



**International Human Rights
Instruments**

Distr.: General
28 June 2019

Original: Chinese and English

**Common core document forming part of the
reports of States parties**

Hong Kong, China* **

[Date received: 28 January 2019]

* The present document is being issued without formal editing.

** The annexes are on file with the secretariat and are available for consultation. They may also be accessed on the website of the Office of the United Nations High Commissioner for Human Rights.



Contents

	<i>Page</i>
General Information	4
Demographic, economic, social and cultural characteristics	4
Constitutional, political and legal structure of the HKSAR	4
Basic Law of the HKSAR	4
Political structure	5
Administration of justice.....	8
Non-governmental organisations	10
General framework for the protection and promotion of human rights	10
Application of international human rights treaties to the HKSAR.....	10
Legal framework for the protection of human rights.....	11
Rule of Law	11
Human rights guarantees in the Basic Law	11
Effect of other human rights instruments in HKSAR law.....	12
Hong Kong Bill of Rights Ordinance.....	12
Legal aid	12
Office of the Ombudsman.....	13
Equal Opportunities Commission	14
Privacy Commissioner for Personal Data	14
Complaints and investigations	14
Framework within which human rights are promoted	15
Promotion of public awareness of the human rights treaties.....	15
Reporting process	19
Information on non-discrimination and equality.....	19
Equal Opportunities Commission	20
Promotion of non-discrimination and equality	21

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
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)

General information

Demographic, economic, social and cultural characteristics

1. 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 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 Law 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 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.

11. 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

12. 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

13. 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.

14. 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

15. 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.

16. 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.

17. 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

18. 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.

19. 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.

20. 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

21. 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.

22. 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:

<i>Membership</i>	<i>First term 1998–2000 (two years)</i>	<i>Second term 2000–2004 (four years)</i>	<i>Third term 2004–2008 (four years)</i>
(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

23. 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.

24. 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

25. 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

26. 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

27. 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.

28. 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.

29. 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.

30. 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.

31. 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.

32. 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

33. 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.

Incidence of violent death and life threatening crimes reported

<i>Crime</i>	2013	2014	2015	2016	2017 (Jan-Jul)
Murder and manslaughter	62 ¹	27	22	28	11
Attempted murder	4	0	3	3	8

Number of persons arrested for violent or other serious crimes

<i>Crime</i>	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

Number of reported cases of sexually motivated violence

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

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

Number of judges and judicial officers

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

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

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

34. 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

35. 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.

36. 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.

37. 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.

38. 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**

39. 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

40. 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

41. 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.

42. 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

43. 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.”

44. 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 legislation². 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

45. 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

46. 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

47. 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 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

² 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.

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

48. 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

49. 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

50. 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.

51. 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.

52. 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.

53. 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.

54. 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

55. 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.

56. 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

57. 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

58. 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

59. 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

60. 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.

61. 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

62. 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

63. 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).

64. 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.

65. 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

66. 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.

Government officers in general

67. 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.

68. 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.

69. 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.

Legal officers

70. 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.

Operational staff of the disciplined services

71. 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.

72. 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

73. 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

74. 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.

75. 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.

76. 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

77. 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-generalization 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.

78. 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.

79. 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

80. 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.

81. 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.

82. 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:

Human Rights Forum

83. 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.

Children's Rights Forum

84. 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).

Ethnic Minorities Forum

85. 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.

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

Reporting process

87. 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.

88. 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.

89. 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

90. 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

91. 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

92. 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

93. 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.

94. 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.

95. 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.

96. 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

97. 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

98. 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

99. 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

100. 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.

101. 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

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

103. 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.

104. 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

105. 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.

106. 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.

107. 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.

108. 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

109. 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.

110. 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.

111. 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

112. 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.

113. 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

114. 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.

115. 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.
