report of the Hong Kong Special Administrative Region
under the Convention on the Rights of the Child**

Part I: Common Core Document of the HKSAR

The “Common Core Document” follows the standard format, form and content as prescribed by the *Harmonised Guidelines on Reporting under the International Human Rights Treaties of the United Nations*. This part of the report contains information of a general and factual nature relating to the implementation of human right treaties in the HKSAR.

Part II: Implementation of the Convention in the HKSAR

Instead of following an article-by-article sequence, specific information relating to the implementation of the Convention in the HKSAR will be reported in “clusters” – provisions grouped according to their theme. The grouping and order of clusters follow the aforementioned Guidelines, and certain articles may be featured under more than one chapter. The UN has also set a strict word limit of 21 200 words to report on all the themes under the Convention.

I. General measures of implementation (Articles 4, 42 and 44(6))

This section concerns the HKSAR’s framework for ensuring implementation of the Convention, as well as measures to make its provisions widely known. We will also provide any update to our position on reservations and declarations relating to the Convention, including response to paragraph 7(a) of the Concluding Observations with respect to Articles 32(2)(b) and 37(c). Substance of this chapter includes –

Our views:

The government should report on the progress of ratifying all the Optional Protocols under the CRC, in particular the Optional Protocol on the Sale of Children, Child prostitution and Child Pornography which the HKSAR Government has pledged to consider before the UN Committee in the Plenary Session in 2005 following the Prevention of Child Pornography

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Ordinance has come into effect since 2003. The government should also update the UN Committee how a child / group of children claiming their rights having been violated by the State Party could have their voice/case reaching the UN Committee apart from the regular reporting process which happens every 5 years (but in reality is 7-10 years).

The government needs to update the UN Committee about the Protection of Children Legislation (Amendments) Bill, which was once introduced by the legislators with the support of civil society in 2019 to implement the CRC. The civil society has been waiting for updates from the government on the implementation of those recommendations.

A. Article 4: Implementation of rights

We will report that the Commission on Children has been established to coordinate policies and develop strategies for the well-being of children, along with up-to-date information on relevant legislation, public services, resource allocation, monitoring mechanism and efforts to cooperate with civil society. Response to paragraphs 7(b), 11, 14(c), 18 and 20 of the Concluding Observations will be included.

Our views:

The government needs to explain why the strong call for an independent and statutory Children's Commission (which is transparent, supported by resources for its own manpower and administration, and with a structured Plan of Action for advancing the rights of children) for two decades from a wide range of children-related organizations and professional groups of multi-disciplinary expertise has not been responded to in parallel. The current Commission on Children is consultative and does not have the power to coordinate or formulate policies nor monitoring mechanisms. The UN Committee also needs to know why children have not been invited to participate in the current Commission on Children, which is supposed to be set up for the population of 1.1 million children in Hong Kong.

The government also needs to explain how they assess the impacts on children when new policies are introduced as children are rarely involved in public consultation (where such opportunities are available).

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B. Articles 42 and 44(6): Dissemination of the Convention and report

We will advise the Committee on developments in the public education and training measures related to the promotion of children's rights. With reference to established practice, public engagement relating to HKSAR's report will be ensured through open consultation, Legislative Council Panel discussion, stakeholder NGOs and other available channels.

Our views:

The government needs to explain to the UN Committee why civil society (including children) could not take part in the meetings of the Legislative Council's Panel on Constitutional Affairs, which are supposed to discuss the outline of the topics to be covered in the Third Report of the Hong Kong Special Administrative Region under the Convention on the Rights of the Child. In the past, civil society had been invited to take part in such sessions. The government also needs to explain their efforts in engaging children in this reporting process to reflect the genuine implementation of the CRC in Hong Kong.

For education and training measures in relation to the promotion of children's rights, the government needs to give the figures and content of training sessions for each professional / disciplinary community which engaged with child or child-related affairs such as court judges, solicitors and barristers, other legal professionals, doctors, nurses and other health related personnel, disciplined services such as police, immigration and correctional officers, school principals and teachers, social workers, alternative care personnel, parents, adoptive parents, domestic helpers, church leaders and church staff, sports coaches, tutors... etc.

The government also needs to explain how children are engaged in consultations in many issues related to them, and what child friendly methods have been applied to ensure children are fully informed.

II. Definition of "the child" (Article 1)

In this section, we will provide information concerning the definition of

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the child under the law of the HKSAR, as well as how children benefit from protection and enjoy their rights up to the age of majority at 18 years.

While our general position remains as stated in para. 79 of the previous report, we will include any updates in such relevant areas as free education, sexual acts, prevention of child pornography, criminal liability, juvenile offenders, entry into controlled premises, etc.

Our views:

The government needs to explain the reasons behind the variations between the age thresholds for different kinds of acts and omissions against children which are not in line with the CRC's Article 1.

The government should provide the figures on the number and age of children being prosecuted before the juvenile courts with criminal offences, and the number and age of children brought to the higher courts on a year by year scale since the last report.

III. General Principles (Articles 2, 3, 6 and 12)

This section covers the framework as well as legislative, administrative or other measures in place to uphold main principles of the Convention, namely –

A. Article 2: Non-discrimination

We will inform the Committee of any development in the legislative, administrative and other measures taken to protect children against all forms of discrimination under the legal and institutional framework for promoting equal opportunities as set out in HKSAR's earlier reports. Response will be given to paragraph 30 of the Concluding Observations.

Our views:

The government should provide statistics of inquiries and complaints involving children handled by the Equal Opportunities Commission and brief the UN Committee on how children's rights were protected.

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B. Article 3: Best interests of the child

The best interests of the child have always been necessary considerations for HKSAR's social welfare institutions, courts of law, administrative authorities and legislative bodies. We will update the Committee on any systemic improvements in such areas as provision of family/health services, administration of juvenile justice and education, and respond to paragraph 32 of the Concluding Observations.

Our views:

The government needs to provide the UN Committee with information on the definition and guidelines on Article 3 in the legislative, administrative and judicial proceedings, as well as in policies, programs and projects that have an impact on children, especially those belonging to disadvantaged groups.

The government needs to update the UN Committee on how law enforcement, in particular the police force, safeguards the best interests of the child in their operations.

The government also needs to explain how the best interests of the child have been considered in alternative care arrangements, parental divorce and domestic violence proceedings, deportation decisions in relation to immigration procedures, service referrals and medical treatment.

C. Article 6: The right to life, survival and development

In the HKSAR, the right to life is safeguarded at the constitutional level. We will provide updates on relevant issues such as the review mechanism, registration and investigation of child fatality.

Our views:

The government should respond to the proposed Child Health Policy that has been submitted to the HKSAR government in 2015 and has been advocated continuously by the health professionals and child advocates spearheaded by the paediatricians in Hong Kong.

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The government should explain the justification for not including all child deaths in Hong Kong in the Child Fatality Review system including individual unnatural death case review and why the system could not include cases of serious child injuries for the sake of prevention for similar tragedies in future.

A separate session for handling of children under social unrest in required, especially when a large number of children have been adversely affected, experiencing or witnessing violence and humiliating treatment, including those being arrested or placed under care.

D. Article 12: Respect for the views of the child

We will provide information on the channels available for children to express views through stakeholder engagement, schools as well as specific procedures in social services and correctional facilities. Response will be given to paragraph 38 of the Concluding Observations.

Our views

The government should provide systematic information on how children could express their views in different levels and settings in our community according to the UN guidelines (General Comment No. 12 - The Right of the Child to be Heard):

- in the family
- in alternative care
- in health care
- in education and school
- in play, recreation, sports and cultural activities
- in the workplace
- in situations of violence
- in the development of prevention strategies
- in immigration and asylum proceedings
- in emergency situations
- in national and international settings

The government should provide figures of children's separate legal representation in court to ensure their right to be heard on a year by year scale.

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IV. Civil rights and freedoms (Articles 7, 8, and 13-17)

Fundamental rights and freedoms for children in Hong Kong continue to be protected at the constitutional level under the Basic Law, as well as through the Hong Kong Bill of Rights Ordinance and other pieces of domestic legislation. Our position generally remains as explained in the previous report for the issues pertaining to this chapter, including –

A. Articles 7 and 8: Name, nationality and preservation of identity

We will inform the Committee of any major development in registration of children at birth or other relevant circumstances, so as to safeguard their entitlement to a name, nationality and family relations.

Our views:

The government in particular needs to update the UN Committee on the registration policy and procedures of children born to non-citizens on the HKSAR's soil; and provide the figures of these children year by year. The government should state and explain the government's policy and procedures for ensuring that children in Hong Kong are not left stateless or of uncertain nationality. The government should provide data on how many stateless children have been identified in the HKSAR.

B. Article 13: Freedom of expression

We will provide any updates on children's exercise of their freedom to seek, receive and impart information and ideas in the HKSAR, subject to certain necessary restrictions as prescribed by law.

Our views:

The government should brief the UN Committee on the impact brought to freedom of expression for children with the sudden introduction of National Security Law on 1 July 2020.

C. Article 14: Freedom of thought, conscience and religion

We will provide any information on significant measures taken to ensure respect for children's freedom of thought, conscience and religion, and

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their freedom to manifest religion or beliefs which may be subject only to certain necessary restrictions as prescribed by law.

D. Article 15: Freedom of association and of peaceful assembly

We will inform the Committee of children's exercise of their freedom of association and peaceful assembly, where only justifiably necessary restrictions may be imposed in conformity with the law.

Our views:

A special section should be written to reflect Police handling of children, the under eighteen, during the period of social unrest since 2019 and whether the best interests of children have been taken carefully into consideration. There were repetitive complaints of excessive force used and very young children arrested using cruel, inhuman and degrading means. There was also the complaint made that Care Orders had been used not as protection but to penalize those children who had participated. Therefore, there has been, and we support, the urge for independent investigation for such handling of children's cases.

The government should provide a breakdown of the number of public meetings and public processions, including the number of proposed meetings and processions where the police raised objections, as in the Second Report submitted to the UN Committee. The government should explain the reasons underlying the declining trend of granting the Letter of No Objection for public assemblies or demonstration.

E. Article 16: Protection of privacy

We will update the Committee on measures taken to protect children from arbitrary or unlawful interference with their privacy, family, home or correspondence and unlawful attacks on their honour or reputation.

Our views:

The government needs to explain its efforts in protecting children from doxing in particular and brief the UN Committee on how children can seek help when their privacy is at risk. The government should also elaborate on how the judiciary protects privacy of underage defendants.

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As children aged 16 or above and in specific cases even when the children is under 16 and shall be dealt with under the Juvenile Offenders Ordinance, there are cases that they will have their names disclosed and there is no restriction on revealing the name, address or school or reporting any particulars calculated to lead to their identification.

F. Article 17: Access to appropriate information

We will report on the efforts made to disseminate diverse and beneficial information to children through mass media platforms, internet access, etc., also to protect them from material injurious to their well-being.

Our views:

The government should explain its efforts in disseminating child-friendly information about COVID-19 to children in Hong Kong.

V. Violence against children (Articles 19, 24(3), 28(2), 34, 37(a) and 39)

Prevention, enforcement and support measures to protect children from different forms of violence were distributed across multiple sections under the previous reporting structure, and, for this report, will be gathered in one chapter as follows –

A. Articles 19 and 24(3): Abuse, neglect and harmful practices

Updates will be provided on the legislative and administrative measures taken to protect children from abuse and support victims of child abuse. These may include case management procedures, training for childcare professionals, public education, family services, helplines for children, etc. We will also inform the Committee that children in the HKSAR continue to be safe from harmful traditional practices.

Our views:

The government should provide information on the progress of engaging the community in the discussion or consultation on the need of Mandatory Reporting of suspected child abuse cases.

The government should provide the number of children abused by people in the position of trust, eg. carers, teachers, social workers, sports

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coaches, church workers, tutors, police... etc. The government should also provide the number of child-related organizations, institutions, government departments that have adopted a child safeguarding policy to ensure children's safety. The government should also explain what and how multidisciplinary child protection and child rights training have been provided.

The government should provide information on the laws, policies and procedures in place to protect children from forced marriage, trafficking for forced marriage, and other similar practices. The government should provide details and annual statistics of cases of forced marriage (in particular those related to children and young people) involving children from Hong Kong and transiting through Hong Kong. We are aware of reports to the press and specific complaints for lawyers representing children and young women who have been subjected to trafficking for forced marriage.

B. Article 34: Sexual exploitation and abuse

We will update the Committee on any development in legal protection, as well as law enforcement, education and support measures, to prevent sexual violence against children, including child pornography and sexual exploitation on the Internet. Response will be given to paragraph 46 of the Concluding Observations.

Our views:

The government should provide figures on the average delay of child sexual violence victims in their reporting for assistance as we have heard from civil society that the delay has been serious. The delay also indicates that children face huge challenges in seeking help for their plight.

The civil society has been advocating for a one-stop crisis support centre set up within public hospitals to facilitate the needs of sexual violence victims and avoid the need for victims to narrate their story repeatedly in different and unfamiliar settings (e.g. doctor, police and social worker). The government should respond to this appeal properly.

The government also needs to provide updates on how sex education has been provided at different developmental stages of children of different genders, races and disabilities, and how such rights could be protected in

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the digital world nowadays. The government also needs to provide updates on how sex education has been provided to parents, care givers, teachers and other child-related professionals.

C. Articles 37(a) and 28(2): The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment

We will report any development regarding implementation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the HKSAR, as well as programmes to ensure non-violent discipline in families, schools and institutions, particularly correctional institutions. Response will be given to paragraph 7(c) of the Concluding Observations.

Our views:

The government should update the UN Committee on the number of complaints received and cases substantiated in families, schools, alternative care, sports training, police detention and correctional institutions on the use of torture and other cruel, inhuman or degrading treatment or punishment on children in the HKSAR.

D. Article 39: Recovery and social integration

Measures promoting the physical/psychological recovery and social integration of child victims are generally covered in the above parts or Chapter IX of the report.

VI. Family environment and alternative care (Articles 5, 9-11, 18(1)-(2), 20, 21, 25 and 27(4))

This section covers the parental and family services available in the HKSAR, including arrangements for children in various alternative care circumstances. The existing framework continuously evolves to suit changing needs as set out below –

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A. Articles 5 and 18(1)-(2): Parental guidance and responsibilities

We will illustrate support for parents/guardians in maintaining a family environment and discharging their common responsibility to care for children as their capacities evolve. This includes any development in the work of the Family Council, family services, family life education and other childcare assistance services to parents.

Our views:

The government needs to update the UN Committee about the Children Proceedings (Parental Responsibility) Bill which was once introduced by the government in 2016 to reform the law relating to responsibilities and rights of parents for children, particularly in relation to proceedings involving children. The civil society has eagerly awaited such updates but no news has been heard.

The government needs to provide the figures of children under the care of parents with mental illnesses, violent behaviours, and under the influence of drugs or alcohol, referred to as children at risk of 'hidden harm'.

The government needs to provide updates on the number and situation of children born to parents of cross border marriages, such as their day-to-day care, school education, extra-curricular activities, health and medical services, social security, immigration challenges, etc.

B. Article 9: Separation from parents

We will inform the Committee of any updates to the laws relating to child guardianship and custody, as well as measures to protect children separated from their parents by such circumstances as sole custody and detention, including the arrangement for children living in prison with their mothers.

Our views:

The government should provide figures of children separated from parents under different circumstances, such as divorce, work, illnesses, detention/ serving prison terms, drug treatment, in relation to asylum or

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immigration rules, COVID-19 quarantine measures and so on. The UN Committee also needs to know what kinds of support the authorities have been given to these children.

C. Article 10: Family reunification

We will provide updates on the services available to newly arrived children and cross-boundary families, as well as response to paragraph 51 of the Concluding Observations.

D. Article 27(4): Recovery of maintenance for the child

We will report any updates since the previous report for measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child.

Our views:

The government should provide the number of maintenance payees who failed to collect their maintenance payments, and the number of penalties issued by the court for those failing to pay maintenance payment on a year by year scale.

E. Articles 20 and 25: Children deprived of a family environment and periodic review of placement

We will update the Committee on measures to protect children temporarily or permanently deprived of their family environment, including placement in institutions or foster homes, as well as the mechanism to ensure that children are placed in appropriate care. Response will be given to paragraph 55 of the Concluding Observations.

Our views:

The government should provide information on the laws, policies and procedures in place to protect children from forced separation from their parents due to parental deportation from Hong Kong. The government should provide details and annual statistics of cases of children separated from their parents due to deportation of their parents.

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F. Article 21: Adoption

We will provide any updates on legislation and policies concerning both domestic and intercountry adoption. Response will be given to paragraph 57 of the Concluding Observations.

Our views:

The government should provide figures on domestic and inter-country adoption of children born in Hong Kong, and how the adoption process is reviewed to ensure the rights of these children are properly looked after.

G. Article 11: Illicit transfer and non-return

We will report any development regarding legislative and other measures to combat international child abduction in the HKSAR.

VII. Disability, basic health and welfare (Articles 6(2), 18(3), 23, 24, 26, 27(1)-(3) and 33)

This section covers the various programmes and institutions serving to safeguard the basic health and adequate living standard for every child in the HKSAR. A combination of long-standing measures and new initiatives implement the necessary protection –

A. Article 23: Children with disabilities

In accordance with the Convention on the Rights of Persons with Disabilities, we are committed to recognising the special needs of children with disabilities and educating the public in this regard. We will also update the Committee on support measures for children with disabilities to participate in the community. Response will be given to paragraph 61 of the Concluding Observations.

Our views:

The government should highlight if there is any improvement in shortening the waiting time for child assessment services and provision of early intervention services to children with disabilities and their

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caregivers in the family. The government shall oversee the coordination of assessment services under the Department of Health, rehabilitation services for children and families under the Social Welfare Department, and learning support for children and adolescents with special education needs and teacher training under the Education Bureau. Annual updates on developmental and educational needs and transitional supports from kindergartens/child care centres to primary schools, and from primary schools to secondary schools should be built into the government bureaus and departments to safeguard the best interests of the child. Case management support should be explored.

B. Article 6(2): Survival and Development

We will provide any updates concerning infant mortality, maternity protection and other issues that could contribute to child fatality, such as illness, traffic or other accidents, crime, etc.

Our views:

The government needs to provide numbers and causes of suicides since the last report and highlight measures taken in response to the students' suicidal wave in 2016.

C. Article 24: Health and health services

We will update the Committee on the wide range of primary healthcare, preventive care, hospital and specialist clinic services, public education, and other programmes to address such issues pertinent to children's health as immunisation, oral health, environmental pollution, food safety, control of communicable diseases, malnutrition and obesity, breastfeeding promotion, mental health, HIV/AIDS, as well as adolescent facing health risks relating to teenage pregnancy, tobacco smoking, alcohol consumption, etc. Response will be given to paragraph 72 of the Concluding Observations.

Our views:

The government should highlight if there is any improvement in shortening the waiting time for specialist out-patient services especially for child and adolescent psychiatric services. The government shall

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explain why a specific comprehensive child mental health policy is yet to be formulated as recommended and shall not confuse the Committee with the Policy Statement on Mental Health Review Report in 2017 which is totally different from what the Committee has recommended to be included in a comprehensive child mental health policy.

The government needs to give the figures of breastfeeding rate at hospital discharge and the breastfeeding rate after 6 months to compare with the international standard. The government should also provide the number of complaints received by the authorities in relation to breastfeeding, as there were many media reports reviewing the adverse experiences of breastfeeding mothers.

D. Article 33: Protection from substance abuse

Information on tackling drug abuse among children and youth will be provided. This includes our multi-pronged approach on anti-drug work, comprising preventive education and publicity, treatment and rehabilitation, legislation and law enforcement, external cooperation, and research.

Our views:

The government needs to illustrate the problem of children under the care of parents /carers with substance abuse behaviour. This issue has caused tragic deaths and injuries to children and exposed many gaps in services and resources available. The Subcommittee on Children's Rights at the Legislative Council extensively discussed this issue with the authorities concerned and the civil society in 2016-2017.

E. Articles 26 and 18(3): Social security and childcare services

Social security programmes benefiting children and childcare services for working parents, are largely covered in other parts, and we will insert reference to relevant paragraphs in the report.

F. Article 27(1)-(3): Standard of living

We will update the Committee on the general position of living standard in Hong Kong. We will also report any relevant development in the work

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of the Commission on Poverty, and the implementation of the Statutory Minimum Wage as well as measures to safeguard children in terms of access to social welfare, housing, nutrition, transport, and necessary financial supplements. Response will be given to paragraph 74 of the Concluding Observations.

Our views:

The government needs to respond properly to the suggestion of adopting a multidimensional set of criteria for assessing and addressing child poverty so as to expedite the application of public housing program.

The government needs to give the figures of how many children are living in subdivided flats with the living space below the minimum standard of public housing flats.

VIII. Education, leisure and cultural activities (Articles 28 - 31)

This section concerns the measures to ensure implementation of policies, maintenance of quality standards, sufficient financial and human resources, for children in Hong Kong to have full enjoyment of –

A. Article 28: Education, including vocational training and guidance

Education remains among the Government's highest priorities. Further to the framework set out in previous reports, we will inform the Committee of notable developments in pre-primary education, free universal basic education, small class teaching, the New Academic Structure, medium of instruction policy, curriculum reform, etc. We will also provide information on vocational training.

In addition to systemic development, we will report updates on support measures with regards financial assistance, as well as problems such as dropouts and school bullying. Targeted measures to assist students with special educational needs, gifted students, newly arrived children from Mainland China, non-Chinese speaking children and cross-boundary students will also be included. Response will be given to paragraph 78 of the Concluding Observations.

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Our views:

The authorities concerned (Education Bureau & Equal Opportunities Commission) should provide the number of calls for assistance and complaints in relation to kindergarten admissions of ethnic minority children on a year by year scale.

B. Article 29: Aims of education

Our aims of education serve the all-round development of the child, as elaborated in the previous report. We will inform the Committee of measures enhancing quality of education, including teacher training, as well as any development in civic education and the cultivation of such important concepts as human rights, anti-discrimination, cultural identity, national values and respect for the natural environment.

Our views:

The government should provide an account on the recent incidents in disqualification of teachers and history public exam questions, scrapping Liberal Studies as a core subject, and examine such drastic changes' impact on children's right to education.

C. Article 31: Leisure, recreation and cultural activities

Children's right to leisure has received greater attention in the community in recent years. We will provide updates on the various initiatives to promote arts, culture, sports and extra-curricular activities, including performance and creativity programmes for children, heritage visits, sports facilities and in-school sports programmes, library services, children play facilities, etc.

Our views:

Government should provide figures on how many playgrounds in Hong Kong are accessible to children with disabilities and where they are. Government should also explain how they are going to include children's views on their plan of modifying 170 public playgrounds in Hong Kong as pledged in the 2019 Policy Address. We are concerned by reports of high numbers of public playgrounds (including playgrounds on privately-managed government owned premises) with equipment in states of

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disrepair, or otherwise not accessible to children with disabilities.

Government should also give an account on how to ensure the rights of children under article 31 during the pandemic.

D. Article 30: Children belonging to indigenous or minority groups

The rights for ethnic minority children to enjoy their own cultures, to profess and practise their own religions and to use their own languages continue to be protected in the HKSAR. We will insert reference to relevant information provided in other parts of the report.

Our views:

Government should provide information on cultural sensitivity training for teachers as ethnic minority children in mainstream schools will become a norm, with the steady increase of ethnic minority population in Hong Kong.

IX. Special protection measures (Articles 22, 30, 32-40)

While the above chapters set out various efforts ensuring every child's full enjoyment of their rights, this section focuses on the measures in place to protect children under special circumstances including –

A. Article 22: Refugee children

The guarantees of rights and freedoms under the Basic Law apply to all persons in the HKSAR in accordance with the law. We will provide any updates on the assistance to children of non-refoulement claimants, and give response to paragraph 84 of the Concluding Observations.

Our views:

The government needs to provide the number of refugee children and asylum-seeking children in Hong Kong year by year since the last report, and provides the median, mean and the longest stay in Hong Kong. The government also needs to explain their efforts in supporting these children under the prolonged pandemic.

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B. Article 30: Minority children, including street situations

Incidents of children living or working on the street are very rare in Hong Kong. Protection measures for children in other groups, including ethnic minorities, are covered in other parts of the report.

C. Articles 32 to 36: Children in situations of exploitation

Measures to protect children from sexual exploitation (Article 34) and abuse are covered in Chapter V concerning violence against children. While the issue of substance abuse (Article 33) is addressed in Chapter VI from the perspective of public health, we will supplement information on protection against exploitation of children in the illicit production and trafficking of drugs under this part.

Furthermore, we will inform the Committee of measures against economic exploitation, including child labour (Article 32), such as the implementation of relevant international conventions and enforcement of legislative protection with regard to the Apprenticeship Ordinance and the Minimum Wage Ordinance, which is applicable to all employees in Hong Kong including young workers.

We will also report any development in measures to combat the sale, trafficking and abduction of children (Article 35), as well as protection from any other form of exploitation prejudicial to children's welfare (Article 36). Response will be given to paragraph 91 of the Concluding Observations on the HKSAR's position with regard to the *Optional Protocol to the Convention on the sale of children, child prostitution and child pornography*.

D. Articles 37 and 40: Children in conflict with the law

The general features of the administration of juvenile justice in the HKSAR, both during legal proceedings and where young offenders are deprived of liberty, have been explained in the previous reports. We will update the Committee on safeguards for treatment with humanity and respect for dignity, representation of children in courts and legal

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assistance, minimum age of criminal responsibility, and sufficient sentencing options with alternatives to detention/ imprisonment.

We will also report any development on special protection measures for children coming into conflict with the law, including separation of young offenders from adults, as well as training for administrators of juvenile justice. Response will be given to paragraph 94 of the Concluding Observations.

Our views:

The government should brief the UN committee the demographics of juvenile offenders under 18, including but not limited to the age, gender, occupation (if not in school), races, special needs (if any), most committed crimes, etc. Such statistics should include data for offenders who have committed offences during their minority.

The government should explain what measures have been taken in protecting children in conflict with law with special needs, as they are in a vulnerable position during the legal proceedings and when their liberty is deprived.

The government needs to provide the number of children who were deprived of liberty since the last report, and the median, mean and longest number of days for detention. The government needs to give rates of success of children obtaining bail in court, as well as the number of children sentenced under different options.

The government should provide the figures of children committing criminal offences at the age of 10, 11, 12, 13 and 14 with the classification of offences committed. The government should update to the UN Committee on the plan of reviewing the minimum age of criminal responsibility as the law has been changed since 2003, and the age of 10 has been criticized by the UN Committee as not the internationally acceptable level.

E. Article 38: Children in armed conflicts

Having regard to relevant definitions or interpretation under international

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law, the HKSAR has not been involved in armed conflict for a long time. We will reaffirm the commitment to ensure protection of children from hostilities.

F. Article 39: Recovery and social reintegration

As measures promoting the physical and psychological recovery, as well as social integration, of children subjected to violence, exploitation and other harmful situations are generally covered in other parts above, we will insert reference to relevant paragraphs in the report and supplement any development in rehabilitation for juvenile offenders.

Hong Kong Committee on Children's Rights
8 March 2021