

政制及內地事務局
政府總部

香港添馬添美道2號
政府總部東翼



CONSTITUTIONAL AND MAINLAND AFFAIRS BUREAU
GOVERNMENT SECRETARIAT

EAST WING
CENTRAL GOVERNMENT OFFICES
2 TIM MEI AVENUE, TAMAR
HONG KONG

本局檔號 OUR REF. : CMAB/CR 1/34/32
來函檔號 YOUR REF.:
電話號碼 TEL NO. : 2810 2159
圖文傳真 FAXLINE : 2840 0657

14 April 2021

Clerk to Panel on Constitutional Affairs
Legislative Council Complex
1 Legislative Council Road,
Central, Hong Kong
(Attn: Ms Joanne MAK)

Dear Ms MAK,

Panel on Constitutional Affairs

At its meeting on 15 March 2021, the Panel on Constitutional Affairs called for the Government to provide written response to the enquiry made by Hon Mrs Regina IP under Agenda Item III concerning the reservations and declarations made by the People's Republic of China for and on behalf of the Hong Kong Special Administrative Region (HKSAR) in respect of the application of the Convention on the Rights of the Child to the HKSAR. After consulting the relevant department, the requested information is at Annex, please.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Cathy LI'.

(Miss Cathy LI)

for Secretary for Constitutional and Mainland Affairs

Encl.

Convention on the Rights of the Child

On 10 June 1997, the Government of the People's Republic of China notified the Secretary-General of the United Nations that the *Convention on the Rights of the Child*, which the Government of the People's Republic of China ratified on 2 March 1992, would apply to the Hong Kong Special Administrative Region with effect from 1 July 1997. The Government of the People's Republic of China also made the following declaration:

- “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 residency 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 the declaration relating to Article 22 of the Convention.