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Committee on Economic, Social and Cultural Rights

Fourth periodic report submitted by Hong Kong, China, under articles 16 and 17 of the Covenant, due in 2019* ** ***

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List of abbreviations

| | |
|----------------|----------------------------------------------------------------------------|
| Advisory Group | Advisory Group on Eliminating Discrimination against Sexual Minorities |
| AAB | Antiquities Advisory Board |
| ACAN | Action Committee Against Narcotics |
| ACWS | The Advisory Committee on Water Supplies |
| AD/HD | Attention Deficit/Hyperactivity Disorder |
| ApL(C) | Applied Learning Chinese |
| AQOs | Air Quality Objectives |
| ASBs | Advisory and Statutory Bodies |
| ASCP | The After School Care Programme |
| ASD | Autism spectrum disorders |
| AVP | Anti-violence Programme |
| BD | Buildings Department |
| BDF | Beat Drugs Fund |
| BIP | Batterer Intervention Programme |
| CBMP | Capacity Building Mileage Programme |
| CCC | Child Care Centre |
| CCDs | Comprehensive Child Development Service |
| CCF | Community Care Fund |
| CCPI | Composite Consumer Price Index |
| CE | The Chief Executive |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| CFA | The Court of Final Appeal of Hong Kong |
| CFS | The Centre for Food Safety |
| CHO | Commissioner for Heritage's Office |
| CIBS | Community Involvement Broadcasting Service |
| CIDTP | Cruel, inhuman or degrading treatment or punishment |
| CM | Chinese medicine |
| CMCTRs | Chinese Medicine Centres for Training and Research |
| CMH | Chinese Medicine Hospital |
| CMHPO | Chinese Medicine Hospital Project Office |
| CMM | Chinese Materia Medica |
| CODF | The Cantonese Opera Development Fund |
| CoE | Certificate of Entitlement |
| CoP | Commission on Poverty |
| CSD | Correctional Services Department |
| CSSA | Comprehensive Social Security Assistance |
| DA | Disability Allowance |

| | |
|--------------------|-----------------------------------------------------------------|
| DC | District Council |
| DCVs | Diesel commercial vehicles |
| DDO | Disability Discrimination Ordinance (Cap. 487) |
| DECCs | District elderly community centres |
| DEs/DCUs | Day Care Centres/Units for the Elderly |
| DH | Department of Health |
| DHC | District Health Centre |
| DIC | The Hong Kong Jockey Club Drug InfoCentre |
| DL(MA)B | Discrimination Legislation (Miscellaneous Amendments) Bill 2018 |
| DLR | Discrimination Law Review |
| DM | The “Design Manual: Barrier Free Access 2008” |
| DSCs | District Support Centres for Persons with Disabilities |
| DSS | Direct Subsidy Scheme |
| EAs | Employment agencies |
| EC (Annex 1A only) | The Election Committee |
| EC | Elderly Commission |
| EDB | Education Bureau |
| EffO | Efficiency Office |
| EHCCs | Enhanced Home and Community Care Services |
| eHRs | Electronic health records |
| eHRSS | Electronic Health Record Sharing System |
| EHS | Extended hours service |
| EMs | Ethnic minorities |
| EO | Employment Ordinance (Cap. 57) |
| EOC | Equal Opportunities Commission |
| EP | Educational psychologist |
| EPeM | Employment Programme for the Elderly and Middle-aged |
| EPsDV | Educational Programme on Stopping Domestic Violence |
| ERB | Employees Retraining Board |
| ESA | Employment Services Ambassador |
| ESPP | Elderly Service Programme Plan |
| ESS | Enhanced Support Service for Students with hearing impairment |
| ESTG | Enhanced Speech Therapy Grant |
| FASP | Financial Assistance Scheme for Post-secondary Students |
| FC | Functional Constituencies |
| FCPSUs | The Family and Child Protective Services Units |
| FCSC | Family Crisis Support Centre |
| FDF | Film Development Fund |

| | |
|----------------|-----------------------------------------------------------------------------------|
| FDHs | Foreign domestic helpers |
| FHB | Food and Health Bureau |
| FSDO | Family Status Discrimination Ordinance (Cap. 527) |
| FSP | Fine suspended particulates |
| Funding Scheme | Funding Scheme for Women's Development |
| FWSS | Fee Waiving Subsidy Scheme |
| GC | Gini Coefficient |
| GCE | General Certificate of Education |
| GCMTI | Government Chinese Medicines Testing Institute |
| GCs | Geographical constituencies |
| GCSE | General Certificate of Secondary Education |
| GDP | Gross Domestic Product |
| GFP | Gender Focal Point |
| GM | Graduate Master/Mistress |
| GRS | Government Records Service |
| GSH | Green Form Subsidised Home Ownership Scheme |
| HA | Hospital Authority |
| HAB | Home Affairs Bureau |
| HAD | Home Affairs Department |
| HI | Hearing impairment |
| HI School | School for children with hearing impairment |
| HKADC | Hong Kong Arts Development Council |
| HKAPA | Hong Kong Academy for Performing Arts |
| HKBORO | Hong Kong Bill of Rights Ordinance (Cap. 383) |
| HKCAAVQ | The Hong Kong Council for Accreditation of Academic and Vocational Qualifications |
| HKCMMS | Hong Kong Chinese Materia Medica Standards |
| HKDSE | Hong Kong Diploma of Secondary Education Examination |
| HKMCA | HKMC Annuity Limited |
| HKSAR | Hong Kong Special Administrative Region of the People's Republic of China |
| HOS | Home Ownership Scheme |
| I&T | Innovation and technology |
| ICCMWs | Integrated Community Centres for Mental Wellness |
| ICCPR | International Covenant on Civil and Political Rights |
| ICH | Intangible cultural heritage |
| ICWM | Integrated Chinese-Western Medicine |
| ID | Intellectual disability |
| IE | Integrated education |
| IFSCs | Integrated family service centres |

| | |
|--------------------|----------------------------------------------------------------|
| IGCSE | International General Certificate of Secondary Education |
| IHCS(OC) | Integrated Home Care Services (Ordinary Cases) |
| IHIPs | Indemnity hospital insurance products |
| ImmD | Immigration Department |
| ISCs | Integrated services centres |
| ISS-HK | The International Social Service Hong Kong Branch |
| ITACs | Industry Training Advisory Committees |
| ITB | Innovation and Technology Bureau |
| ITC | Innovation and Technology Commission |
| ITF | Innovation and Technology Fund |
| IWG | Inter-departmental Working Group on Gender Recognition |
| JUPAS | Joint University Programmes Admission System |
| KG | Kindergarten |
| LAB | Labour Advisory Board |
| LCSD | Leisure and Cultural Services Department |
| LD | Labour Department |
| Learning Framework | Chinese Language Curriculum Second Language Learning Framework |
| LegCo | The Legislative Council |
| LIFA | Low-income Working Family Allowance |
| LNRS | Low noise road surfacing |
| LR | Limited Registration |
| LRC | Law Reform Commission |
| LSG | Learning Support Grant |
| LT | Labour Tribunal |
| LTHS | Long Term Housing Strategy |
| LWB | Labour and Welfare Bureau |
| MAW | Minimum Allowable Wage |
| MHCCC | Mutual Help Child Care Centre |
| MI | Mental illness |
| MOI | Medium of Instruction |
| MSW | Municipal Solid Waste |
| MWC | Minimum Wage Commission |
| MWO | Minimum Wage Ordinance (Cap. 608) |
| NC | The Nominating Committee |
| NCD | Non-communicable Diseases |
| NCS | Non-Chinese speaking |
| NECs | Neighbourhood elderly centres |
| NGOs | Non-governmental organisations |
| NLS | Non-means-tested Loan Scheme |

| | |
|----------------------------------|---------------------------------------------------------------------|
| NO ₂ | Nitrogen dioxide |
| NO _x | Nitrogen oxides |
| NPCSC | The Standing Committee of the National People's Congress |
| NSCCP | Neighbourhood Support Child Care Project |
| OAA | Old Age Allowance |
| OALA | Old Age Living Allowance |
| OGCIO | The Office of the Government Chief Information Officer |
| OPRS | On-site Pre-school Rehabilitation Services |
| OT | Occupational therapists |
| OTA | Occupational therapist assistants |
| OWP | One-Way Permit (i.e. Permits for Proceeding to Hong Kong and Macao) |
| PCC | Public Complaints Committee |
| pCm | Proprietary Chinese medicines |
| PCPD | The Privacy Commissioner for Personal Data |
| PE&P | Preventive education and publicity |
| PHFO | The Private Healthcare Facilities Ordinance (Cap. 633) |
| PHFs | Private healthcare facilities |
| Previous Concluding Observations | The Committee's Concluding Observations of May 2014 |
| PRH | Public rental housing |
| PRS | Producer responsibility schemes |
| PSAs | Psychotropic substance abusers |
| QF | Qualifications Framework |
| QPME | Quality Powered Mechanical Equipment |
| R&D | Research and development |
| RAC | Rehabilitation Advisory Committee |
| RCHDs | Residential Care Home for Persons with Disabilities |
| RCHEs | Residential care homes for the elderly |
| RDO | Race Discrimination Ordinance (Cap. 602) |
| RSP | Respirable suspended particulates |
| RTHK | Radio Television Hong Kong |
| RVD | Rating and Valuation Department |
| SBEPS | School-based Educational Psychology Service |
| SBST | School-based speech therapist |
| SBSTS | School-based Speech Therapy Services |
| Scheme-KGs | Kindergartens under Kindergarten Education Scheme |
| SDO | Sex Discrimination Ordinance (Cap. 480) |
| SEC | Standard Employment Contract |

| | |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEN | Special educational needs |
| SENCO | Special Educational Needs Coordinators |
| SH | Starter Homes |
| SIE Fund | Social Innovation and Entrepreneurship Development Fund |
| SLI | Speech and language impairment |
| SMW | Statutory Minimum Wage |
| SO ₂ | Sulphur dioxide |
| SOPCs | Specialist outpatient clinics |
| SPSS | The Self-financing Post-secondary Scholarship Scheme |
| SSA | Social Security Allowance |
| SSFs | Subsidised sale flats |
| SSRC | Special Schools cum Resource Centres |
| SSSDP | Study Subsidy Scheme for Designated Professions/Sectors |
| STE | Support Teams for the Elderly |
| STSS | Student Travel Subsidy Scheme |
| SWD | Social Welfare Department |
| T&R | Treatment and rehabilitation |
| TCAB | Torture Claims Appeal Board |
| The 8.31 Decision | The Decision on Issues Relating to the Selection of the Chief Executive of the HKSAR by Universal Suffrage and on the Method for Forming the Legislative Council of the HKSAR in the year 2016 on 31 August 2014 |
| The Commission | Commission on Children |
| The Committee | The Committee on Economic, Social and Cultural Rights |
| The Covenant | The International Covenant on Economic, Social and Cultural Rights |
| The Government | The HKSAR Government |
| The Interpretation | The Interpretation by the NPCSC of Article 7 of Annex I and Article III of Annex II to the Basic Law of the HKSAR of the People's Republic of China |
| The previous report | The third report of the HKSAR under the Covenant |
| The Report | The fourth report of the Hong Kong Special Administrative Region of the People's Republic of China under the International Covenant on Economic, Social and Cultural Rights |
| TSFS | Tertiary Student Finance Scheme – Publicly-funded Programmes |
| TWP | Two-Way Permit (i.e. Exit-Entry Permit for Travelling to and from Hong Kong and Macao) |
| UA | “Universal Accessibility” |
| UGC | University Grants Committee |
| UNCRPD | United Nations Convention on the Rights of Persons with Disabilities |

| | |
|-----------------|-----------------------------------------------------------------------|
| UNESCO | United Nations Educational, Scientific and Cultural Organization |
| URA | Urban Renewal Authority |
| USM | Unified Screening Mechanism |
| VHIS | Voluntary Health Insurance Scheme |
| VI | Visual impairment |
| VOC | Volatile organic compounds |
| VPET | Vocational and professional education and training |
| VTC | The Vocational Training Council |
| Waste Blueprint | The “Hong Kong: Blueprint for Sustainable Use of Resources 2013–2022” |
| WEEE | Waste Electrical and Electronic Equipment |
| WELS | The Water Efficiency Labelling Scheme |
| WFA | Working Family Allowance |
| WHO | World Health Organisation |
| WKCD | West Kowloon Cultural District |
| WKCDA | West Kowloon Cultural District Authority |
| WoC | Women’s Commission |
| WSA | Whole School Approach |
| WSD | Water Supplies Department |
| WSP | Water Safety Plan |
| YETP | The Youth Employment and Training Programme |

Preamble

1. This is the fourth report of the Hong Kong Special Administrative Region of the People's Republic of China (HKSAR), under the International Covenant on Economic, Social and Cultural Rights (the Covenant) (the Report). It forms part of the third periodic report of China under the Covenant. It updates the Committee on Economic, Social and Cultural Rights (the Committee) on developments since the submission of the third report of the HKSAR (the previous report), which formed part of China's second report submitted in June 2010. It also responds to the Committee's Concluding Observations of May 2014 (previous Concluding Observations) which were adopted after the Committee had considered the previous report earlier that month.
2. In preparing the Report, the HKSAR Government (the Government) has, in accordance with established practice, invited the public to submit their views on the Government's implementation of the Covenant in respect of the topics covered in the report outline and suggest additional topics that ought to be included in the Report from 24 December 2018 to 4 February 2019.
3. The outline was discussed at the Panel on Constitutional Affairs of the Legislative Council (LegCo), and representatives of interested non-governmental organisations (NGOs) were invited to attend. We have carefully considered the views received in drafting the Report. Issues raised by commentators, together with the respective responses of the Government where applicable, have been incorporated in the relevant sections of the Report.

Article 1: Progress and development of democracy

4. The HKSAR is established under the principle of "one country, two systems". As stipulated in Articles 1 and 2 of the Basic Law, the HKSAR is an inalienable part of the People's Republic of China and enjoys executive, legislative and independent judicial power, including that of final adjudication.
5. Since the establishment of the HKSAR, the Central Authorities have been upholding Hong Kong's high degree of autonomy, supporting the Government to act according to law, and respecting Hong Kong's judicial independence in accordance with the principle of "one country, two systems" and the Basic Law. Human rights and freedom are fully protected by the Basic Law, Hong Kong Bill of Rights Ordinance (Cap. 383) (HKBORO) and other laws. Judicial independence is guaranteed by the Basic Law. The courts of HKSAR exercise judicial power independently and free from interference. The Government spares no effort in preserving the rule of law and freedom, being Hong Kong's two core values.
6. Hong Kong is the world's freest economy, a vibrant international financial and business centre, a thriving logistics and tourism hub, as well as one of the safest cities in the world. We are committed to building a caring and fair Hong Kong, with the Government investing heavily in education, medical services, welfare, infrastructure, poverty alleviation and helping the ethnic minorities (EMs). These remarkable achievements are underpinned by our core values and unique institutional strengths.
7. The executive authorities, the legislature and the judiciary of the HKSAR will continue to discharge their respective duties in accordance with the Basic Law.
8. We have continued our effort in taking forward Hong Kong's constitutional development since our previous report and substantial progress has been made. For details, please refer to Annex 1A.

Article 2: Progressive realization of the rights recognized in the Covenant and the exercise of those rights without discrimination

Domestic applicability of the Covenant

9. The Committee noted that the Covenant has not been incorporated in the legislation of the HKSAR and that its provisions are thus not directly applicable by courts and

tribunals. The Committee recommended Hong Kong to take all appropriate measures to incorporate the provisions of the Covenant in domestic legislation and to guarantee their direct applicability by the domestic courts.

10. There is no single law – similar to the HKBORO which corresponds to the provisions of the International Covenant on Civil and Political Rights (ICCPR) as applied to Hong Kong – that directly incorporates the Covenant into Hong Kong’s domestic legislation. But we consider that it is neither necessary nor appropriate to incorporate all the provisions of the Covenant directly into the laws of Hong Kong.

11. Although both the rights recognized in the Covenant and those recognized in the ICCPR are fundamental human rights, they are different in nature. Many of the rights enunciated in the Covenant are given protection under the Basic Law (for example, Articles 27, 34, 36, 37, 137, 140, 144 and 145) as well as various legislative measures. Relevant examples are listed at Annex 2A.

12. We consider that a sectoral approach with specific measures to deal with different fields covered by the Covenant could more effectively protect Covenant rights than the mere reiteration in domestic law of the Covenant provisions.

Discrimination Law Review (DLR)

13. The Equal Opportunities Commission (EOC) (see Annex 2B) is tasked with implementing the four anti-discrimination ordinances, namely, Sex Discrimination Ordinance (Cap. 480) (SDO), Disability Discrimination Ordinance (Cap. 487) (DDO), Family Status Discrimination Ordinance (Cap. 527) (FSDO) and Race Discrimination Ordinance (Cap. 602) (RDO). One of the EOC’s functions is to keep under review the working of the four Ordinances and, either when required by the Chief Executive (CE) or as the EOC thinks it necessary, draw up and submit to the CE proposals for amending the Ordinances. In March 2016, the EOC made submissions on the DLR containing a total of 73 recommendations to the Government. 27 recommendations are considered by the EOC to be of higher priority. The HKSAR Government consulted the Panel on Constitutional Affairs on those recommendations that were considered to be capable of driving consensus among society in March 2017, and the Panel supports the Government to implement eight recommendations of priority (see Annex 2C).

14. The Government introduced the Discrimination Legislation (Miscellaneous Amendments) Bill 2018 (DL(MA)B) to the LegCo in late 2018 to take forward the eight recommendations. The Government is working with EOC to prepare for implementation of DL(MA)B.

Legislation against racial discrimination

15. The RDO, which came into full operation in 2009, aims to protect the rights of individuals against discrimination, harassment and vilification on the ground of race. Please see Annex 2D for details.

16. As mentioned in paragraph 2.6 above, the Government has introduced DL(MA)B to take forward certain recommendations of priority. Among the eight recommendations to be implemented by DL(MA)B, six are related to RDO.

17. In paragraph 41 of the previous Concluding Observations, the Committee reiterated elimination of discriminatory practices against new arrivals from the Mainland of China. As a matter of fact, the RDO applies equally to all persons in Hong Kong, including new arrivals from the Mainland and protects them from racial discrimination. This group and the majority of permanent residents of Hong Kong are of the same ethnic origin. The differences among some in accent, dialect or personal habits do not distinguish them as a separate racial group. Various policy bureaux and departments have been providing services, such as education support, employment counselling, social welfare, housing etc., to facilitate their adaption and early integration into the community.

Discrimination on the grounds of sexual orientation and gender identity

18. In paragraph 41 of the previous Concluding Observations, the Committee urged the HKSAR to ensure that lesbians, gays, bisexuals and transgender persons are able to fully enjoy their economic, social and cultural rights without any discrimination. The Government is committed to promoting equal opportunities for people of different sexual orientations and transgender persons, with a view to fostering the culture and values of inclusiveness, mutual respect and non-discrimination.

19. In December 2015, the Advisory Group on Eliminating Discrimination against Sexual Minorities (Advisory Group), which comprised non-officials from the sexual minority community, academic field, business community and the LegCo, submitted a report to the Government, recommending strategies and measures in five areas, which included: (a) preparing training resources for personnel in specific fields having more direct interactions with sexual minorities, namely, medical and healthcare professionals; social workers; human resources professionals; and teachers to enhance their understanding and sensitivity towards sexual minorities; (b) drawing up a charter on non-discrimination for voluntary adoption by employers; providers of goods, facilities and services; landlords/agents in charge of disposal and management of premises; and schools; (c) enhancing public education and publicity to promote the message of non-discrimination against sexual minorities; (d) reviewing and reinforcing relevant support services; and (e) conducting a further study on the experience of legislative and non-legislative measures of other jurisdictions to map out the way forward.

20. The Government has been actively taking forward the Advisory Group's recommendations. The Government enhances public education and publicity to promote the message of "Eliminate Discrimination, Embrace Inclusion" for people of different sexual orientations and transgender persons, by broadcasting promotional video and audio on television and radio, in public transport network, various government premises, as well as on the internet and other media. In the past five years, we allocated over \$13 million (all monetary figures in this Report are in Hong Kong currency) for public education and publicity as well as over \$4.5 million to the Equal Opportunities (Sexual Orientation) Funding Scheme to provide funding support for related community projects. We have been actively introducing the Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation to employers. So far, over 300 organizations employing a total of more than 500 000 employees have adopted the Code.

21. Regarding the support for sexual minorities, a 24-hour hotline operated by a local charitable organization and subsidized by the Government was launched in January 2018 to provide easily accessible support, counselling and referral services for sexual minorities. Over 2 400 calls have been received by the hotline since January 2018. We provided training resources for medical and healthcare professionals in December 2018 to enhance their knowledge of and sensitivity towards sexual minorities while training resources targeting social workers, human resources professionals and teachers will be rolled out in due course. We are also drawing up a charter on non-discrimination of sexual minorities covering various domains for voluntary adoption by service providers.

22. The society is deeply divided as to whether legislation should be introduced to prohibit discrimination on grounds of sexual orientation and gender identity. On the one hand, there are views that the Government should introduce legislation to safeguard equal opportunities for sexual minorities. On the other hand, there are strong views that the introduction of legislation will impact on traditional family values and freedom of religious belief. In view of the complex and highly controversial nature of this issue, the Government is conducting a further study on the experience of other jurisdictions in legislative and non-legislative measures to facilitate a more in-depth discussion in the community on whether legislation should be introduced.

23. Regarding the issue of gender recognition, please refer to Annex 2E.

Eliminating age discrimination in employment

24. The Government encourages employers to "Count On Talent, Not Age In Employment" and use consistent selection criteria to assess the abilities of job seekers and

employees. The Labour Department (LD) has issued the Practical Guidelines for Employers on Eliminating Age Discrimination in Employment, setting forth the best practices for eliminating age discrimination in recruitment and workplace. To enhance public awareness and the importance of eliminating age discrimination in employment, the Government has been promoting equal employment through various measures, such as broadcasting announcements of public interest in the digital media and distributing the Practical Guidelines and leaflets to the public and employers.

Protection for persons with disabilities

25. The Government has been launching various public education programmes and publicity campaigns with a view to raising public awareness of the rights and equal opportunities under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

26. Since 2012–13, the Labour and Welfare Bureau (LWB) has increased the annual budget of public education programme from \$12 million to \$13.5 million to organize territory-wide major publicity activities and to provide funding support for NGOs and District Councils to conduct diversified public education activities to promote the UNCRPD, including an inclusive society, youth's awareness and wider use of sign language. Measures taken by the Government on promotion of inclusion of persons with disabilities and employment support are set out at Annex 2F.

Non-refoulement claimants

27. In paragraph 42 of the previous Concluding Observations, the Committee expressed concern on refugees and asylum seekers. It should be noted that Hong Kong is a small city with a dense population, a long coastline, a liberal visa regime, a large number of visitors, and is a transportation hub in the region. This makes Hong Kong particularly vulnerable to the adverse effect of illegal immigration. Therefore, the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol have never applied to Hong Kong, and illegal immigrants seeking non-refoulement protection in Hong Kong will not be treated as "asylum seekers" or "refugees". The Government maintains a firm policy of not determining or recognizing refugee status of anyone.

28. Since March 2014, the Government has screened non-refoulement claims pursuant to the Unified Screening Mechanism (USM): illegal immigrants and overstayers who are liable to be removed to their home countries may raise objection to the removal on the applicable grounds, including where they face a real risk of being tortured, ill-treated or persecuted on return.

29. In 2004 and 2012, the Court of Final Appeal (CFA) ruled that the handling of non-refoulement claims on such grounds as torture and cruel, inhuman or degrading treatment or punishment (CIDTP) must meet high standards of fairness. Procedures of USM observe such standards. Claimants have every reasonable opportunity and all necessary professional support throughout the assessment process, including publicly-funded legal assistance and interpretation/translation services provided by qualified persons, from the stage of completing a claim form to attending an interview for elaborating their claim before a case officer; and medical examination if the alleged physical or mental condition of the claimant is in dispute and is relevant to the claim. Thereafter, the Immigration Department (ImmD) will inform the claimants of its decision and detailed reasons in writing. Claimants aggrieved by ImmD's decision have a right to lodge an appeal, which would be considered by the statutory and independently operated Torture Claims Appeal Board (TCAB), members of which include former judges or magistrates and experts in the field from other jurisdictions.

30. The determination of whether a claim is to be substantiated depends entirely on the particular facts and merits of a case. If, based on the grounds and the facts submitted by the claimant and other relevant information available, there are substantial grounds for believing that the claimant would be in danger of being subjected to torture, an absolute and non-derogable right under the Hong Kong Bill of Rights being violated (e.g. being subjected to cruel, inhuman or degrading treatment or punishment, or arbitrary deprivation

of life), or persecution, then ImmD or TCAB will accept the non-refoulement claim as substantiated. Otherwise, the claim will be rejected. If a non-refoulement claim is rejected, the claimant will be removed to his country of origin.

31. The Government commenced the comprehensive review of the strategy of handling non-refoulement claims in early 2016. Please refer to Annex 2G for details. Issues relating to permission to work in Hong Kong and Government's humanitarian assistance are set out in Annex 2H.

Human rights institution

32. In paragraph 40 of the previous Concluding Observation, the Committee reiterated its recommendation to establish a human rights institution with a broad mandate, which was echoed by some local commentators.

33. Human rights in HKSAR are fully protected by the Basic Law, the HKBORO and other relevant legislation. These are buttressed by the rule of law and an independent judiciary. There is also an existing institutional framework of statutory organizations which helps promote and safeguard various rights, including the EOC, the Office of the Privacy Commissioner for Personal Data (PCPD), the Office of the Ombudsman, and the legal aid services. The Government's performance in promoting and safeguarding human rights is open to public scrutiny through regular reports to the United Nations and under the scrutiny of the LegCo, the media and various NGOs.

34. The Government considers that the existing mechanism has worked well and that there is no need to establish an additional human rights institution which would duplicate the functions and work of the existing mechanism.

Article 3: Equal rights of men and women

Convention on the Elimination of All Forms of Discrimination against Women and Women's Commission

35. We have simultaneously prepared the fourth report of the HKSAR under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) at the time of finalizing this Report. Our CEDAW report will form part of the People's Republic of China's report under that Convention.

36. Since the last report, Women's Commission (WoC) has stepped up efforts in promoting women's development, women's participation in public affairs and gender mainstreaming. In 2018, WoC has embarked on a re-organization of its structure and examined the priority work areas to better focus its efforts and resources on areas that require attention. Highlights of WoC's work are set out in Annex 3A.

37. WoC receives Government funding to implement its programmes and secretarial support from LWB. LWB's actual expenditure in this respect increased by about 27.4% from \$24.8 million in 2011–12 to about \$31.6 million in 2017–18.

Legal Protection from Sex Discrimination and Sexual Harassment

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

39. The Government has introduced in 2018 the DL(MA)B to prohibit discrimination on the ground of breastfeeding and expanding the scope of protection from sexual harassment to persons in a common workplace.

HKMC Annuity Plan

40. The HKMC Annuity Plan is a long-term insurance product. The insured can start receiving a lifetime guaranteed stream of fixed income immediately after paying a single premium. To be fair, there is a need to determine the monthly annuity payouts by reference to objective statistical data of life expectancy for different types of insureds.

41. Some commentators were concerned that the different investment returns for men and women based on their differences in life expectancy was inconsistent with gender equality. In general, the longer the life expectancy of the insured is, the lower the amount of the guaranteed monthly annuity payout will be. Men's life expectancy is lower than that of a female; hence the amount of the guaranteed monthly annuity payout to be paid to a male insured is higher than that of a female insured. Despite the difference in the annuity payout, the expected rate of return is the same for both male and female insured under the Plan considering the longer life expectancy of female. The above treatment is thus not unfair.

42. The level of monthly annuity payout was calculated by HKMC Annuity Limited (HKMCA) based on actuarial analysis using objective statistical data, including life expectancy data of male and female. The analysis was based solely on prudent commercial and risk management principles. Hence, the Plan was not structured to sex discrimination. The HKMCA will monitor Hong Kong's demographic trend including the change in female and male life expectancy and make appropriate adjustments when necessary.

43. The SDO also provides that it is not in contravention of the ordinance if the treatment of a person in relation to insurance business involves the assessment of risk, where the treatment was affected by reference to data from a source on which it was reasonable to rely. As the Plan is an insurance product and the treatment of different monthly annuity payouts for men and women was based on reasonable commercial and risk management principles, the Plan is not in contravention of the SDO.

The "Small House Policy"

44. Given that the Small House Policy is currently the subject of a judicial review, the Government is not in a position to make any public comment on related issues. We will keep in view the development of the judicial review.

Article 4: Permissible limitation of Covenant rights

45. The position for Article 4 remains as reported in paragraph 4.1 of the previous report. The Government does not subject the rights provided under the Covenant to any limitations other than those provided for in law. Such limitations, where they exist, are compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a free society.

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

46. The position for Article 5 remains as reported in paragraph 5.1 of the previous report. That is, the Government imposes no restrictions upon and makes no derogations from any fundamental human rights on the pretext that such rights are not recognized, or are only partly recognized, by the Covenant.

Article 6: Choice of occupation and labour rights

47. The relevant constitutional protections, statutes, and policies remain as explained in paragraphs 41 and 42 of the initial report. The updated employment statistics are set out at Annex 6A.

Employment services

48. LD provides convenient and free employment services to all job seekers through its job centres, industry-based recruitment centres, Telephone Employment Service Centre, Interactive Employment Service website and its mobile application, Higher Education Employment Information e-Platform and vacancy search terminals. LD also encourages employers, through the provision of financial incentives, to engage job seekers with special needs and provide them with on-the-job training or offer them work trials. Since the previous report, LD has implemented a number of new initiatives as set out at Annex 6B.

Youth employment services

49. As a global phenomenon, unemployment rates of young people (particularly those with relatively low educational attainment and limited work experience) are consistently higher than that of adults. Hong Kong is no exception. To enhance the employability of young people, LD has administered the Youth Employment and Training Programme (YETP) to provide a full range of pre-employment and on-the-job training to young people aged between 15 to 24 with educational attainment at sub-degree level or below. An introduction of YETP and its enhancements are set out at Annex 6C. Since September 2009 till end of 2018, more than 77 000 young people had enrolled in YETP.

50. The two Youth Employment Resource Centres set up by LD provide one-stop service on employment and self-employment to young people aged between 15 and 29. The two centres serve over 70 000 youths each year.

Vocational training

51. As set out in paragraph 6.11 of the previous report, Employees Retraining Board (ERB) retrains job-seeking or switching workers to acquire new skills and to seek re-employment. Since its inception in 1992 and by end-2018, ERB provided a total of about 2.6 million training places. For the past three years, the overall placement rate of trainees was about 83%. For details, please see Annex 6D.

52. As set out in paragraph 6.14 of the previous report, the Vocational Training Council (VTC) is a main provider of, and adviser to the Government on policies relating to vocational training. In 2017/18 school year, the 14 institutions offered about 19 900 full-time and part-time places. Please see Annex 6E for details.

53. The position in paragraph 6.15 of the previous report relating to apprenticeship remains valid. The VTC administers the Apprenticeship Scheme in accordance with the Apprenticeship Ordinance (Cap. 47) to regulate the training and employment of registered apprentices. As at the end of 2018, there were 5 208 registered apprentices under the scheme.

Protection of employees against unreasonable dismissal

54. The position concerning the measures for protecting employees against unreasonable dismissal remains as explained in paragraph 6.16 of the previous report. To enhance protection for employees, the Government implemented the Employment (Amendment) (No. 2) Ordinance 2018 in October 2018 to empower the Labour Tribunal (LT) and the courts, in the case of an employee having been unreasonably and unlawfully dismissed, to make a compulsory order for reinstatement or re-engagement of the employee without having to first secure the agreement of the employer. Should the employer fail to reinstate or re-engage the employee as required by the order, the employer shall pay to the employee a further sum, amounting to three times the employee's average monthly wages and subject to a ceiling of \$72,500, on top of the existing monetary remedies payable to the employee as ordered by the LT. The employer commits a criminal offence if he/she wilfully and without reasonable excuse fails to pay the further sum.

Importation of labour

55. Hong Kong adopts a liberal immigration regime towards the admission of talent and professionals. Various talent admission schemes are in place to facilitate the admission of

talent and professionals needed in the local labour market. In addition to the talent admission schemes mentioned in paragraph 6.18 of the previous report, the Admission Scheme for the Second Generation of Chinese Hong Kong Permanent Residents was launched in May 2015 to attract the second generation of Chinese Hong Kong permanent residents who have emigrated overseas to return. In June 2018, the Technology Talent Admission Scheme was introduced to provide a fast-track arrangement for eligible technology companies/institutes to admit technology talent to undertake research and development work in Hong Kong. Hong Kong admitted more than 60,000 persons under various talent admission schemes in 2017 and 2018 respectively.

56. As regards the Supplementary Labour Scheme, the position remains as mentioned in paragraph 6.19 of the previous report. As at 31 December 2018, about 5,300 imported workers were employed in Hong Kong under the Scheme.

Right to work: concerns about discrimination

57. The position with respect to discrimination on the grounds of race, sexual orientation and age is addressed in paragraphs 2.7 to 2.16 of this Report in respect of Article 2.

Article 7: Right to enjoy just and favourable conditions of work

Statutory Minimum Wage

58. The Minimum Wage Ordinance (Cap. 608) (MWO) establishes a Statutory Minimum Wage (SMW) regime which provides a wage floor to forestall excessively low wages without unduly jeopardizing Hong Kong's labour market flexibility, economic growth and competitiveness or causing significant loss in low-paid jobs.

59. The SMW rate has been increased three times from \$28 per hour in 2011 to \$34.5 in 2017. The CE in Council has adopted the recommendation of Minimum Wage Commission (MWC) to raise the SMW rate to \$37.5 per hour in October 2018. The revised SMW rate will come into force on 1 May 2019. Work relating to the review of SMW rate is set out at Annex 7A.

Employment protection: employees' rights and benefits

60. The various statutory rights and benefits under the Employment Ordinance (Cap. 57) (EO) remains largely the same as explained in paragraphs 7.7 to 7.16 of the previous report. For continuous contract requirement under the EO, wage default offences and rehabilitation services, please see Annex 7B.

Protection and support for foreign domestic helpers

61. The Committee expressed concern in its previous Concluding Observations on the working conditions of foreign domestic helpers (FDHs) and the legal protection offered to them. We emphasize that the Government attaches great importance to protecting the rights of FDHs. FDHs enjoy the same rights and protection as local workers under Hong Kong's labour laws regardless of their nationality or race. FDHs also enjoy additional rights and benefits.

62. Hong Kong's labour laws, including the two pieces of major legislation, the EO and the Employees' Compensation Ordinance (Cap. 282), are applicable to both local workers and FDHs. As such, FDHs enjoy the same labour rights and protection as local workers, e.g. rest days, statutory holidays, paid annual leave, maternity protection, sickness allowance, severance payment, long service payment, etc.

63. Apart from statutory protection, FDHs in Hong Kong are protected by a Standard Employment Contract (SEC) prescribed by the Government. It is a mandatory contract for hiring FDHs. The SEC sets out the basic employment terms that employers must provide, including a wage level not lower than the prevailing rate of the Minimum Allowable Wage (MAW), provision of free accommodation, free food (or food allowance at a level not

lower than the prevailing rate), free medical treatment and free passage to/from the places of origin. These benefits are not usually available to local workers.

64. The Committee expressed concern in the previous Concluding Observations that FDHs are excluded from the MWO. All live-in domestic workers, irrespective of their nationality and whether they are local or migrant workers, are exempted from the MWO. One of the major considerations for the exemption is that live-in domestic workers reside and work in the employer's home, which renders calculating and recording working hours practically impossible, while SMW is set on an hourly basis. Such exemption does not render FDHs, who are live-in domestic workers, less protected than non-live-in workers. This is because FDHs enjoy, on top of wages, in-kind benefits such as free accommodation, free food (or food allowance) and savings from transport. Thus, the exemption of FDHs from the MWO is fully justified.

65. The above said, the Government stipulates MAW which has been in place since the early 1970s and has been proven effective in giving wage protection to FDHs. Underpaying wages against MAW is an offence under the EO and the employer is liable to, upon conviction, a maximum fine of \$350,000 and imprisonment for three years. MAW is currently set at \$4,520 per month and subject to regular reviews.

66. Since the inception of MAW and until 2018, there have been 32 adjustments, among which all but two were upward adjustments. In reviewing MAW, the Government adheres to a long-established mechanism and would take account of, inter alia, the general economic condition and employment situation in Hong Kong.

67. Furthermore, the Crimes Ordinance (Cap. 200) and the Offences against the Person Ordinance (Cap. 212) also apply to FDHs to protect them against violence. Eligible FDHs may apply for legal aid provided by the Government.

68. LD takes rigorous enforcement action and extensively publicizing the statutory rights of employees (including FDHs) and the responsibilities of employers under the EO. If the employment rights of FDHs are infringed, they may approach LD for free consultation and conciliation services. LD rigorously enforces the EO to tackle against wage offences. Prosecution action will be taken where there is sufficient evidence of a breach. In 2018, LD secured a total of six convicted summonses against FDH employers for non-payment/underpayment of wages or illegal deduction of wages.

69. To strengthen regulation of employment agencies (EAs), including those providing FDH placement services, LD promulgated the Code of Practice for Employment Agencies in January 2017 for compliance by the industry. Furthermore, the Employment (Amendment) Ordinance 2018 which came into effect on 9 February 2018 has substantially raised the maximum penalties for EAs committing the offences of overcharging job seekers and unlicensed operation from a fine of \$50,000 to \$350,000 and imprisonment for three years, and extended the statutory time limit for prosecution of the said offences from six to 12 months. It has also widened the scope of the overcharging offence to include (in addition to the licensee) the management as well as persons employed by EAs, provided new grounds for the Commissioner for Labour to refuse to issue/renew or revoke EA licences, and provided a legal basis for the Code of Practice. Since the promulgation of the Code of Practice in January 2017 until end-2018, LD has issued 58 written warnings and served 2 128 verbal warnings to EAs for non-compliance with the Code of Practice, and revoked or refused to issue/renew the licences of 17 EAs. In the same period, 21 EAs were convicted under the EO for overcharging FDHs, unlicensed operation, etc.

70. To enhance transparency of the operation of the industry, LD publishes on its EA Portal (www.eaa.labour.gov.hk) records of convictions of overcharging or unlicensed operation, revocation/refusal of renewal of licence, as well as written warnings issued to EAs. An online form is also available on the EA Portal for job seekers (including FDHs) and employers to make enquiries or complaints about EAs.

71. LD organises a host of publicity and promotional activities every year to raise the awareness of both FDHs and employers about their statutory and contractual rights and obligations. The activities include: collaborating with respective consulates-general on briefing sessions for newly arrived FDHs, staging information kiosks, screening publicity

videos, distributing information packs and souvenirs to FDHs, and placing advertisements in local Filipino and Indonesian newspapers (nationals from the Philippines and Indonesia form more than 97% of the FDH population in Hong Kong). In 2018, LD published a new guide to FDH employers to explain to them their rights and obligations, and a newsletter to inform them of LD's services and support channels. LD also organised briefings for newly arrived FDHs and first-time employers to raise the awareness of their respective rights and obligations. LD also enhanced its online resources, including providing a new online form and a dedicated email account on the FDH Portal (www.fdh.labour.gov.hk), and adding six FDH languages on the Portal, making 12 languages in total. A dedicated 24-hour hotline, with interpretation service provided in seven languages, has also been set up to provide one-stop support service to FDHs.

72. The "two-week rule" is necessary for maintaining effective immigration control. It helps to prevent frequent job-hopping and FDHs working illegally after premature termination of contracts. This does not preclude FDHs from working in Hong Kong again after returning to their places of origin. The cost of return flight is fully borne by the employer as stipulated under the SEC and flexibility is allowed. Where the employer is unable to continue with the contract due to external transfer, migration, death or financial reasons, or where there is evidence suggesting that the FDH has been abused or exploited, the ImmD may exercise discretion to permit the FDHs concerned to change employment without having to first return to their places of origin.

73. The Committee recommended the Government to repeal the "live-in requirement" in the previous Concluding Observations. The "live-in requirement" is the cornerstone of the Government's policy on importation of FDHs. As in many jurisdictions in the world, it has been the Government's established policy that priority in employment should be given to the local workforce, and importation of workers should only be allowed where there is confirmed manpower shortage in a particular trade that cannot be filled by local workers. Based on this principle, FDHs have been imported since the early 1970s to meet the shortfall of local live-in domestic workers. Any change to the "live-in requirement" will go against the rationale for importing FDHs and the policy that local employees should enjoy priority in employment. As stipulated in the SEC, employers are required to provide their FDHs with suitable accommodation with reasonable privacy. Employers who fail to do so may have their applications for employing FDHs refused.

74. The Committee recommended the Government to provide effective mechanism for reporting abuse and monitoring the working conditions of FDHs in the previous Concluding Observations. The Government does not tolerate any abuse of FDHs, and encourages FDHs who suspect their rights being infringed to seek assistance as soon as possible so that relevant government departments can investigate and follow up. The paragraphs above have set out in detail the labour protection afforded to FDHs, enforcement actions, work on regulating EAs and support provided to FDHs by the Government. LD also proactively organizes publicity activities to enhance FDHs' awareness of channels for seeking assistance. Apart from the online enquiry/complaint forms on the dedicated FDH and EA Portals, FDHs may also visit any of the ten branch offices of LD's Labour Relations Division or call LD's 24-hour hotline to make enquiries and lodge complaints about matters related to their employment rights and benefits and EAs.

Employment protection for women

75. The general legislative protection against discrimination in the employment field remains unchanged. In general, women and men enjoy the same rights to participate in the labour force and in the jobs of their choices. These rights are protected and ensured by the SDO.

76. As mentioned in paragraph 7.39 of the previous report, EOC has drawn up two sets of Code of Practice on Employment to provide practical guidance in facilitating compliance with the SDO and FSDO by the public. The EOC is reviewing the Code of Practice on Employment issued under the SDO, including its content about the Equal Pay for Work of Equal Value principle, with an aim to draw on the experiences and relevant cases to strengthen the guidelines.

Paternity leave

77. The Government implemented in January 2019 the Employment (Amendment) (No. 3) Ordinance 2018, which increased the statutory paternity leave under the EO from three days to five days. Male employees with child born on or after 18 January 2019 are entitled to five days' paternity leave and paternity leave pay for each confinement of their spouse/partner if they fulfil other requirements as stipulated in the law.

Safe and healthy working conditions

78. LD administers the Occupational Safety and Health Ordinance (Cap. 509), the Factories and Industrial Undertakings Ordinance (Cap. 59) and their subsidiary regulations; and continue to safeguard the occupational safety and health of employees at work in all industries through inspection and enforcement, publicity and promotion, as well as education and training. LD will fine-tune its strategies from time to time with regard to the prevailing occupational risk profile.

Prevention of accidents and diseases in the workplace: legal protections

79. In 2014, the Government amended the Factories and Industrial Undertakings (Asbestos) Regulation (Cap. 59AD) to tighten the control of using asbestos in industrial undertakings, including prohibition on carrying out work with asbestos in industrial undertakings, regulating the removal or disposal of asbestos, and raising the penalties of several offences related to using asbestos or carrying out work with asbestos. A duty holder who contravenes the relevant regulation without reasonable excuse is liable to a maximum fine of \$200,000 and imprisonment for six months. The position on other issues remains as explained in paragraphs 7.46 to 7.49 of the previous report.

80. The Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360) and the Occupational Deafness (Compensation) Ordinance (Cap. 469) continue to provide compensation for persons suffering from pneumoconiosis and/or mesothelioma and occupational deafness respectively. Details are set out in Annexes 7C and 7D.

Article 8: Right to trade union membership**Trade Unions Ordinance (Cap. 332)**

81. The position remains as explained in paragraphs 120 to 126 of the initial report.

Legal protection against anti-union discrimination under the Employment Ordinance (EO)

82. The Committee recommended in its previous Concluding Observations the reinstatement of trade unionists dismissed for participating in trade-union activities. In addition to the criminal liability of employers for dismissing, penalizing or discriminating against employees for exercising their rights to trade union membership and to take part in trade union activities as explained in paragraph 128 of the initial report, as mentioned in paragraph 6.8 above, employees' protection under the EO has been enhanced such that where an employee is dismissed unreasonably and unlawfully due to exercising union rights, the court or the LT may make an order for reinstatement or re- engagement without the need to secure the employer's agreement.

Number and membership of trade unions

83. As at 31 December 2017, the number and declared membership of employees' unions in the HKSAR are set out at Annex 8A.

Promotion of effective communication, consultation and voluntary negotiation between employers and employees

84. As regards the Committee's recommendation in its previous Concluding Observations on adopting legislation on collective bargaining, it is the firm belief of the

Government that collective bargaining, if it is to be effective, should be voluntary. There is no consensus in the community on introducing compulsory collective bargaining by legislation. LegCo had vetoed calls for compulsory collective bargaining five times in the past.

85. Effective tripartite consultations are conducted in HKSAR through the Labour Advisory Board (LAB) which advises the Government on labour matters, with representatives of employers and employees, and the Government participating on an equal footing. The method of returning employee representatives to sit on LAB through election by all registered employee unions is transparent, well-tested and widely accepted by the labour sector. LD has been encouraging and promoting voluntary negotiation and effective communication between employers and employees or their respective organizations at both the industry and enterprise levels. Please see Annex 8B for details.

86. The Government's approach of promoting voluntary and direct negotiations between employers and employees or their respective organizations has proved to be effective. Voluntary negotiation between employers and employees, underpinned by the conciliation service provided by LD, has contributed to the harmonious labour relations. The average number of working days lost due to strike in the past 10 years was 0.56 day per 1,000 salaried employees and wage earners per year, which remains one of the lowest in the world.

The right to strike

87. The position remains as explained in paragraphs 8.8 to 8.9 of the previous report.

Article 9: Right to social security

An overview of the social security system in Hong Kong

88. The Government has put in place a non-contributory social security system, which comprises the Comprehensive Social Security Assistance (CSSA) Scheme and the Social Security Allowance (SSA) Scheme, to meet the basic and special needs of our citizens. Social security recipients may choose to receive either CSSA or any one type of payment under the SSA Scheme according to their needs. The social security payment rates and limits of relevant financial tests (if applicable) are adjusted annually to reflect price changes. Since 2010, the rates have been cumulatively adjusted upwards by about 35%.

89. The estimated recurrent expenditure on the CSSA and SSA Schemes is estimated to reach around \$52 billion, accounting for around 13% of the total recurrent spending of the Government. The amount has doubled as compared to the \$26 billion in 2009–10.

90. The CSSA Scheme aims to provide a safety net for those who cannot support themselves financially for various reasons (such as old age, disability, illness, unemployment, low earnings, etc.). Different groups of CSSA recipients receive standard payment at different rates, supplements (such as single parent supplement, community living supplement, transport supplement and residential care supplement, etc.) and special grants (such as rent allowance, medical and rehabilitation grants, etc.). Free public medical services are also provided for all CSSA recipients. The latest position is set out at Annex 9A.

91. In response to paragraph 45 of the previous Concluding Observations about the residence requirement of the CSSA Scheme, we wish to highlight that the Government has relaxed the relevant requirement pursuant to the ruling by the CFA in 2013.¹ In general terms, apart from satisfying all other prevailing eligibility criteria, a person who meets the one-year residence requirement, instead of the previous requirement of seven years, is eligible for CSSA. The requirement is to ensure that allowances are only granted to people who have a genuine and long-term connection with Hong Kong. It strikes a balance between the interests of various sectors of the community, having regard to the long-term

¹ See *Kong Yunning v Director of Social Welfare* (2013) 16 HKCFAR 950. The CFA ruled that the previous seven-year residence requirement for CSSA was unconstitutional.

sustainability of our social security system and the need for a rational basis on which our public resources are allocated. Nevertheless, in exceptional circumstances, CSSA may be granted at the discretion of the Director of Social Welfare to persons who do not satisfy the residence requirement. As in the past, persons under the age of 18 are also exempt from the residence requirement.

92. The CSSA Scheme also encourages able-bodied persons to engage in employment so as to achieve self-reliance. Further to the enhanced Support for Self-reliance Scheme mentioned in paragraphs 9.14 to 9.16 of the previous report, the Government launched the Integrated Employment Assistance Programme for Self-reliance in January 2013 to consolidate and enhance the various employment assistance services with a view to further promoting self-reliance and assisting able-bodied unemployed CSSA recipients to rejoin the work force.

93. The SSA Scheme provides different allowances to cater for the varying needs of recipients. For details, please see Annex 9B. In 2018–19, the estimated recurrent expenditure on SSA is about \$32 billion, which increased by around 300% as compared to the \$8 billion in 2009–10.

Protection of wage payment and statutory rights and benefits

94. The position regarding protection of wage payment and statutory rights and benefits remains largely as explained in paragraphs 9.22 to 9.27 of the previous report. The Employment (Amendment) Ordinance 2010 was enacted in October 2010 to enhance wage protection for employees: an employer is liable to prosecution, and is subject to a maximum penalty of \$350,000 and imprisonment for three years, if he/she wilfully and without reasonable excuse fails to pay any sum awarded by the LT or Minor Employment Claims Adjudication Board comprising wages and entitlements underpinned by criminal sanctions under the EO.

Employees' compensation

95. The general position remains as explained in paragraphs 9.28 to 9.31 of the previous report. The Government adjusts the levels of compensation under the Employees' Compensation Ordinance (Cap. 282) every two years where appropriate, according to the mechanism. The present levels of compensation are set out at Annex 9C.

96. Details relating to compensation for pneumoconiosis and mesothelioma, and occupational deafness are set out at Annexes 7C and 7D.

Retirement benefits and protection

97. The HKSAR is adopting a multi-pillar retirement protection system comprising the publicly-funded social security system, privately managed mandatory occupation-based contributory system (including the Mandatory Provident Fund System), voluntary savings, and public services, family support and personal assets. The Government has been implementing measures to enhance the effectiveness of each pillar so that they can better complement one another in meeting the retirement needs of elderly persons. Following a six-month public consultation commenced in December 2015, the Government announced a series of improvement measures, which include enhancing Old Age Living Allowance (OALA) by relaxing the asset limits of Normal OALA and introducing Higher OALA, strengthening the healthcare for elderly persons by providing free public healthcare for Higher OALA recipients aged 75 or above and lowering the eligibility age for the Elderly Health Care Voucher, and launching the public annuity scheme to offer another option of financial arrangement for our senior citizens.

98. The Government will continue to take care of the different needs of elderly persons in the areas of social security, medical services, community care, financial management, etc., and implement various enhanced measures to provide more suitable and targeted protection for elderly persons after their retirement.

Article 10: Protection of the family

The Family

99. The position, including the definition of the term “family”, remains as explained in paragraphs 198 and 199 of the initial report.

100. The 2016 Hong Kong Population By-census indicates that the percentage of nuclear family households has decreased from 66.3% in 2011 (according to the 2011 Population Census) to 64.0% in 2016. The average number of persons in those families has decreased from 3.2 to 3.1 over the same period. The position of single parent families is set out at Annex 10A.

101. The legal definition of the child was discussed in Chapter II of Part II of the HKSAR’s second report under the Convention on the Rights of the Child.

Family Council

102. The Government recognises that family is the cornerstone of social harmony and established the Family Council in December 2007 to provide a cross-sector and cross-bureau platform to examine family-related issues and to promote a culture of loving families in the community. The updated position of the Council is at Annex 10B. The assessment of family implications has become a mandatory requirement and integral part of the policy-making process within the Government since 1 April 2013. A checklist tool was also introduced in August 2018 to facilitate a more instrumental and thorough assessment of family implications by bureaux and departments.

Commission on Children

103. The Government established the Commission on Children (the Commission) on 1 June 2018. Chaired by the Chief Secretary for Administration, with the Secretary for Labour and Welfare as the Vice-chairperson, the Commission drives and monitors bureaux/departments to take forward various policy initiatives related to children’s issues. For details, please see Annex 10C.

Welfare services for families

104. The Government provides various welfare services for families including integrated family service centres, hotline services, childcare services, etc. For details, please see Annex 10D.

Maternity protection

105. The position of the EO on maternity protection remains largely as explained in paragraphs 10.22 to 10.27 of the previous report. As announced in the CE’s 2018 Policy Address, the Government will extend the statutory maternity leave from the current 10 weeks to 14 weeks and fund the cost for the extra maternity leave pay. The target is to introduce a bill into the LegCo in late 2019.

106. The statutory protection against discrimination on the grounds of marital status and pregnancy under the SDO remains as explained in paragraph 10.28 of the previous report. The position relating to other applicable legal provisions remains as explained in paragraphs 10.29 to 10.31 of the previous report.

107. The position regarding pregnant prisoners largely remains as mentioned in paragraphs 242 to 245 of the initial report, i.e. pregnant prisoners receive special care on a 24-hour basis and arrangements are made for them to receive ante-natal care and consult obstetric doctors in hospital outside the prison at appropriate intervals or as required. There were 24 and 12 cases of pregnant prisoners giving birth in open wards in public hospitals in 2017 and 2018 respectively, while 68 and 57 children in 2017 and 2018 respectively were admitted into prison and to remain with their mothers during the normal period of lactation.

108. Statutory paternity leave was first introduced in February 2015 to the effect that eligible male employees were entitled to three days’ paternity leave to be taken

consecutively or separately for each confinement of their spouse/partner. The paternity leave shall carry pay at a daily rate of four-fifths of the average wages of the employee if other requirements as stipulated in the law are fulfilled. As reported in paragraph 7.20 above, five days' paternity leave has come into effect from 18 January 2019. This will be conducive to a more supportive environment for forming and raising families and help facilitate male employees in sharing family responsibility.

New arrivals from the Mainland of China

109. Between 1 July 1998 and 31 December 2018, nearly 980 000 people from the Mainland of China settled in Hong Kong. As mentioned in paragraph 10.37 of the previous report, the Government attaches much importance to the early integration of new arrivals into the local community. Like other local residents, new arrivals are entitled to welfare services, such as childcare, community support, financial assistance, and so forth. They can access to comprehensive family services at the Integrated Family Services Centres (IFSCs) over the territory. With the funding support from the Social Welfare Department (SWD), the International Social Service Hong Kong Branch (ISS-HK) operates the Cross-boundary and Inter-country Social Service, which helps individuals and families handle and solve problems arising from geographical separation. The Home Affairs Department (HAD) also provides support to facilitate their integration into the community. Details of the support services are set out at Annex 10E.

Single parent families and split families

110. As explained in paragraphs 10.38 of the previous report, single parent and split families in Hong Kong can have access to comprehensive family services in one-stop at the 65 IFSCs and two Integrated Service Centres (ISCs) in Hong Kong. Besides, the Family Support Network Teams continue to serve needy persons (including single parent families and split families) by identifying them for early intervention. The Government provides appropriate support to single parent families and split families as those mentioned in paragraph 10.39 of the previous report.

111. To enhance the support for the divorced/divorcing/separated families, the SWD will set up five specialized co-parenting support centres to be operated by NGOs for five clusters over the territory from 2019–20 onwards to provide one stop co-parenting support services for divorced/separated parents and their children, including co-parenting counselling and parenting coordination service, structured parenting groups or programmes, child-focused counselling, groups or programmes, as well as children contact service.

112. In paragraph 47 of its previous Concluding Observations, the Committee expressed concerns on the issue of reunion of families that are separated between the Mainland and the HKSAR. Our position, including the legislative provisions for the entitlement of right of abode and the Certificate of Entitlement (CoE) Scheme, was set out in paragraphs 10.10 to 10.14 of the second report. In dealing with the issues relating to right of abode, we have paid full regard to all pertinent factors. Article 22(4) of the Basic Law stipulates that for entry into the HKSAR, people from other parts of China must apply for approval. Mainland residents who wish to settle in Hong Kong for family reunion must apply for the One-Way Permit (OWP) (i.e. Permit for Proceeding to Hong Kong and Macao) from the relevant Mainland authorities. The OWP scheme is a family reunion scheme which ensures that the eligible Mainland residents will come to Hong Kong for settlement in an orderly manner within the constraint of the social and economic infrastructure in Hong Kong.

113. The position remains as explained in paragraph 10.42 of the previous report. The Mainland authorities have since May 1997 applied the "Points System" which has been refined from time to time to assess and determine the eligibility of applicants and the order in which they may settle in Hong Kong according to objective criteria. Mainland residents may, depending on their purposes of visiting Hong Kong, such as visiting relatives or visits, apply for Two-Way Permit (TWP) (i.e. Exit-Entry Permit for Travelling to and from Hong Kong and Macao) and relevant exit endorsement from the Mainland authorities.

114. The application, approval and issue of OWP, TWP and exit endorsements are within the remit of the Mainland authorities. However, the Government continues to convey to the

Mainland authorities the views of various sectors in Hong Kong, and the Mainland authorities have from time to time adjusted and refined the arrangements for OWP, TWP and relevant exit endorsements. Please refer to Annex 10F for the examples.

115. From the establishment of the HKSAR on 1 July 1997 to 31 December 2018, over 1 030 000 Mainland residents (including CoE holders) have settled in Hong Kong under the OWP scheme.

Domestic violence

116. The Government has accorded high priority to the prevention of domestic violence and provision of support to victims of domestic violence. The multi-disciplinary approach, structure, services and prevention strategies on domestic violence remain largely the same as reported in paragraphs 10.46 to 10.49 of the previous report. Further developments and enhancements since the previous report are set out at Annex 10G.

Protection of children and young persons

117. Child abuse is one of the common forms of domestic violence. The Government firmly believes that every child has a right to protection against harm and abuse. Protecting children from abuse is premised on close collaboration amongst multi-disciplinary professionals. To safeguard the best interests of children and to protect those children suspected or found to be abused, the SWD has drawn up, in collaboration with relevant departments, NGOs and professionals, and issued the “Procedural Guide for Handling Child Abuse Cases (Revised 2015)” for reference by concerned personnel (e.g. police officers, social workers, medical and school personnel) in carrying out the necessary initial assessments, investigations, multi-disciplinary case conferences and follow up welfare plans when encountering suspected cases of child abuse. The Procedural Guide is now being reviewed and is expected to be completed by end 2019. The statistics on child abuse cases recorded in the Child Protection Registry, a computerised record system under the SWD, are set out at Annex 10H.

Care and support for the elderly

118. The role of the Elderly Commission (EC) remains the same as explained in paragraphs 299 to 301 of the initial report. It now has 17 non-official members. Recently, the Commission has focused on monitoring the implementation of the Elderly Service Programme Plan (ESPP) and advising on the means to further enhance ageing-in-place.

Elderly Services Programme Plan

119. To enhance long-term planning for elderly services, the Government tasked the EC to formulate the ESPP. The ESPP was subsequently completed and submitted to the HKSAR Government in 2017. The ESPP proposed four strategic directions and 20 recommendations on the future development of elderly services. The Government accepted and has started to implement the recommendations. For example, the Government stipulated in December 2018 the population-based planning ratios in the Hong Kong Planning Standards and Guidelines in respect of subsidized residential care services and community care services, district elderly community centres (DECCs) and neighbourhood elderly centres (NECs). This facilitates early reservation of suitable sites for provision of elderly services and facilities by government departments in planning new residential development projects.

120. The latest situation on the provision of services for elderly persons living in the community, residential care services, supporting services for vulnerable elderly persons and careers as well as review of residential care home legislation are set out at Annex 10I.

121. The social security schemes available to elderly persons, including the Normal OALA and Higher OALA introduced in 2013 and 2018 respectively, are elaborated under Article 9 above. In 2018–19, the total social security expenditure on elderly persons aged 65 or above is estimated to be \$45 billion. It is noteworthy that the social security take-up rate of elderly population aged 65 or above has reached 72% in 2018, and further increased to 87% for those aged 70 or above.

Article 11: Right to an adequate standard of living

General economic conditions

122. Hong Kong's general economic conditions since the previous report is set out at Annex 11A. Sustaining economic growth is the key to elevating the overall standard of living. Hong Kong's free market allows everyone the opportunity for upward mobility through putting in talent and hard work. Hence, we consider that the most effective means of raising economic growth and thereby reducing income disparity is to invest in human capital, thereby raising the capability and productivity of the workforce, as well as to invest heavily in education, training and retraining to help workers cope with the ongoing structural changes. The efforts will also be continued in attracting investment and creating job opportunities by improving our business environment.

123. The Government will keep monitoring the changes in income distribution and continue with efforts to enable different strata of society to share the fruits of social and economic developments. The Government pays particular attention to the well-being of grassroots families, the elderly in need and the disadvantaged, and will continue to implement appropriate policies and measures to assist them, as well as engage in tripartite co-operation with the community and the business sector to build a caring and inclusive society in Hong Kong.

The right to continuous improvement of living condition

124. The Government attaches great importance to the poverty issue and poverty alleviation work. The policy direction is to encourage and support people capable of working to achieve self-reliance through employment, while striving to put in place a reasonable and sustainable social welfare system for rendering appropriate assistance to the needy.

Commission on Poverty

125. The Government reinstated the Commission on Poverty (CoP) in December 2012. Chaired by the Chief Secretary for Administration, CoP comprises four Directors of Bureaux and a number of non-official members from different sectors, including the political, business, social welfare and education sectors. CoP deliberates on various policies and measures to alleviate poverty, and takes forward the work of the Community Care Fund (CCF) and the Social Innovation and Entrepreneurship Development Fund (SIE Fund) under its purview to plug gaps in the existing system and address poverty and social exclusion through innovative solutions, with a view to preventing and alleviating poverty. In addition, the CE chairs the annual CoP Summit to exchange views, together with government officials, directly with stakeholders and members of the public on poverty issues and strategies for alleviating poverty.

Poverty line and its analytical framework

126. One of the priority tasks of the first-term CoP was to set a well-recognized poverty line for Hong Kong. The aim is to provide an objective quantitative analysis for the Government to monitor and understand the poverty situation, formulate poverty alleviation policies and assess policy effectiveness in an ongoing manner. It also provides a common basis for the discussion of poverty situation in the community. Details are set out at Annex 11B.

Poverty alleviation efforts

127. In the previous Concluding Observations, the Committee recommended that the HKSAR should formulate and implement effective policies to reduce poverty. At the first CoP Summit held in September 2013, the Government indicated that policies and measures would be put in place to provide targeted assistance for needy groups as revealed by the poverty line. For example, the poverty line analysis has revealed that low-income working families, mostly with children at school, are at higher risk of poverty and deserve priority attention. In view of that, the Government launched in 2016 the Low-income Working

Family Allowance (LIFA) Scheme (renamed as Working Family Allowance (WFA) Scheme on 1 April 2018 with the implementation of a series of enhancements) to encourage members of these families to stay in active employment and ease intergenerational poverty (see Annex 11C). Furthermore, the poverty line analysis also has a particular focus on the poverty situation of the elderly, and has helped the Government further identify the poor elderly persons with financial needs. In this connection, the enhanced OALA was introduced in 2018 to provide additional support for them.

128. CoP has also actively promoted CCF and SIE Fund under its purview to support disadvantaged groups including children, the elderly, persons with disabilities, patients, new arrivals and EMs. Since its establishment in 2011, CCF has launched 47 assistance programmes covering areas like healthcare, education, welfare, home affairs and housing for those outside the social safety net or the coverage of the Government's short-term relief measures. So far, the number of cases benefited under these programmes has reached approximately 1.64 million. SIE Fund has played the role of a facilitator by connecting our community with different sectors, including businesses, NGOs and academics, to address poverty and social exclusion through innovative solutions. To date, SIE Fund has funded 166 innovative, capacity building and research projects through the intermediaries, covering various service areas and benefitting more than 100 000 disadvantaged persons.

129. CoP is also mindful of the support needed by the underprivileged in other livelihood areas. For instance, CoP implemented the "Future Stars – Upward Mobility Scholarship" scheme and the "Life Buddies" Mentoring Scheme in 2014 and 2015 respectively to help grassroots students set their own life goals and encourage them to maintain positive values, with a view to enhancing their upward social mobility.

130. Since the reinstatement of CoP in 2012, the Government has committed more and more resources to livelihood and welfare. The recurrent expenditure on social welfare reached \$65.8 billion in 2017–18, a substantial increase of 54% as compared with the figure in 2012–13. According to the latest Hong Kong Poverty Situation Report 2017, the poverty rate was reduced by 5.4 percentage points after the Government's recurrent cash policy intervention in 2017, lifting 367 900 persons out of poverty. This has clearly demonstrated the effectiveness of the Government's poverty alleviation measures.

The right to adequate food, water and adequate housing

131. The work of the Government in food and water supply, and in increasing housing land supply are set out at Annex 11D.

132. In response to paragraph 49 of the previous Concluding Observations, we wish to highlight that the Government is determined to rectify the housing problem currently faced by the public with the greatest effort, and provide adequate and affordable housing to enable Hong Kong people to have comfortable homes and improve their living environment. For details, please refer to paragraphs 15–17 of Annex 11D.

Article 12: The right to health

Health and healthcare

133. The position at the constitutional level is as explained in paragraph 412 of the initial report.

134. In paragraph 50 of the previous Concluding Observations, the Committee recommended adopting measures to provide the public health sector with a sufficient number of doctors and medical personnel. The Hospital Authority (HA) has implemented the following measures:

(a) Recruitment of Local Graduates: Resident Trainee posts will be increased to recruit all qualified local medical graduates;

(b) Recruiting Non-locally trained Doctors under Limited Registration (LR): HA has started to recruit non-local doctors with LR since 2011/12. Alongside the enhanced

contract term of up to three years offered by HA since 2017, recruitment of more non-local doctors through the LR scheme is expected;

(c) Special Retired and Rehire Scheme: Starting from 2015/16, to rehire suitable serving doctors upon their retirement or completion of contract at/beyond their normal retirement age with an aim to help alleviate manpower issues and to retain suitable expertise for training and knowledge transfer;

(d) Employment of Part-time doctors: HA has continued to recruit part-time doctors so as to allow greater flexibility in recruitment strategies;

(e) Special Honorarium Scheme: This scheme will continue to be implemented as appropriate to address short-term manpower constraint issues;

(f) Enhancement of Promotion Prospects: A centrally coordinated additional promotion mechanism has been launched since 2011/12 for promotion to Associate Consultants after serving HA for five years or more after obtaining fellowship;

(g) Better Training Opportunities: HA has provided more training programmes, overseas training, as well as simulation training programmes to support professional development; and

(h) Flexible Working Environment: HA is considering to introduce more flexible options in work arrangements to cater the needs of staff while retaining experienced hands.

Regulation of health care institutions

135. The Office for Regulation of Private Healthcare Facilities of the Department of Health (DH) registers private hospitals, nursing homes and maternity homes and monitors their services with respect to accommodation, manpower and equipment. The framework for the regulation and monitoring of private health care services are implemented and regularly reviewed by the DH.

136. The Private Healthcare Facilities Ordinance (Cap. 633) (PHFO) was enacted in 2018. It will provide for a new premises-based regulatory regime for four types of private healthcare facilities (PHFs), namely hospitals, day procedure centres, clinics and health services establishments. In addition to the requirements stipulated in PHFO, PHFs will be subject to regulatory standards commensurate with the risk of the services they provide. PHFO will be implemented in phases based on the risk level of various types of PHFs. Applications for licences for private hospitals under the new regime will commence in mid-2019, and those for day procedure centres are anticipated to commence in 2020. Applications for licences and letters of exemption for clinics are anticipated to commence in 2021 at the earliest.

Voluntary Health Insurance Scheme (VHIS)

137. As the public expressed reservations about mandatory measures for healthcare financing, the Government proposed to implement a voluntary scheme to enhance the accessibility to and quality of hospital insurance. From December 2014 to April 2015, the Government conducted a Public Consultation on the VHIS. As revealed by the consultation outcomes in 2017, there was broad support for the concept and policy objectives of the VHIS in general.

138. The VHIS seeks to improve the quality of hospital insurance and offers consumers a more comprehensive choice of quality insurance products. By improving the accessibility, quality and transparency of indemnity hospital insurance products (IHIPs), consumers will have more confidence and certainty in purchasing insurance coverage for use of private healthcare services when needed, thereby alleviating the long-term financing pressure on the public healthcare system.

139. VHIS has been fully implemented starting from 1 April 2019. Compared with many existing IHIPs, Certified Plans under the VHIS are more attractive in a number of ways, such as guaranteed renewal until the insured reaches the age of 100, premium adjustment not being based on changes in the health condition of that individual insured, no lifetime benefit limit, and coverage extended to include unknown pre-existing conditions and

ambulatory procedures including endoscopy. As an added incentive, for taxpayers who purchase Certified Plans for themselves and/or their specified relatives, the premiums paid on or after 1 April 2019 will be eligible for tax deduction.

Enhancing primary care

140. Enhancing primary healthcare is among the policy priorities of the Food and Health Bureau (FHB). FHB has established the Steering Committee on Primary Healthcare Development in November 2017 to develop a blueprint for the sustainable development of primary healthcare services for Hong Kong. FHB will also set up a pilot District Health Centre (DHC) in Kwai Tsing District in Q3 2019; and based on pilot experience, will set up DHCs in 18 districts progressively. The objectives of establishing DHCs are to raise public awareness on personal health management, enhance disease prevention, and strengthen medical and rehabilitation services in the community, thereby reducing unwarranted use of hospital services.

141. Implementation of a series of pilot projects has also been started to enhance the support for chronic disease patients in both the public and private sectors in local communities. In 2016, a \$10 billion public-private-partnership fund was set up under HA so that HA can use the investment return to continue funding the existing pilot projects and develop new projects as appropriate. The safety net of our public healthcare services will be strengthened so as to give better protection for patients requiring costly drugs and treatment.

Territory-wide Electronic Health Record Sharing System

142. The territory-wide Electronic Health Record Sharing System (eHRSS) was launched in March 2016, with a view to promoting public-private collaboration, facilitating continuity of patient care and enhancing the quality and cost-effectiveness of healthcare. Please see Annex 12A for details.

Provision of public hospital and dental care services

143. The latest situation with respect to provision of public hospital services and dental care services are also set out at Annex 12A.

Traditional Chinese medicine

144. The Government has put a lot of efforts in the development of Chinese medicine. Please see Annex 12B for details.

Combating drug abuse

145. As mentioned in paragraph 12.119 of the previous report, our anti-drug policy and measures have been underpinned by a five-pronged approach, comprising preventive education and publicity, treatment and rehabilitation, legislation and law enforcement, external cooperation and research. The fight against drugs is a long-term haul requiring continuous concerted efforts under this approach to respond to the latest drug trends. The general drug situation, anti-drug policy and measures are set out in Annex 12C.

Tobacco control

146. The Government's tobacco control policy seeks to safeguard public health by discouraging smoking, containing the proliferation of tobacco use and minimizing the impact of passive smoking on the public. It is the Government's policy to implement tobacco control measures consistent with worldwide consensus, the local community's wishes as well as the World Health Organization's (WHO) Framework Convention on Tobacco Control. The multipronged approach, comprising legislation and enforcement, taxation, publicity and education, as well as smoking cessation services has gradually reduced the smoking prevalence from 23.3% in 1982 to 10% in 2017.

147. In 2018, the Government has amended the law to enlarge pictorial health warnings from at least 50% to 85% of the two largest surfaces of cigarette packet, increase the number of forms of such health warning from six to 12, and incorporate details of the

integrated smoking cessation hotline operated by the DH in the health warning. The smoking ban has also been extended to cover 11 bus interchange facilities.

148. The Government considers smoking cessation an integral and indispensable part of its tobacco control policy to complement other tobacco control measures. The integrated smoking cessation hotline (Quitline: 1833 183) provides general professional counselling and information on smoking cessation, and arranges referrals to various smoking cessation services in Hong Kong. Local NGOs also provide free smoking cessation services, covering a comprehensive range of activities and services including community-based smoking cessation services offering counselling and pharmacotherapy, acupuncture, outreach service to workplaces, services for youth, EMs and new immigrants, education for the public, training for healthcare professionals and conducting research projects.

Reducing harmful use of alcohol

149. The Government has amended the Dutiable Commodities Ordinance (Cap. 109) and the Dutiable Commodities (Liquor) Regulations (Cap. 109B) to prohibit the sale and supply of intoxicating liquor to minors in the course of business, regardless of whether payment is involved. The ban has come into operation on 30 November 2018. Enforcement officers of the Tobacco and Alcohol Control Office conduct inspections and carry out enforcement actions upon receipt of intelligence or complaints. For local situation on alcohol related harm and existing interventions, please see Annex 12D.

Food safety

150. The Government ensures food safety through a multi-pronged approach. Our work includes formulating effective food-safety legislation and updating food standards; devising comprehensive food surveillance strategy through incorporating the concept of “from farm to table”; maintaining close communication with regulatory authorities of major food exporting economies and relevant international authorities; and enhancing communication with food traders and consumers. Work relating to food safety is set out at **Annex 12E**.

Services for persons with disabilities

Pre-school rehabilitation services

151. Recognizing the importance of “early identification, immediate intervention” for children with special needs, we have introduced an innovative service model to overcome the constraints in the supply of conventional premises-based rehabilitation services. With funding of \$422 million, we launched a pilot scheme on On-site Pre-school Rehabilitation Services (OPRS) under which rehabilitation services are provided “on site” in November 2015. Multi-disciplinary service teams² provide rehabilitation services for children with special needs at the kindergartens they are studying as well as provide consultation and assistance for teachers/childcare workers, and support for parents. With the pilot scheme achieving notable preliminary results, the CE announced in the 2017 Policy Address to regularize the pilot scheme in October 2018 and earmarked an annual recurrent expenditure of \$460 million and will increase the number of service places from about 3,000 under the pilot scheme to 7,000 in two years. Besides, the Government plans to enhance the professional and support services provided under the OPRS upon its regularization, including strengthening the establishment of speech therapists and social workers and setting up mobile training centres. In parallel, the SWD has planned to increase additional conventional service places in the next five years. With this breakthrough in service delivery, we seek to achieve the objective of allowing all children with special needs to receive rehabilitation service during the golden time of treatment at their early childhood.

² These multi-disciplinary service teams comprise occupational therapists, physiotherapists, speech therapists, clinical/educational psychologists, social workers, and special childcare workers.

Community support services and residential care services

152. The Government fully recognizes the right of persons with disabilities to live independently and to participate in the community and is committed to providing support to persons with disabilities to facilitate their continued living in the community. For those persons with disabilities who cannot live independently and those who cannot be adequately taken care of by their families, we strive to provide them with residential care services. For details of community support services and residential care services, please see Annex 12F.

153. Further to paragraph 12.152 of the previous report, the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) was fully implemented on 10 June 2013. The Ordinance regulates Residential Care Home for Persons with Disabilities (RCHDs) through a licensing scheme and the Code of Practice³ promulgated under this ordinance. The SWD set up a dedicated Licensing and Regulation Branch in 2017 to strengthen the monitoring of residential care homes and centres licensed or registered by the SWD and enhance their service quality, including strengthening inspection strategy and inspection back-up, enhancing support for rectification works in respect of RCHDs, strengthening district support network, formulating care-related guidelines, enhancing the quality and skills of home operators/managers/staff, stepping up law enforcement and increasing transparency.

154. In response to the calls for further strengthening the monitoring of RCHDs and enhancing their services, the SWD set up a working group in June 2017, comprising key stakeholders (including service users and carers), to review relevant ordinance and Code of Practice. The review covers the requirement on space per resident, staffing requirement, registration and qualification requirements for specified staff in RCHDs and training of RCHD staff, etc. The SWD plans to complete the review within two years. On the basis of the Working Group's recommendations, the Government will consider the need to amend relevant ordinance and Code of Practice.

Services for persons with mental health problems

155. In paragraph 50 of the previous Concluding Observations, the Committee recommended adopting a national mental health policy aimed at making mental health services available and accessible, in particular by adopting legislation that is in line with international standards and by training skilled personnel. The Committee also recommends that Hong Kong, China, develop community-based mental health-care services.

156. The Government adopts an integrated and multi-disciplinary approach, including promotion, prevention, early identification, as well as timely intervention and treatment, and rehabilitation for persons in need. The policy direction is to encourage community support and ambulatory services, coupled with necessary and essential institutionalized services, so as to build a mental-health friendly society in Hong Kong, facilitating re-integration of persons with mental health needs into the community. In the past decade, the Government has been strengthening the manpower and resources allocated to mental health services. The expenditure on mental health increased from \$3.6 billion in 2008–09 to \$5.5 billion 2018–19, representing an increase of over 50%.

157. To ensure that the mental health regime can rise up to the challenges of a growing and ageing population, the Government embarked on a review of the mental health policy and services through the setting up of a Review Committee on Mental Health in May 2013. The Review was completed with the publication of the Mental Health Review Report⁴ in April 2017. The Review Report put forward a total of 40 recommendations for the enhancement of the overall mental health services in Hong Kong in 20 areas. One of the key recommendations was to set up a standing advisory committee on mental health to serve as a platform to follow up on the implementation of the Review Report. The Advisory Committee on Mental Health, comprising professionals from the healthcare, social service

³ The Code sets out requirements in respect of accommodation, fire safety and care services, etc.

⁴ The link to the Mental Health Review Report - https://www.fhb.gov.hk/en/press_and_publications/otherinfo/180500_mhr/mhr_background.html.

and education sectors, representatives from patient and career advocacy groups, and lay persons with interest in mental health, was set up in December 2017 to advise the Government on mental health policies, including the establishment of more integral and comprehensive approaches to tackle multi-faceted mental health issues.

158. Since the 2010–11 financial year, HA has rolled out the Case Management Programme for patients with severe mental illness. Under the Programme, case managers (including psychiatric nurses, occupational therapists and registered social workers, etc.) work closely with other service providers in providing intensive, continuous and personalized support for patients with severe mental illness. HA is now working to improve the case manager to patient ratio with a view to providing more appropriate services.

Environment and industrial hygiene

159. The Government is committed to building a sustainable and healthy living environment. Details relating to control of water pollution, waste management, control of air pollution, control of noise pollution and environmental education and related works are set out at Annex 12G.

Occupational health

160. The Occupational Health Service of LD continues to maintain and improve employees' occupational health through inspection and enforcement, publicity and education, as well as clinical occupational health service. We fine-tune the occupational health strategies from time to time with regard to the prevailing occupational health profile.

Articles 13 and 14: Right to education

161. The constitutional position remains as reported in paragraph 497 of the initial report. Education remains among the Government's highest priorities. Indicators of educational attainment are at Annex 13A. Education also continues to receive the highest allocations in the annual budget. For 2018–19, the total expenditure amounted to \$113.7 billion and the corresponding figure was \$61.7 billion in 2009–10.

162. The position relating to kindergarten education, primary and secondary education, vocational and professional education and training, private schools, post-secondary education, adult education, Quality Education Fund and Qualifications Framework are set out at Annex 13B.

163. In its previous Concluding Observations, the Committee has expressed concern over education of school-aged children of migrants, non-refoulement claimants and EMs, as well as Chinese language learning for non-Chinese speaking (NCS) students.

164. Under the prevailing policy, non-local children can enter public sector primary and secondary schools if the ImmD raises no objection to their education in HKSAR. The Education Bureau (EDB) will, depending on case details (e.g. age, educational background, etc. of the children concerned), arrange eligible children to attend public sector primary or secondary schools or Initiation Programme for newly arrived children (including children of migrants and non-refoulement claimants). The EDB will continue to offer various support services to assist newly arrived children to integrate into local education system and overcome learning barriers.

Language policy

165. As mentioned in paragraph 517 of the initial report, our language policy is that students should be literate in both Chinese and English and be able to speak fluent Cantonese, Putonghua and English. The policy of "biliteracy and trilingualism" is persistently essential in Hong Kong. To enhance "biliteracy and trilingualism", we have introduced a number of measures including the fine-tuning of the Medium of Instruction (MOI) arrangements. For details, please refer to Annex 13C.

Education for non-Chinese speaking students

166. In paragraph 51 of the previous Concluding Observations, the Committee has shown concern over whether EM children have free access to compulsory education on an equal basis with other children. In paragraph 52, the Committee recommends that the Government take measures to eliminate de facto discrimination against NCS students,⁵ including by resource reallocation to promote their access to education in mainstream schools, and by implementation of legislation and policies on bilingual education at all levels of education to provide high-quality education in Chinese as a second language.

167. The Government is committed to encouraging and supporting the early integration of NCS students (notably EM students) into the community, including facilitating their adaptation to the local education system and mastery of the Chinese language. All eligible children, irrespective of their races or places of birth, enjoy equal opportunities for admission to Primary One and Secondary One of public sector schools under the respective school places allocation systems, which are fair and transparent with priority consideration given to parents' preference.

168. EDB has issued circulars and guidelines to schools which set out the direction for taking care of NCS students. Schools should ensure that their admission requirements are fair, just and open, and in compliance with the laws of Hong Kong (including the RDO). All educational establishments have the responsibility to use their best endeavours in supporting the learning and teaching of all their students irrespective of races, in accommodating ethnic diversity in schools, in respecting cultural and religious differences and in communicating with parents.

169. Learning through the two official languages of Hong Kong (i.e. English and Chinese) is necessary in order to ensure that EM students could integrate into the wider community and be able to maximize their learning alongside other students. EDB attaches great importance to the promotion of the "bilingualism and trilingualism" policy (i.e. to enable students to be literate in written Chinese and English and to speak fluent Cantonese, Putonghua and English), through the provision of school-based professional support services, professional development programmes for teachers, as well as learning and teaching materials to schools. In respect of promotion of local and regional languages, six other language subjects under the Senior Secondary Curriculum are offered at present, including French, German, Hindi, Japanese, Spanish and Urdu. Students may take the subjects according to their own interests, abilities and needs.

170. The policy of the Government is to encourage parents of NCS students to arrange for their children to study in schools with an immersed Chinese language environment as early as possible. As mastery of the Chinese language is conducive to NCS students' integration into the community and gives them wider career opportunities in the future, EDB has implemented a series of measures since 2014 to enhance support for schools and NCS students including development of "Chinese Language Curriculum Second Language Learning Framework" ("Learning Framework"), creating an inclusive learning environment in schools, support for NCS students studying in kindergartens, etc. (see Annex 13D).

171. With the implementation of the above-mentioned enhanced support measures, the number of primary and secondary schools admitting NCS students has gradually increased from about 590 in the 2013/14 school year to about 620 in the 2017/18 school year, which covers about two-thirds of the schools in the territory. Among them, the number of schools admitting 10 or more NCS students and hence provided with the above-mentioned additional funding has increased by about 30% in four years, and the number of schools admitting less than 10 NCS students and provided with the additional funding has also substantially increased from 58 in the 2014/15 school year to 213 in the 2017/18 school year. This shows that the new support mode and measures have widened the school choices of parents of NCS students. Due to various reasons including their location in districts where relatively more NCS people reside, parents' tendency to arrange for their younger children to study in the same school with their older siblings, and some parents' preference

⁵ For the planning of educational support measures, students whose spoken language at home is not Chinese are broadly categorised as NCS students.

for schools with rich experience in taking care of NCS students, some schools may still have relatively more NCS students compared with schools in other districts.

172. The “Learning Framework” and relevant support measures have been implemented since the 2014/15 school year. It takes teachers’ effort and time to take root in schools. Besides the curriculum, effective language learning is also based on multiple factors. For example, learning and teaching in schools, learning motivation of NCS students, study skills, time invested in learning Chinese, and parents’ cooperation and expectation, etc., are important factors. EDB will continue reviewing the “Learning Framework” and the implementation of other support measures.

Education for students with special educational needs

173. The Government is committed to providing quality education services for all students, including students with special educational needs (SEN) so that they have equal opportunities to develop their potentials. At present, specific learning difficulties, intellectual disability (ID), autism spectrum disorders (ASD), attention deficit/hyperactivity disorder, physical disability, visual impairment (VI), hearing impairment (HI), speech and language impairment (SLI), as well as mental illness are classified by the EDB as types of SEN.

174. The EDB adopts a dual-track mode in implementing special education. The EDB will, subject to the assessment and recommendations of specialists and parents’ consent, refer students with more severe or multiple disabilities to special schools for intensive support. Other students with SEN will attend ordinary schools. Same as other students, students with SEN enjoy 12 years of free education, including 6 years of primary, 3 years of junior secondary and 3 years of senior secondary schooling, under the same curriculum framework.

175. In the 2018/19 school year, there are 60 aided special schools in Hong Kong, 57 of which operate primary, junior and senior secondary classes; one school for social development operates primary classes only and another one up to Secondary Three; as well as a school for children with VI operates up to Secondary Three (after then their students will attend ordinary schools for senior secondary schooling).

176. The EDB has been providing resources and support for special schools. The relatively smaller class size of special schools facilitates more individualized support to cater for students’ diversity. Based on the types of disabilities of students, specialists including speech therapists, physiotherapists, occupational therapists, occupational therapist assistants, educational psychologists, school nurses, school social workers, braille staff as well as those in the boarding section including wardens, assistant wardens, house parents, programme workers and nurses, are provided for special schools to cater for the diverse needs of their students. Moreover, the EDB has been actively improving the premises and facilities of special schools through various viable means, including conversion/addition, re-provisioning or in-situ redevelopment, to provide a better learning environment to students. Please refer to Annex 13E for the latest development and measures on special education.

177. The EDB has all along been implementing integrated education (IE) in accordance with five basic principles, namely early identification, early intervention, Whole School Approach (WSA), home-school co-operation and cross-sector collaboration. The EDB provides public sector ordinary schools with additional resources, professional support and teacher training to help schools cater for students with SEN. Schools are required to adopt the WSA for aligning policies, culture and practices, and deploy school resources flexibly to cater for the students with SEN through the 3-Tier Intervention Model,⁶ and promote an inclusive school culture.

⁶ Tier-1 support refers to early identification and catering for all students with diverse learning and adjustment needs, including those with mild or transient learning or adjustment difficulties through quality teaching in regular classrooms; tier-2 support refers to additional support/“add on” intervention, such as small group tutoring, pull-out remedial programmes for students with persistent learning or adjustment difficulties; tier-3 support refers to intensive individualised support for

178. With a view to further supporting schools to cater for students with SEN, the Government has implemented various measures in recent years. Details are set out at Annex 13F.

179. Higher education institutions are committed to offering equal opportunities to all applicants. The admission decisions of institutions are based on the holistic assessment of the merit of the applicants. Applicants with disabilities would not be discriminated against. Applicants who fail to meet some of the entrance requirements (e.g. languages) but demonstrate outstanding performance in other aspects (including interviews) will be considered on a case-by-case basis. Such admission decision is within the institutions' autonomy.

180. To maximize opportunities for students with disabilities for higher education, the University Grants Committee (UGC)-funded universities have introduced a sub-system under the Joint University Programmes Admission System (JUPAS) for the admission of students with disabilities to bachelor degree programmes. The sub-system establishes contact between applicants with disabilities and the UGC-funded universities and enables the applicants to establish at an early date what assistance and facilities are available to them at the universities of their choice. A number of post-secondary institutions have put in place special arrangements and support services having regard to the disability and field of study of individual student. With various support measures for students with SEN in place, the number of students with SEN, including those with disabilities, who were pursuing full-time locally-accredited sub-degree and undergraduate programmes has increased from 628 in 2012/13 to 1,565 in 2017/18.

Education of prison inmates

181. The position is largely the same as explained in paragraphs 555 and 556 of the initial report. In gist, the Correctional Services Department (CSD) employs qualified teachers and instructors to provide general education and vocational training for inmates aged under 21. For adult inmates who wish to pursue studies after work, CSD will provide academic advice to them, as well as help them enrol in suitable courses and apply for subsidies.

182. Financial subsidy is provided to persons under CSD's custody who wish to pursue education. In order to provide more incentive to inmates, various subsidy schemes have been set up with donations from members of the public and various organizations since 2009 in addition to the Prisoners' Education Trust Fund. In 2017–18, 1 397 applicants (in terms of number of applications made) were granted financial assistance, totalling around \$1,890,000, for enrolling in distance learning courses and taking part in public examinations.

Education for children with no right to remain in Hong Kong

183. Children with no right to remain in the HKSAR are subject to removal, so the question of their schooling in the HKSAR does not normally arise. For those school-aged children who are unlikely to be removed in short term, consideration may be given on a case-by-case basis to allow them to receive education. The EDB may offer placement assistance to these children to study in public sector schools after the Director of Immigration has given no comment on their education in the HKSAR having regard to factors like age, educational background, etc. of children concerned. Their right to education is adequately protected under the existing mechanism.

Education and qualifications assessment for new arrivals from the Mainland of China

184. Support services mentioned in previous reports are maintained to help newly arrived children integrate into local community and overcome learning barriers. The support services include Initiation Programme and Induction Programme. As for those newly arrived children who choose to study in public sector schools directly, schools can also flexibly make use of the School-based Support Scheme Grant to organise school-based

students with persistent and severe learning or adjustment difficulties under which schools are required to draw up an individual education plan for each of these students.

support programmes such as arranging tutorial classes, organizing orientation programmes and guidance activities. We will continue to monitor the support measures to ensure smooth integration of these children into the local education system.

185. Some commentators considered that there should be a qualification recognition mechanism for academic or professional qualifications obtained from the Mainland. Under the Hong Kong Council for Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 1150), Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ) provides qualifications assessment services by offering a professional opinion on whether the totality of the educational qualifications of the individual (i.e. the integrated learning outcomes of the highest and terminal qualification) meets the standard of a particular qualification obtained in Hong Kong. Individuals possessing qualifications awarded by granting body/bodies operated outside Hong Kong (including the Mainland and overseas) may apply for qualifications assessment. Individual employers, organizations, or educational institutions have their own discretion on whether the qualification of any particular individual would be considered or accepted for employment, registration or study purpose.

Education for people of different sexual orientation and gender identities

186. As mentioned in paragraph 13.86 of the previous report, through the provision of learning experiences via the school curriculum and learning activities, positive values including respect for others, non-discrimination and acceptance are developed in students. They will be nurtured to be tolerant and respect individual differences, including sexual orientation and gender identity. Moreover, the existing primary and secondary school curriculum include topics related to understanding the body and self-protection. It also emphasizes the cultivation of positive values and attitudes (say, being friendly and respect for others) and building harmonious interpersonal relationship. The EDB also encourages schools to enhance sex education, as well as to organize sex-related preventive and developmental guidance activities to teach students how to protect their bodies, say no when they feel offended and seek help when necessary. It will continue to enhance its support to schools by producing learning and teaching resources and organize related professional development programmes for teachers to help them acquire the pedagogical knowledge and skills for implementing sex education.

Civic education, human rights education and education against discrimination

187. Children irrespective of sex, religions and ethnicities have the right to receiving free quality education in Hong Kong. Learning elements related to civic education, human rights education and education against discrimination are included in the school curriculum of various subjects, as well as values education. One of the curriculum aims of those subjects is to help students appreciate and respect diversity in cultures and views in a pluralistic society. The process of learning and teaching places emphasis on developing positive values such as sense of responsibility, respect of rule of law, participation, democracy, justice, plurality, mutual support and betterment of humankind.

188. The EDB has been providing support to schools, including developing learning and teaching resources and organizing professional development programmes. Diverse authentic life-wide learning experiences, such as uniformed group activities, volunteer services etc., are also provided by schools to deepen their students' understanding of the concepts and values relating to civic education, human rights education and education against discrimination.

189. The EDB adopts a "zero tolerance" policy on school bullying where any bullying act, no matter in whatever forms (including verbal, physical and cyber-bullying) or on whatever grounds (including sexual orientation and gender identities), is unacceptable. The EDB requires all schools to take the matter seriously and implement proactive measures to raise the awareness of anti-bullying among students and staff, and handle bullying incidents in schools in an appropriate manner with a view to ensuring the safety of students at schools and striving to create a harmonious school environment. The EDB has been providing support for schools, including provision of teaching materials and organization of activities

for prevention and handling of bullying incidents, with a view to facilitating schools' work against bullying and discrimination.

190. 13.30 The EOC has also delivered over 400 training sessions on anti-discrimination ordinances and related issues every year for civil servants, human resource practitioners, senior management in organizations, community workers in NGOs, managerial and general staff in private companies from different industries, hospitals; staff and students from tertiary institutions and secondary schools.

Cultural identity and national values

191. It is an established education policy of Hong Kong to develop students' national identity, which is stated as one of the curriculum goals. Please see Annex 13G for details.

Public education on the Basic Law

192. The position is as explained in paragraph 13.103 of the previous report.

Article 15: Right to cultural life, scientific progress and its application

193. The constitutional and legal position in relation to the rights under Article 15 remains as explained in paragraph 581 of the initial report.

Policy on culture and arts

194. As explained in paragraphs 582 of the initial report, the Government's policy on culture and arts is to create an environment that is conducive to artistic expression and creation and that encourages public participation in cultural activities.

195. Since the previous report, the Government has been working on improving existing initiatives and introducing new ones to provide further support to the local arts and cultural sector, such as implementing new funding schemes, and increasing the resources for the Hong Kong Arts Development Council (HKADC). In 2018–19, the Government's estimated expenditure on culture and the arts is over \$4.8 billion (excluding estimated expenditure on capital works). The resources were mainly deployed for the provision of venue support for arts activities, funding support to arts groups, arts education and promotion, as well as relevant administrative costs.

196. Apart from cultural facilities operated by the Government directly, the Government has also established a statutory body, the West Kowloon Cultural District Authority, to implement the West Kowloon Cultural District (WKCD) project. The project is an important cultural infrastructure investment of Hong Kong. WKCD is being developed into a world-class integrated arts and cultural district comprising local, traditional as well as international and modern elements. It aims to promote the development of arts and culture, meet the growing cultural needs of the public and strengthen Hong Kong's position as an international arts and cultural metropolis.

Promotion of and access to cultural and arts activities

197. The Government is committed to promoting culture and arts, and encouraging members of the community (including children, youth and persons with disabilities) to participate in cultural and arts activities. The latest position of cultural facilities, and promotion of and participation in culture and arts activities are set out at Annex 15A.

Education and development of culture and arts

198. Both the Hong Kong Academy for Performing Arts (HKAPA) and the Hong Kong Arts Centre continue to further the development and education of various form of arts. The HKAPA is the only publicly-funded tertiary institution dedicated to the training, education and research in the performing arts and related technical arts in Hong Kong. It has now produced over 9 000 graduates since its establishment in 1984. The Hong Kong Arts School,

set up by the independent Hong Kong Arts Centre, runs many award-bearing programmes in arts education.

199. The EDB has been advocating the learning of culture and arts in schools. The position is as explained in paragraphs 15.32 to 15.35 of the previous report.

Policy on heritage conservation

200. The Government seeks to protect, conserve and revitalise as appropriate historical and heritage sites and buildings for the benefit and enjoyment of present and future generations. In April 2008, the Development Bureau set up the Commissioner for Heritage's Office (CHO) to take forward various initiatives for heritage conservation. Furthermore, the Antiquities Advisory Board (AAB) advises the Government on matters relating to antiquities and monuments. The work of CHO and AAB are set out at Annex 15B.

Archives

201. In paragraph 15.45 of the previous report, we explained the initiatives taken by the Government Records Service (GRS) in promoting the appreciation and use of archival records and managing archival records. Currently, GRS preserves more than 1.5 million archival records. To make our archival holdings more accessible to users, more than 85 000 archival records have been digitized to produce 2 million digital images. To further enhance the promotion of public awareness and appreciation of archival heritage, GRS has organized 8 exhibitions, 530 sessions of thematic film shows and 287 seminars and group visits for more than 20 000 participants since the issue of the previous report. In particular, GRS has developed an "Educational Resources Portal" and dozens of online educational aids, to promote the wider use of archival records. GRS has institutionalized the appeal channel since 2015. Members of the public may appeal to the Director of Administration against GRS' decision and lodge a complaint with The Ombudsman if they are concerned about any maladministration in the handling of their access requests. Since 2015, GRS has processed a total of 256 access requests and over 99.2 percent of such requests had been acceded to. Only 2 requests had been rejected in full with reasons fully explained to the requestors. To date, no appeals have been received. In 2018, a new online catalogue for GRS' archival holdings known as "@PRO" came into operation. "@PRO" provides the users with a brand new and more efficient as well as user-friendly interface to facilitate them to search for and access the archival records that they need.

202. In 2013, the Law Reform Commission (LRC) set up an Archives Law Sub-committee to study the subject of archives law for the purpose of considering whether reform is needed and, if so, to make such recommendations for reform as appropriate. In December 2018, the Sub-committee released the consultation paper. While Hong Kong does not have an archives law at present, the Sub-committee agrees that the current administrative regime governing records and archives management in Hong Kong has covered the essential elements of archives law in other jurisdictions and largely follows international best practices. That said, the Sub-committee's provisional view is that it sees a case for the introduction of an archives law to further strengthen the management, protection and preservation of public records and archives in Hong Kong. The Government holds a positive view towards the enactment of an archives law. If LRC recommends the enactment of an archives law following the public consultation, the Government will follow up as appropriate.

Broadcasting

203. Hong Kong has a vibrant broadcasting sector. Hong Kong audience have access to over 800 local and overseas television channels in various languages through free-to-air terrestrial and satellite reception or pay television services. Three domestic free television programme service (free TV) licensees are required to broadcast news, documentary, current affairs, arts and culture programmes and programmes for children, young persons and senior citizens. As the public service broadcaster, Radio Television Hong Kong (RTHK) presents a variety of programmes to serve a broad spectrum of audiences and cater to the needs of minority interest groups.

204. As for sound broadcasting, 13 local radio channels operated by RTHK and two licensed broadcasters are serving Hong Kong listeners. The radio channels broadcast news and weather reports, current affairs, arts and culture programmes and programmes for children, young persons and senior citizens.

205. Further to paragraphs 15.47 to 15.49 of the previous report, the Government promulgated in 2010 the Charter of RTHK, which defines RTHK's role as a public service broadcaster, sets out its public purposes and mission, and stipulates that RTHK is editorially independent. The RTHK Board of Advisors was formed in 2010 comprising lay community members to advise the Director of Broadcasting on all matters pertaining to editorial principles, programming standards and quality of RTHK programming, and to receive reports on complaints, public opinion surveys and performance evaluation of RTHK. In 2012, RTHK launched the Community Involvement Broadcasting Service (CIBS), inviting the community and EMs to participate in the production of radio programmes. Participants can seek funding support from the Community Involvement Broadcasting Fund to produce the programmes. As of the end of 2018, there have been over 4 100 hours of CIBS programmes.

Promotion of science and technology

206. Since the previous report, the HKSAR Government has stepped up efforts considerably to promote innovation and technology development in Hong Kong. Please see Annex 15C for details.

Protection of intellectual property rights

207. The overall position remains as explained in paragraphs 613 to 617 of the initial report. HKSAR is committed to providing robust protection of intellectual property rights by way of comprehensive legislation, rigorous enforcement action, sustained public education, and close cooperation with rights owners and other law enforcement agencies. In the latest Global Competitiveness Report released in October 2018 by the World Economic Forum, Hong Kong was ranked ninth out of 140 economies in intellectual property protection. In relation to the promotion of science and technology, HKSAR has in place a patent regime to provide effective protection for scientific inventions, and is also pressing ahead with the establishment of an "original grant patent" system to support efforts to develop Hong Kong into a regional innovation and technology hub.

Country parks and conservation areas

208. After the submission of the previous report, we have designated five more special areas and incorporated six country park enclaves into their respective country parks. Apart from establishing protected areas to maintain biodiversity in Hong Kong, the Hong Kong Geopark was accepted as a member of the Global Geoparks Network in September 2011 and was renamed Hong Kong UNESCO Global Geopark in November 2015. We have also established sistering relationship with eight UNESCO Global Geoparks around the world, which provide an important overseas network for the promotion, management and sustainable development of the geopark.

209. A dedicated Countryside Conservation Office was established in July 2018 to co-ordinate conservation projects and promote sustainable development of remote countryside in Hong Kong.