



**Economic and Social
Council**

Distr.
GENERAL

E/1990/5/Add.59
4 March 2004

Original: ENGLISH

Substantive session of 2004

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Initial reports submitted by States parties under
articles 16 and 17 of the Covenant**

Addendum

PEOPLE'S REPUBLIC OF CHINA*

[27 June 2003]

* The information submitted by the People's Republic of China in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.21/Rev.2).

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Annexes*

* Available for consultation in the files of the secretariat of the Committee on Economic, Social and Cultural Rights.

Part One**CHINA****Introduction**

1. The People's Republic of China has consistently attached great importance to the question of human rights and considers it a duty to promote and protect all the human rights and fundamental freedoms of its people. The Government of China is committed to the promotion and protection of its people's economic, social and cultural rights and has made great achievements in this regard.

2. On 27 October 1997, China signed the International Covenant on Economic, Social and Cultural Rights (hereunder referred to as "the Covenant"). On 28 February 2001, the Standing Committee of the 9th National People's Congress ratified China's accession to the Covenant. On 27 March 2001, the Permanent Mission of the People's Republic of China to the United Nations presented the instrument of accession to the Secretary-General of the United Nations. On 27 June 2001, the Covenant formally entered into force in China.

3. In accordance with articles 16 and 17 of the Covenant and the regulations of the Economic and Social Council, China is supposed to submit to the Secretary-General of the United Nations for transmittal to the Economic and Social Council an initial report on the status of implementation of the Covenant. In keeping with the general standards and suggestions of the Economic and Social Council pertaining to the submission of such reports by States parties, China has written this initial report on the status of implementation of the Covenant.

4. With an emphasis on achievements in the legislative and judicial fields, and including areas of difficulty and problems that exist, this report presents the general status of implementation of the Covenant. It is composed of three parts. Part One covers the current situation and progress in the implementation of the Covenant in China. Part Two covers the current situation of the implementation of the Covenant in the Special Administrative Region of Hong Kong, and has been written by the Government of the Special Administrative Region of Hong Kong. Part Three covers the current situation of the implementation of the Covenant in the Special Administrative Region of Macao, and has been written by the Government of the Special Administrative Region of Macao.

5. It is important to make clear that all relevant departments of the Government of China participated in the writing of this report and supplied large amounts of data. Chinese non-governmental organizations, and academics and experts in relevant areas also contributed to the writing of this report.

Article 1**Self-determination**

6. China is one of the oldest nations on earth. Together, the country's various nationalities have built a bright and glorious history. As of 1840, China was gradually transformed from a great feudal nation into a semi-colonial and semi-feudal State. The national authority fell into decline and the people's human rights lost their basic guarantees. In order to achieve national

independence and self-determination, the people of China began a heroic struggle characterized by martyrdom and sacrifice. On 1 October 1949, at the end of a long and arduous struggle, the people of China established the People's Republic of China. Since that time, they have realized complete national independence, taking firm and genuine control of the powers of the State and becoming masters of their own country.

7. Since its establishment, the People's Republic of China has spared no effort to institute and perfect a people's democratic political system that safeguards the democratic rights of the people as sovereign. In September 1954, the first plenary session of the First National People's Congress, on the basis of the full realization of people's democracy, passed into law the Constitution of the People's Republic of China. This Constitution stipulated the nature of the country and the functions of the national institutions and defined the rights and responsibilities of citizens, thus establishing the foundation for Chinese democracy and the creation of its legal institutions. In 1982, the fifth session of the Fifth National People's Congress passed the Constitution currently in force. The Constitution of the People's Republic of China clearly stipulates that: "All power in the People's Republic of China belongs to the people. The organs through which the people exercise State power are the National People's Congress and the local people's congresses at different levels." The system of people's congresses constitutes the essence of China's political system. In keeping with the conditions peculiar to their country, this was the inevitable choice of the Chinese people, the fruit of a long and difficult struggle for independence and liberation.

8. With the establishment of the People's Republic of China, there began a series of land reforms and other democratic reforms on a national scale that resulted in 300 million landless or land-poor farmers being granted 700 million *mu* (one *mu* = 0.0667 hectares) of land and much of the means of production, thus significantly improving the economic status and living conditions of the greater part of the farming population. China further transformed the farming, handicraft, industrial and commercial sectors, introduced democratic reforms in the production and management systems of the State-sector mining and manufacturing industries and, through factory management committees and employees' representative assemblies, realized the democratization of enterprise management. The old systems of remuneration were revised and employee benefits increased. In this way, the Chinese people became masters of the means of production and the beneficiaries of the wealth of society.

Article 2

Measures taken to guarantee the full realization of rights

9. For many years, China has striven to establish legislation that protects and promotes the economic, social and cultural rights of its citizens, and to ensure that their related rights and interests are legally protected. On the basis of the country's particular conditions and after consulting the legislation of many countries around the world and the relevant international documents, China has enacted a great number of laws and statutes around the core document that is the nation's Constitution. These include the General Principles of Civil Law, the Inheritance Act, the Consumer Protection Act, the Mineral Resources Act, the Land Administration Act, the Water Act, the Water and Soil (Maintenance) Act, the Coal Act, the Environmental Protection Act, the Labour Act, the Trade Union Act, the Mine Safety Act, the Regulations on Minimum Livelihood Security for City Residents, the State Council

Regulations on the Establishment by Enterprises of Old-Age Pension Insurance, the Education Act, the Compulsory Education Act, the Higher Education Act, the Cultural Objects (Protection) Act, the Progress in Science and Technology Act, the Law on the National Language and its Writing, the Protection of Minors Act, the Women's Rights and Interests Act, the Rights and Interests of the Elderly Act and the Protection of the Handicapped Act. Together, these constitute a legal system that provides important legal safeguards for the promotion and protection of citizens' economic, social and cultural rights.

10. In spirit and in content, China's laws and policies are consistent with the Covenant. In the Constitution alone, articles 42 through 48 make thorough provision for citizens' right to work, right to rest, right to education, rights to scientific research and cultural activities, rights to material assistance from the State and society when aged, ill or having lost the ability to work, right to the ownership of lawful property, right to inherit private property and equality of rights between men and women. In March 1999, the second session of the Ninth National People's Congress passed amendments to the Constitution that also bear upon citizens' economic, social and cultural rights, to wit: "The non-public sector of the economy comprising the self-employed and private businesses, operating within the limits stipulated by law, is an important component of the socialist market economy", and "The State protects the legitimate rights and interests of the self-employed and private businesses." (art. 11).

11. In the promotion and protection of economic, social and cultural rights, China has for the most part relied upon its own efforts and has achieved remarkable results. At the same time, as a developing country, it has been willing to draw on cooperative ventures in economic and technical development and to learn from the prior experience and successes of other countries, in order to advance together. Since the beginning of the era of liberal reforms, China's economic and technical joint ventures with the outside world have advanced by leaps and bounds and with outstanding results. In 2002, China's gross overall trade with the rest of the world exceeded US\$ 600 billion, and the number of areas open to foreign trade grew rapidly, expanding inland from the coastal areas. Trade relations in all areas and at many levels developed with countries around the world. China's progress towards integration into a globalized world economy and a unified regional economy has accelerated, and the development of foreign joint ventures now plays an ever more significant role in the national economy. These have become an indispensable force in driving economic growth, increasing State revenues, boosting employment and ensuring a favourable balance of trade, as well as stimulating development in China's economic, social and cultural domains.

12. China has intensified its consultation and study of international law and conventional practices, and has acceded to such international agreements as the United Nations Convention on Contracts for the International Sale of Goods, the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, the Paris Convention for the Protection of Industrial Property, the Convention on the Settlement of Investment Disputes between States and Nationals of Other States and the Convention Establishing the Multilateral Investment Guarantee Agency. It has technical cooperation relations with 135 countries and territories, and educational and cultural exchange and cooperation relations with 154 countries and territories. It has signed 95 intergovernmental agreements bearing on technical cooperation, 145 intergovernmental agreements bearing on cultural cooperation, and joined some 75 international academic organizations. By the end of 2002, it had sent some 580,000 students for study abroad in more than 100 countries and territories, and had hosted almost 540,000 students from a total

of 170 countries and territories. China's promotion of cooperation with foreign countries in the economic, technical, educational and scientific arenas plays an important role in enhancing citizens' enjoyment of their economic, social and cultural rights.

13. China is still a developing country. In view of constraints relating to the level of the country's economic and social development, even though the Covenant has come into force in China, not all its articles have been fully realized. The degree of enjoyment of certain rights does not yet reach the requirements of the Covenant. China still has a duty to reduce poverty and the gap between the wealthy and the poor, while it also faces such pressures as population growth and resource depletion. On the foundation of 50 years of development, and in particular the recent 20 years of liberal reforms, however, the Government and people of China are fully capable of overcoming all problems encountered on the road to development, and will continue to enhance the level of enjoyment of human rights and basic freedoms.

14. At the same time as it protects its citizens' rights, China also unfailingly upholds the principle of non-discrimination. Article 33 of the Constitution stipulates that "All citizens of the People's Republic of China are equal before the law." This article protects the equal enjoyment of their rights by all citizens as stipulated by law, without regard to their ethnicity, race, sex, occupation, family origin, religious beliefs, level of education, financial situation, etc. On this basis, China has also passed such laws as the General Principles of Civil Law, the Marriage Act, the Inheritance Act, the Education Act, the Compulsory Education Act and the Labour Act specifically to regulate practices in these areas where the principle of non-discrimination applies. In addition, it has enacted such laws as the Women's Rights and Interests Act, the Protection of Minors Act, the Protection of the Handicapped Act, and the Rights and Interests of the Elderly Act to enhance protection of the rights of members of particular groups within society.

15. To ensure the implementation of the principle of non-discrimination in all areas and to fully realize the stipulations and requirements of article 2 of the Covenant, China is careful to protect the rights of foreign nationals on its soil. Article 32 of the Constitution states that: "The People's Republic of China protects the lawful rights and interests of foreigners within Chinese territory; foreigners on Chinese territory must abide by the laws of the People's Republic of China." This stipulation provides a basic legal guarantee of protection of the rights and interests of foreign nationals in China, and all other laws and regulations pertaining to the status of foreign nationals in China are based upon it. Such laws and regulations belong to two major categories:

(a) Those pertaining to the rights and obligations of foreign entities, as stipulated in article 18 of the Constitution:

"The People's Republic of China permits foreign enterprises, other foreign economic organizations and individual foreigners to invest in China and to enter into various forms of economic cooperation with Chinese enterprises and other Chinese economic organizations in accordance with the law of the People's Republic of China. All foreign enterprises, other foreign economic organizations and Chinese-foreign joint ventures within Chinese territory shall abide by the law of the People's Republic of China. Their lawful rights and interests are protected by the law of the People's Republic of China."

In addition, the General Principles of Civil Law, the Copyright Act, the Trademark Act, the Patent Act and other laws describe in concrete terms the principles and practices governing the protection of the rights of foreign nationals in China;

(b) Legislation prescribing the rights of foreign nationals in civil litigation. Article 5 of the Code of Civil Procedure, for example, stipulates that in the course of civil litigation, foreign nationals should be treated in the same way as citizens, and the principle of reciprocity of treatment should be observed.

16. In addition to domestic legislation, China has also concluded a number of bilateral treaties and international covenants with relevant countries that contain stipulations on the treatment of foreign nationals while in China. These include agreements governing trade, the protection of investments and the avoidance of double taxation.

Article 3

Gender equality

17. The realization of equal rights for men and women is an important yardstick in the assessment of a society's degree of civilization. China makes of the promotion and realization of gender equality a basic policy in the furtherance of national development, and is unfailingly committed to the progress and development of women.

18. China has enacted sound laws and regulations providing for the protection of women and children. On the basis of the Constitution and in keeping with the Women's Rights and Interests Act, China has created a system of laws that provide more complete protection of the rights and interests of women. These laws include the Marriage Act, the Labour Act, the Education Act, the Mother-and-Child Health Care Act, the Inheritance Act, the Protection of the Handicapped Act and the Rights and Interests of the Elderly Act. In 1992, China promulgated and brought into force the Women's Rights and Interests Act which stresses that men and women are equal in their person and their dignity and enjoy equal rights and status, and lays out in clear regulations the basic political, economic, cultural and educational rights and protections of the person that women should enjoy in society and in the home.

19. Mechanisms to enhance the status of women have been set up. In 1990, China established the Women and Children's Working Committee of the State Council as an institution to enhance the status of women. Its primary functions are to ensure coordination between all government departments and non-governmental organizations in order to address properly women's and children's issues and to further their causes, to protect the rights and interests of women and children, and to oversee the implementation of laws relevant to the protection of the interests of women and children and programmes for women's and children's development. After 10 years of development and refinement, the membership of the Committee has been increased from the original 19 member organizations to 29 at present (including 24 governmental organizations and 5 non-governmental organizations). Eighty per cent of the cities and counties in China's 31 provinces, municipalities and autonomous regions have now set up cross-departmental women's and children's working institutions that are directly led by government employees of equal grade. At the same time, a system of annual reports by members has been instituted which monitors the fulfilment of its duties by each functional unit,

and enhances the exchange of information. The Women and Children's Working Committee of the State Council has played an important role in bringing gender consciousness to State policies, plans and programmes.

20. China formulates governmental plans to protect and promote women's development. In 1995, in keeping with the main goals of the people's plans for economic and social development and in the light of the situation of women in China, the Government formulated the first plan in Chinese history specifically concerned with women's development, the Women's Development Programme (1995-2000). In 2001, it promulgated and brought into force its successor, the Women's Development Programme (2001-2010). This confirms six areas of priority for development: women and the economy, women's participation in policy-making and management, women and education, women and health, women and the law, and women and the environment. In the Tenth People's 5-Year Plan of Economic and Social Development (2001-2005), the Government clearly mandated the full implementation of the Women's Development Programme and practical protection of women's lawful rights and interests. All relevant departments, and the governments of the provinces, autonomous regions and municipalities directly administered by the Central Government, in keeping with the objectives and specific measures of the Women's Development Programme, have formulated women's development programmes specific to their own situations so as to ensure they are accurately targeted and adapted to local conditions.

21. Thanks to unstinting efforts, conditions for women in China have visibly improved. In terms of political participation, employment, education, health and hygiene, and marriage and the home, their rights have been granted further safeguards. At the Tenth National People's Congress in 2003, there were 604 women delegates, or 20.24 per cent of the total, while 373 women delegates accounted for 16.7 per cent of delegates to the Tenth National Political Consultative Conference, increases of 0.78 per cent and 2.02 per cent over the figures recorded at the Eighth Congress and Consultative Conference respectively. At present, there are three women deputy committee heads on the Standing Committee of the National People's Congress, two women deputy chairpersons on the National Committee of the Chinese People's Political Consultative Conference, one woman vice-premier, and one woman member of the State Council. Departments of the State Council count 15 women as department heads or deputies, and in the year 2000, some 36.2 per cent of Party cadres throughout the country were women. At the present moment, some 46 per cent of the employed workforce in China are women: the areas in which women are employed have extended from their traditional occupations to new and nascent industries. Since 1995, the numbers and proportion of women working in such industries as electricity, gas and hydropower production and supply, posts and telecommunications, finance and insurance, real estate, travel, broadcasting, cinema and television, hygiene and physical fitness, and social welfare have been steadily rising. Over the same period of time, the number of self-employed women and women working in private enterprise has risen by 60 per cent. Provisions for the protection of women employees and labourers have been universally implemented. By the year 2001, the national rate of primary school entry for girls had reached 99.01 per cent, and the 59,368,000 girls attending primary school represented 47.3 per cent of the total. The 36,433,300 girls attending regular middle schools represented 46.49 per cent of all students, while the 5,468,400 girls in vocational middle schools accounted for 56.11 per cent of the total. Meanwhile, the 3,023,000 young women in higher vocational schools represented 42.04 per cent of all students in these schools. By the end of the year 2000, the regional coverage rate for nine years of mandatory education was

over 85 per cent, and the difference in the average number of years of education between boys and girls had been reduced to 1.07 years from 2.9 years in 1991. In 2000, health care was available to 86 per cent of pregnant women and women giving birth nationwide, and maternal mortality had dropped to 53 per 100,000 from 61.9 per 100,000 in 1995. The percentage of women giving birth in hospitals was 72.9 per cent, up 15 percentage points from 1995. In 2001, average life expectancy for women was 73.6 years, 3.8 years higher than for men. Meanwhile, all levels of government have organized campaigns to clamp down on physical abuse and a great many criminal cases involving violations of women's personal rights have been brought to justice. Campaigns against the infringement of women's rights and violation of the legal order that permits only a single partner in marriage (one husband, one wife), and in favour of equality, culture, harmony and stability in family relations protect the status of married women. China is a signatory to the Convention on the Elimination of All Forms of Discrimination against Women and has attended all World Conferences on Women and all United Nations international gatherings on the advancement of women. In particular, in 1995, China successfully hosted the Fourth World Conference on Women and the NGO Forum on Women.

22. In formulating the grand lines of national policy, the Government of China is committed to implementing the principles of equal participation, common development and common benefits for men and women, emphasizing equal participation in national affairs and social life without regard to gender, and encouraging cooperation between the sexes in realizing social progress and development. At the same time, owing to their restricted level of economic and social development and under the influence of traditional attitudes, the complete realization of equality for the women of China in their political, economic, social and family rights will be a long-term process, and the social environment for women's development requires further improvement. China still faces a long-term and formidable duty to overcome obstacles and root out the formal manifestations of discrimination against women.

Article 6

The right to work

23. In view of its large population, the abundance of manpower resources and structural adjustments to the economy, China faces enormous employment pressures. The Government of China has always considered the promotion of employment a strategic duty in national economic and social development. It is a major objective of macroeconomic regulation to increase employment and, as economic growth drives such increases in employment, to maintain the basic stability of the overall employment situation.

24. As China increases investment in basic infrastructure and maintains a rapid pace of economic development by increasing domestic demand, adjustments to industrial policies favour the development of labour-intensive enterprises with optimal attributes and market potential, particularly small and medium enterprises and service-sector enterprises that have a greater capacity to generate employment. At the same time, as foreign investment is encouraged, so is the development of collective, private and self-employment ventures, thus creating a varied and vibrant employment situation, increasing the number of jobs and widening the channels of employment.

25. China's fundamental employment policies can be expressed in this way: "The worker is autonomous in his choice of employment; employment is regulated by market forces; the Government promotes employment." Workers are encouraged to obtain jobs through fair competition, and measures are taken to favour the development of market-oriented employment mechanisms. In all the major cities of China, the Government has set up test points to practise a scientific, standardized and modern approach to the labour market. A labour-market data network is in place to favour the exchange of information on labour supply and demand and help workers find and change jobs through the labour market. In recent years, the Government has begun to explore the establishment of price-shaping mechanisms for the labour market, using market mechanisms in the deployment of labour resources and in setting rates of pay, and as the fundamental regulators of mobility in the labour pool.

26. Since the 1980s, China has established and perfected a system of employment services that includes vocational information, occupational training, unemployment insurance and labour-service enterprises so as to provide guidance, information and introductory services to job-seekers and employers, to provide occupational training to first-time job-seekers and retraining of the unemployed for changes of occupation. The system also provides unemployment insurance in order to provide jobs to occupationally disadvantaged groups. The Government encourages the development of grass-roots organizations that provide vocational information, thus extending employment services into local neighbourhoods and creating a multi-level network of these services.

27. China's farming communities have ample labour resources, which has led to the emergence of problems with the shifting of surplus labour. Through a combination of its urbanization strategy and its development strategy for the west of the country, the Government is actively exploring new paths to employment in the cities and countryside alike. First, it is promoting the employment of rural labour locally. The development of rural enterprises and the construction of rural community infrastructure can be brought about by taking full advantage of the superior labour resources in rural communities, implementing regional allocation plans for leading agricultural products and adjusting economic structures. Further contributing measures in this regard include developing an agriculture that is outside-market oriented, cost-efficient and labour-intensive, and certain non-agricultural industries. Concurrent projects include expanding irrigation works, road networks, the rural electricity grid and other basic infrastructure facilities, and developing basic educational and vocational skills training in the rural communities. Second, the Government is directing the rational movement of rural manpower across regional boundaries. Pursuing a policy of fair treatment for rural workers who move to the cities in search of work, rational leadership, good management and proper services, the Government is striving to remove systemic obstacles to the movement of rural manpower to the cities and thereby reduce the personal costs to these workers. The improvement of employment services and the development of vocational skills training for rural workers enhance their ability to find work outside their home regions. Helping develop relations on the basis of labour-market demand between developing regions where such demand is high and less developed regions with surplus manpower also reduces the incidence of uncontrolled, "blind" movements of manpower.

28. Following structural adjustments to the national economy, in recent years large numbers of redundant workers have lost their jobs in industry. The majority of workers laid off in State-sector industries are somewhat older, single-skilled and relatively poorly educated, and they encounter great difficulty in finding other jobs. In order to resolve this problem of jobs for

laid-off workers and the unemployed, the Government has designed and implemented policies to support re-employment. Through such programmes as free training, tax reductions, small loans, social welfare enhancements, simplified procedures for registering new businesses and the provision of business sites, it encourages laid-off and unemployed workers to create their own employment as individuals or as organizations. Making jobs in the community the main focus of such efforts and actively developing small enterprises with the potential to create jobs and job-placement ventures favour the development of a vibrant and varied job market. At the same time, the Re-employment Assistance Campaign, with its variety of support measures, enables laid-off workers to obtain timely and effective support and re-employment services and maintain their social insurance credentials. In the cases of closed and bankrupt enterprises, a number of appropriate arrangements are in place for the laid-off workers, ranging from early retirement to the onward use of restructured functional assets. The Government has addressed the problems of the poor urban unemployed and middle-aged laid-off and unemployed workers by establishing a system of public employment services. These provide funding for community-interest employment organizations that, through environmental, community security and community service initiatives, provide secure employment for persons in particularly difficult circumstances. They also offer free employment services, and have proven to be particularly effective.

29. Through the common efforts of the Government and all levels of society, the scope of employment in China is constantly widening, and employment structures progressively improving. At the end of 2001, the number of persons employed nationwide had reached 730.25 million, representing a labour participation rate (the proportion of the available labour pool that is actually employed) of 77 per cent; 32.8 per cent of the employed were urban workers, and 67.2 per cent rural. The registered unemployment rate among urban workers was 3.6 per cent. The number of persons employed in both urban and rural settings had increased by 328.73 million since 1978, with 144.26 million of these new jobs being found in the cities. In 2001, the structural proportions of employment in primary, secondary and tertiary industries were 50 per cent, 22.3 per cent and 27.7 per cent respectively. In comparison with past trends, the proportion employed in primary industry had dropped visibly, while increases were registered in the secondary and tertiary domains. In particular, tertiary industries displayed faster growth than did secondary industries. The proportions of urban workers employed in State-owned and collective entities, meanwhile, dropped from 99.8 per cent in 1978 to 37.3 per cent in 2001, while self-employment and employment in private and foreign-financed enterprises rose markedly. In rural communities, with the implementation of the urbanization strategy and the development of non-agricultural enterprises, both non-agricultural employment and the transfer of rural labour have rapidly increased. At the end of 2001, small-town enterprises employed some 130.86 million persons. Manpower resources diverted from rural to urban areas since the 1990s amount to some 80 million persons. Between 1998 and the end of 2001, State-owned enterprises in China shed some 25.5 million workers, 16.8 million of whom have found other work.

30. To raise levels of general culture and vocational skills in the workforce, the Government of China has employed a number of approaches to develop a variety of educational facilities, and treats certificates of academic attainment and certificates of professional qualification with equal importance. By the end of 2001, the coverage rate for the nine years of compulsory education exceeded 90 per cent of the population, and illiteracy among the young and middle-aged had dropped below 5 per cent. Nationwide, there are 1,396 regular schools of higher education with a student population of 9.03 million; 607 adult schools of higher education with a student

population of 5.59 million; and 93,968 general middle schools with a student population of 94.15 million. The State has also developed a network of higher vocational and technological institutes, middle vocational schools, occupational training centres, private-sector and enterprise-based vocational institutions in order to shape a complete, multilevel vocational education and training system that caters to the needs of first-time job-seekers, persons in work and laid-off and unemployed workers alike. For junior high-school graduates who do not proceed to higher education, a system of one- to three-year apprentice training schemes is in place. Vocational training institutions such as technical schools and occupational training centres have been reorganized with the introduction of comprehensive training bases and vocational training groups. Market-guided and employment-oriented training schemes have been created. Meanwhile, a system of graded and certificated professional qualifications is in place for workers from the basic skilled-worker grade through to advanced technician. At present, some 80 per cent of new entrants to the urban workforce are educated to the high-school graduate or higher level, or have received vocational skills training, and some 40 million workers have obtained a relevant certificate of qualification.

31. China has established employment service centres in all State-sector enterprises which have shed workers. Once laid-off workers have registered, the centres provide them with basic subsistence funds and pay their pension, unemployment, medical and social insurance premiums. At the same time, the Government's public employment service organs provide them with vocational guidance, occupational information and vocational training services in order to assist them in quickly finding further employment. In 1998, the Government launched the first "3-Year, 10 Million" plan, a scheme aimed at providing retraining for 10 million laid-off and unemployed workers over three years. Such workers are prompted to participate in retraining through the mobilization of society's training resources and a system whereby the Government "purchases" the results of retraining. In the three-year period from 1998 to 2000, retraining was organized for more than 13 million laid-off and unemployed workers nationwide and the employment rate half a year later for workers who had benefited from the programme reached 60 per cent. A second "3-Year, 10 Million" plan was launched in 2001. A "business start-up" plan is currently being implemented in 30 cities. This provides training for laid-off and unemployed workers who wish to start their own businesses and, after the training is complete, assists them in registering their businesses and obtaining small loans. The development of such small-business initiatives then provides job opportunities for other laid-off and unemployed workers.

32. The employment of women receives special attention in China. A range of laws and statutes, including the Constitution, the Labour Act, the Women's Rights and Interests Act, the Regulations for the Protection of Women Workers and Employees and the Regulations on Prohibited Areas of Employment for Women specifically prohibit direct or indirect discrimination against women in employment opportunities and conditions of employment, including training, advancement, health care and safety, and dismissal and social security. The Government has paid particular attention to discrepancies in the degree of women's development during the transition from a planned to a market economy, focusing on re-employment assistance for laid-off female workers and applying preferential policies such as the organization of occupational development training schemes for women and the provision by labour departments of free vocational skills training and job recommendations. At many levels and through many channels, the Government seeks to create jobs with particular emphasis on the development of

tertiary industries and community service networks so as to provide appropriate job opportunities to some of the older, single-skilled and minimally educated women. Statistics show that in the year 2000, 70 per cent of the people who found fresh work in communities were women.

33. The State protects women's enjoyment of the same labour rights as men, mandating equal pay for work of equal value and ensuring the appropriate special care required during menstruation, pregnancy, childbirth and while breastfeeding. In October 2001, to bolster the establishment of women's worker committees, the Standing Committee of the Ninth National People's Congress amended the Trade Union Act to deal with infringements of the special rights of women workers. Article 22 of the Act stipulates that, in the event of infringements of the special rights of women or of minor workers, their trade union should represent them in requesting that the enterprise or employer in question take steps to rectify the situation. The enterprise or employer in question should then look into the situation, make appropriate arrangements and report back to the union, failing which the union may apply for legal recourse through the local courts.

34. There are 3,174 institutions nationwide that monitor at all levels the protection of workers' rights, employing some 40,000 inspectors to supervise implementation of the Labour Act and the Women's Rights and Interests Act. These institutions reinforce the usual supervisory arrangements, focusing on hours of work, the vacation regimen, protection during the "four stages" of menstruation, pregnancy, childbirth and breastfeeding, and checking that equal work receives equal pay. When problems are discovered, prompt action is taken to rectify them. A system of labour contracts and collective agreements has been established and standardized; employing institutions and workers are required, when they sign such agreements, to take the special characteristics of women workers fully into account by clearly incorporating language on the rights and interests of women workers. The departments responsible for worker protection examine collective agreements and verify that that all clauses on the protection of the rights and interests of women workers are implemented. Extra guidance is provided to enterprises reforming their internal job allocation systems to ensure that men and women enjoy equal pay for work of equal value. At the end of 2002, labour contracts were in place at more than 95 per cent of urban enterprises, and more than 70 million workers were protected by collective agreements.

35. China considers it highly important to employ handicapped persons, and provides a variety of ways and means to promote this end. In urban areas, three principal paths to employment are available to the handicapped. First, all social entities are required by law to employ a certain proportion of handicapped persons on their staff, failing which they are liable to pay into an employment-security fund for the handicapped. At present, some 1.11 million handicapped persons are employed under this principle of proportionality. Second is the creation of welfare enterprises specifically devoted to the employment of the handicapped, which benefit from a policy of tax reductions and exemptions. Third is a system of preferences and support policies that promote self-employment by the handicapped, which currently accounts for the employment of some 1,448,000 persons. In all, some 3.52 million handicapped persons are currently employed in cities and towns, and their working conditions and environments are progressively improving. In rural areas, handicapped persons are generally employed in ways befitting their particular situations, engaging in planting, breeding, home-based handicrafts and similar pursuits. Some 15,795,000 people are employed in such ways. Nationwide, there are 3,012 institutions devoted to employment services for the handicapped, providing vocational

training and guidance and employment information. The employment rate for the handicapped has risen from 50 per cent in 1987 to more than 80 per cent at present. Through gainful employment, the handicapped earn better incomes, improve their living conditions and contribute to the prosperity of society.

36. In order to fully realize the right to work and achieve stability in the country's economic, social and cultural development, and full productive employment, in 2001 the Government of China enacted and promulgated the Tenth People's 5-Year Plan of Economic and Social Development (hereinunder referred to as "the Plan"), the objectives of which are stability in economic, social and cultural development, and full employment. The Plan notes that the next 5 to 10 years will be an important period in China's economic and social development. During the period of this Tenth 5-Year Plan (2001-2005), the Chinese economy will maintain a rapid pace of development; strategic adjustments to economic structures will have a marked effect, and the quality and benefits of economic growth will clearly rise. By 2010, gross domestic product should be double that of the year 2000. Having adopted modern corporate practices, State-sector industries will have made significant progress, the social welfare system will be more complete, substantial steps will have been taken towards the perfection of the socialist market economy and China will be more deeply and extensively engaged in international economic cooperation and competition. More channels of employment will be available, personal incomes in urban and rural areas alike will continue to rise, the material and cultural conditions of life will improve, while environmental protection and ecological safeguards will be strengthened. The pace of development of technology and education will increase, thus enhancing the people's levels of general culture, while both spiritual culture and the democratic rule of law will achieve visible progress.

37. During the Tenth 5-Year Plan, the Government's overall objectives include: (a) average annual economic growth of approximately 7 per cent, leading in 2005 to a GDP of 12,500 billion yuan (at constant year 2000 values), with a per capita GDP of 9,400 yuan; (b) the creation within five years of 40 million new urban jobs, and the transfer of another 40 million members of the rural labour force, while holding the registered urban unemployment rate at approximately 5 per cent; (c) basic overall price stability; and (d) international balance-of-payments equilibrium. The principal objectives of adjustments to economic structures include: (a) an upgrading of industrial structures to increase competitiveness on international markets and, by 2005, added value in primary, secondary and tertiary industries amounting to 13 per cent, 51 per cent and 36 per cent of GDP respectively, with these industries employing 44 per cent, 23 per cent and 33 per cent respectively of the total employed workforce; (b) significant improvements in the national economic level and amounts of information available within society; (c) significant improvements in basic infrastructure; (d) effective control of the current tendency towards widening of the development gap between regions; and (e) a further rise in the level of urbanization. In the development of technology and education, the principal objectives include: (a) an increase by 2005 in nationwide spending on research and development to more than 1.5 per cent of GDP, with concurrent increases in capacity for technological innovation and a faster pace of technological progress; and (b) faster development of education at all levels and of all types, with further consolidation of the universal nine years of compulsory basic education and a gross entry rate to junior middle school in excess of 90 per cent, followed by gross entry rates to the high school level and to higher education of approximately 60 per cent and 15 per cent respectively. The principal objectives as regards sustainable development include: (a) containment of the natural rate of population increase within 9 per thousand and

limitation of the national population to within 1.33 billion by 2005; (b) containment of the current trends of ecological deterioration, with a rise in forest cover to 18.2 per cent and an increase in green zones in newly constructed urban areas to 35 per cent; (c) qualitative improvements in the urban and rural environments alike with a decrease in overall emissions of pollutants of 10 per cent from year 2000 levels; and (d) visible achievements in the economical use and protection of resources. The principal expected enhancements to people's standard of living include: (a) significant increases in quality of life through improvements to basic public services; (b) average per capita annual increases of 5 per cent in the disposable income of urban residents and the net income of rural residents; an increase to approximately 23 square metres by 2005 of average per capita residential floor space for urban residents; (c) installation of cable television in 40 per cent of households nationwide; (d) continued improvements to medical and sanitary services in the cities and medical service facilities in rural areas in order to improve general standards of health; (e) increases in cultural and sports facilities in urban and rural areas alike so as to provide, through more available spaces, a more abundant cultural life; and (f) a generally better orientation of the tone and order of society.

38. China aims to strengthen the fundamental status of agriculture so as to promote overall economic development in rural communities and eliminate poverty. It will strictly apply a regimen of agricultural land protection, maintaining equilibrium in the availability of cultivable land so that, by 2005, the total area of cultivable land nationwide will be no lower than 128 million hectares. Stability in grain production capacity will be assured through implementation of the "Seed Engineering"¹ scheme, perfection of field irrigation facilities, further upgrading of low- and middle-yielding fields and adjustments to the facilities in and distribution of grain-commodity centres. The support dynamics in grain-producing areas will be increased in order to protect a vigorous production regime, and the development of long-term, stable relationships between producers and their markets will be encouraged. A basic balance of supply and demand will be ensured in food grains. Focus will be brought to poverty-relief work in the minority areas of the west, the original revolutionary zones, border areas and poverty-stricken areas so as to ensure a swift release from poverty of those still afflicted. A developmental approach to poverty relief will be maintained with an increase in the magnitude of financial transfers to poor areas, increases in poverty-relief funds at many levels and enhancements in the cost-benefit efficiency of such funds. Basic infrastructure in poor areas will be strengthened and the development of educational, cultural and sanitary facilities given priority. The scope of work-for-welfare schemes will be enlarged, so as to bring improvements to rural road networks, potable water supply for people and animals, basic field works and small-scale irrigation systems. These will improve the basic conditions of life and cultivation in poor areas. In the small number of areas where the subsistence environment is poor, the conditions will be created to develop the land to its best potential. Meanwhile, support will continue to be provided to areas and populations slipping back into poverty.

39. China will continue to intensify reforms of State-owned industries, to optimize industrial structures, to open further to the outside world, to develop an open economy and to strengthen its international competitive profile. Reforms are being applied to large and medium-sized State-owned industries to foster standard corporate practices. With the exception of the minority of remaining State-owned monopoly enterprises that are to be recast as wholly State-owned companies, large and medium-sized State-owned enterprises will be encouraged to list on the market according to standard models, establish joint ventures with foreign firms, participate in stock-sharing schemes and the like in order to progressively reshape themselves as

multi-invested limited-liability or public limited companies. A system with clearly defined functions will be set up to administer, manage and supervise State assets, so as to enable investors in such assets to take position quickly. Meanwhile, the State will explore ways of conditionally authorizing State-owned enterprises or State-asset management companies to exercise the functions of investors, and will strengthen the external oversight of the whole system of State-asset management. There will be further internal enterprise reforms, stronger scientific management procedures and complete and effective mechanisms for stimulation and restraint. Further progress is envisaged in the process of invigorating State-owned small and medium enterprises through reorganization, joint operation, mergers, leasing, contracted management and stock-sharing mechanisms, as well as outright sales, thus reforming the administration of property rights and management systems in general. Mechanisms for withdrawal from the marketplace are to be perfected by clearing the necessary channels and progressively establishing norms for enterprises, particularly loss-making ones, to cease trading. Current policies on mergers of and bankruptcy at State-owned enterprises will remain in force. Individuals, non-State-owned entities and foreign investors will be encouraged to participate in the reshaping of State-owned enterprises and changes in the share structures and means of share-trading in such enterprises that are not listed on the market will be pursued with a view to creating mixed-ownership enterprises. Every effort will be made to raise the overall quality and international competitiveness of Chinese industry through adherence to a market-oriented, enterprise-based system supported by technological progress that permits fluctuation while emphasizing its strong points. In keeping with the country's economic and social development, necessary structural adjustments and the pledges China made on joining the World Trade Organization (WTO), customs tariffs will be progressively lowered and such service industries as banking, insurance, telecommunications, foreign and domestic trading and travel will be opened up in stages. Foreign investment companies will be gradually extended the same conditions of treatment as national ones, as unified, standardized and transparent investment policies are formulated. With the exception of industries or enterprises critical to the nation's defence or its economic survival, ownership of which must remain in State hands, restrictions on the proportions of company ownership will be lifted. Finally, attention will be paid to the formulation and perfection of laws dealing with foreign nationals and their economic affairs, so as to raise the general level of legal administration in this regard.

40. China will continue to develop the services industry sector, raising the standards of supply and service. One aspect of this commitment is to develop services that deal with everyday consumer issues. These include: (a) further reforms to living accommodation systems in urban areas, the implementation of monetary policies for the allocation of accommodation, the development of real estate, and building maintenance and decoration industries focused on residential housing and property management; (b) expansion of the travel market through promotion and the development of new products so as to make this market a new area of economic growth; (c) upgrading and optimizing the distribution of community service facilities so as to expand the community services industry; (d) further development in the commercial, retail and restaurant trades; (e) active promotion of consumer-oriented financial and insurance services; and (f) the development of healthy and beneficial popular-entertainment and physical-fitness sectors so as to develop cultural and fitness-oriented industries. Another aspect of this commitment is the development of production-oriented service industries. These include: (a) the introduction of new business types and techniques, the promotion of franchise businesses, distribution systems, agency arrangements and variety in transportation facilities, as well as

reforms and improvements to traditional transportation, distribution and postal service industries; (b) faster development in the financial and insurance sector, support for the expansion of credit services by commercial banks, expansion of the channels for utilization of insurance funds, improvements in the capacity of insurance firms to accept insurance claims and pay out compensation, encouragement of innovation in financial and insurance services, and the general improvement of services; (c) the standardization and development of accountancy services, legal services, management consulting, engineering consulting and other intermediary service industries; and (d) the development of the information technology services industry, especially networks, consulting in applied data-processing technology, and the database services industry.

41. As part of a major drive towards the integration of information technology in society, China is to speed up development of the various industries concerned. One aspect of this is the comprehensive application of information technology, which will include: (a) the execution of major projects promoting the use of information technology in such areas as government, finance, external trade, broadcasting and television, education, technology, health and sanitation, social security and public services; (b) the development of electronic commercial services, with the accelerated introduction of electronic authentication systems, modern payment systems and credit facilities; (c) an emphasis on the application of information network technologies to agricultural commodity trading and the dissemination of new agricultural technology; (d) promoting the integration of information technology into the related cultural industries; (e) increased use of bar-codes, number-codes and other basic standardized information applications; (f) promotion of universal understanding of computer and network technologies; and (g) the formulation of national information system standards. A second aspect of this initiative involves the creation of fundamental information technology infrastructure: high-speed broadband networks, focusing on broadband access and, when applicable, the construction of third-generation mobile communication networks; stronger network and data security systems; basic national and public information resources, economic databases, other data exchanges and geographical data systems; and more integrated telecommunications, television and computer networks. A third aspect involves the development of a manufacturing industry producing relevant electronic equipment. The development of core technologies will increase manufacturing capacity of computer, network and telecommunications products, digital audio-visual equipment, and new hardware components. Similar efforts will drive development of the integrated circuit and software industries, and generally enhance the country's information technology infrastructure and system integration capacities.

42. China continues to reinforce its basic infrastructure, improving the distribution and structure of facilities. One aspect of this is the improvement of water conservancy facilities. On a basic policy of promoting beneficial use of water resources while countering potential harm, and further efforts devoted to the prevention of floods, droughts and associated calamities, particular attention is to be paid to resolving the twin issues of insufficiency of water supply and water pollution. A second aspect is the completion of a comprehensive transport system. Construction of the main national highway grid known as the "5 Down and 7 Across"² will be accelerated while three principal north-south and two east-west highways among these³ will be completed and opened along their full lengths. By 2005, a total of 1.6 million kilometres of highways will be open to traffic, including some 25,000 kilometres of freeways. Railway construction will include work on the Qinghai - Tibet line, the Beijing - Shanghai high-speed link, and the rail crossings of the north-west and south-west borders. By 2005, some 75,000 kilometres of rail lines will be in operation. Meanwhile, rail infrastructure in the big

cities will be further developed. Along the coasts, main ports will see further development to their containerized traffic systems and specialized bulk cargo facilities; equipment in major harbour channels and approaches will be upgraded. A third aspect of infrastructure development focuses on optimizing the country's energy structure. With coal remaining the fundamental energy source, production of high grades will be proportionally increased while research, development and widespread implementation of clean-coal technologies will receive emphasis. Further development of petroleum resources is envisaged, featuring increased exploration for and exploitation of natural gas, while the development of petroleum substitutes such as alcohol fuels will continue. Meanwhile, outside sourcing of resources will continue, with the establishment abroad of petroleum and natural gas supply bases and a diversification of petroleum imports.

43. China will continue to implement its development strategy for the west of the country and its urbanization strategy, promoting coordinated development among the country's various districts, cities and rural areas in the cause of common progress. Special attention will be paid over the next 5 to 10 years to the achievement of breakthrough progress in the development of basic infrastructure and the natural environment in the west, with improvements in technology and education. New mechanisms will be adopted to improve the investment environment and open the area to local and outside interests, so as to develop an economy based on varied systems of ownership and attract both foreign and domestic investment in development and construction. Special focus will be given to the development of small and medium-sized cities and towns and improvements in the functioning of regional centres, while larger cities will exert a radial effect on regional development and promote the orderly development of concentrated urban zones. Intensive economic development of cities and towns will increase their ability to provide employment opportunities, while the development of urban infrastructure will improve residential conditions and the functioning of public and community services. By focusing on creating a favourable living environment for urban residents, urban environmental protection and pollution control will be enhanced. Finally, a general improvement in urban management standards will favour the coordinated planning, design and construction that will endow each particular town and city with its own characteristic style.

44. China will accelerate the development of educational, health and fitness facilities. Educational objectives include the promotion of educational programmes that ensure students' moral, intellectual and physical development, while fostering natural talents and nourishing innovation and practical ability. The reinforcement of basic education receives particular emphasis, as China continues to raise the level of general education among the population. Initiatives include: (a) extending compulsory education to impoverished areas in the west and minority areas, and implementation of the second National Compulsory Education Programme for Impoverished Areas and the Rural Schools Hazardous Structures Replacement Programme; (b) steadily increasing the coverage of high-school-level education until it is the norm in larger cities and economically developed areas; (c) adopting a variety of measures to develop higher education, broaden the scope of educational opportunity and guarantee the quality of education; (d) continuing to implement the "211 Programme",⁴ which focuses on the development of a number of high-standard universities and fields of study. Meanwhile, further efforts will be devoted to vocational education and training, the development of adult and other continuing educational facilities, the constitution of a system for lifetime education, and early-childhood education. Health-oriented initiatives include: (a) reforms and improvements to health services, medical security and health-and-safety monitoring systems, and the further development of basic

medical treatments, preventive care and convalescence services; (b) the implementation of regional health planning and optimization of the deployment of health resources; (c) great emphasis on hygiene and the prevention of illness, and greater efforts to prevent and control frequently occurring endemic, occupational and infectious diseases; (d) further development of traditional Chinese medicine, while promoting the integration of Chinese and Western medicine; (e) efforts to overcome the most basic health and medical care issues that persist in rural communities by perfecting primary health-care services in these communities, increasing essential facilities and promoting cooperative use of facilities where geographical factors favour it. Meanwhile, emphasis will be given to the provision of public sports and fitness facilities, the promotion of countrywide fitness campaigns and systems for the assessment of levels of physical fitness. Programmes promoting competitive sports and athletics will also see further development.

45. China is actively engaged in increasing employment and completing its social welfare system. Through the formulation and application of favourable policies, efforts are being made to develop labour-intensive industries, high employment-volume service industries, and small and medium non-publicly owned enterprises. Similarly, new efforts are being made in in-service and re-employment training in order to upgrade the skills of the workforce and better the chances of the unemployed to find jobs or start their own businesses. Flexible employment models are promoted, with workers being encouraged to change trades, accept part-time and seasonal jobs, and pursue self-employment. China is also opening up an international market in labour and expanding labour exports. It is striving to prepare workers for jobs generally and to introduce a system of certificated professional qualifications, while retirement programmes are strictly enforced. In terms of social welfare programmes, China is expanding the scope of its old-age pension schemes, and continues to refine old-age insurance schemes for urban workers which involve a mixture of publicly funded and personal-savings programmes. Using that model, a similar programme for medical insurance for urban workers is being promoted in order to ensure that workers' basic medical needs are taken care of. Improvements are being implemented in unemployment insurance, with pilot projects that aim to progressively bring the welfare schemes for laid-off State-sector workers into line with the unemployment insurance system, and expansion of the cover afforded by unemployment insurance. Workmen's compensation and maternity insurance schemes are being similarly expanded in scope. Employers that meet certain conditions are also being encouraged to institute annual bonus and supplementary health insurance schemes for their employees, thus allowing commercial insurance schemes to supplement the social welfare system.

Article 7

The right to favourable working conditions

46. In China, the equitable principle of "to each according to his work" is the principal force within a diversified system of remuneration. The result is a system in which fairness and efficiency receive equal emphasis. Reforms to the methods of remuneration which involve applying the regulating effects of market forces to wage levels have resulted in a system in which levels of worker income rise in step with economic development and growth in enterprise profits. The Labour Act, the Minimum Wage Regulations, the Provisional Regulations on the Payment of Wages and other relevant statutes set out clear regulations for the apportionment of wages.

The Government sets and periodically adjusts minimum wage standards, sets out approved methods of payment, regularly publicizes data on wage guidelines, prevailing labour market rates and manpower costs, encourages enterprises to experiment with collective wage agreements, urges them to adopt varied and flexible wage regimes and distribution models, and maintains the respective rights of enterprises to set their own remuneration regimes and of workers to obtain correct payment for their labour in accordance with the law.

47. Two principal regimes exist in China for the setting of wage levels; the first applies to State-owned enterprises, where total wages are set in accordance with the general profitability of the enterprise in question. Wage management plans apply and there is a linkage to work efficiency. In setting their total wage outlays, enterprises also operate under the twin "lower than" premises, to wit that growth in total labour costs must remain lower than profit growth, and that average wage growth must remain lower than productivity growth. Non-State-owned enterprises, meanwhile, generally set their own wage levels as a function of prevailing labour-market rates and their own profitability. A certain number of enterprises set their wage levels through collective agreements; at present, more than 30,000 enterprises in China are experimenting with collective wage agreements. Enterprises enjoy complete autonomy when it comes to internal distribution of remuneration though the Government has directed them to institute reforms so as to link remuneration primarily to jobs performed. In terms of wage policy, the principles of "to each according to his work" and equal pay for work of equal value have been universally implemented, and discrimination on the basis of gender, race or ethnicity does not exist.

48. In 1993, the Government promulgated the Minimum Wage Regulations and, in 1994, the relevant department published Directives on the Implementation of the Guaranteed Minimum Wage Regimen. Section 48 of the 1994 Labour Act stipulates that:

"The State shall implement a system of guaranteed minimum wages. Specific standards on minimum wages shall be determined by the people's governments of provinces, autonomous regions or municipalities directly under the Central Government and reported to the State Council for the record. Wages paid to labourers by the employing unit shall not be lower than the local standards on minimum wages."

China's guaranteed minimum wage system applies to all enterprises and individual economic entities within the borders of the People's Republic of China and to the workers associated with them. State institutions, organizations and associations and the workers associated with them must also follow these regulations.

49. In instituting a guaranteed minimum wage regimen, China's main objective is to ensure the basic livelihood of workers and their families. Departments administering the labour guarantees regimen are responsible for setting up the minimum wage system, and relevant departments in each province, autonomous area and directly administered municipality are responsible for setting, adjusting, publicizing and implementing the minimum wage standards in their respective areas. The Minimum Wage Regulations stipulate that: "When setting minimum wage standards, departments administering the labour guarantees regimen will conduct studies jointly with trade unions and entrepreneur associations and consult local commercial and

industrial associations and the financial, civil and statistical administrations.” Accordingly, when provincial-level People’s Government authorities are setting minimum wage standards, they will take into account such factors as the income levels of low-income workers in their area, consumer price indices, workers’ family support costs, average wages, supply and demand on local labour markets, worker productivity and the region’s overall economic performance. They will also consider what is needed to remain competitive with other markets and the level of charges enterprises can bear. When changes occur in any of these variables, the minimum wage can be adjusted as necessary, though no more than once a year. At present, the guaranteed minimum wage regimen is in effect in 30 of China’s provinces, autonomous districts and directly administered municipalities.

50. China holds persons found to be in infringement of the minimum wage regime legally responsible. The local labour authority will call upon the party concerned to rectify the situation within a given time; should that time elapse with no action taken, a notice of criticism will be issued and the employing institution (work unit) and individuals responsible will be subject to economic penalties.

51. Since the beginning of the era of liberal reforms and in step with the rapid pace of economic development, the income levels of urban workers have been constantly increasing. At the end of 2001, the average annual monetary income of urban workers was 10,870 yuan, some 16.3 times as much as in 1978. After allowing for inflation, the real average annual increase in worker income has been 5.5 per cent.

52. The Government of China attaches great importance to workers’ right to rest and holidays, and has promulgated in this regard a number of laws and statutes. Current statutes based on provisions in the Labour Act include the State Council Regulations on Working Hours, the State Council Regulations on Family Visits and the Vacation Arrangements for National Holidays and Commemorative Days. These are regularly upgraded and adjusted in step with economic and social development.

53. In order to ensure that workers enjoy their normal rights to work, rest and holidays, China currently stipulates that a workday should not exceed 8 hours and that the average workweek should not exceed 40 hours. The Government places restrictions on employers (work units) that wish to extend working hours, requiring negotiations with the trade unions and workers concerned. In general, extensions cannot exceed 1 hour per day; in special circumstances this can be extended but cannot exceed 3 hours per day or a total of 36 hours per month. In implementing a regimen of standard working hours, the Government has taken into consideration the different conditions prevailing in various enterprises, and allows enterprises which meet the necessary conditions to administer special working-hour arrangements. In summary, the regimen currently in force in China is the result of a long period of refinement. It is progressive and scientific in nature, and is in keeping with current international trends in working-hour standards.

54. The Labour Act stipulates that workers are entitled to statutory holidays and a minimum of one day off per week. According to the Vacation Arrangements for National Holidays and Commemorative Days promulgated in 1999, there are 10 statutory holidays annually in China.

They are: one day on New Year's Day, 1 January; three days at the International Labour Day, 1 May; three days at China's National Day; and three days at Chinese New Year. In 2000, the Ministry of Labour and Social Security published a notice on Average Monthly Working Hours over a Year and Wage-Conversion Problems which fixes the average number of days and hours worked per month over a full year at 20.92 days and 167.4 hours respectively. The Labour Act also provides for paid annual vacations, stating that employees who have worked continuously for more than one year may enjoy a paid annual vacation. The regulations also state that a worker's period of paid vacation should not exceed two weeks.

55. The Government of China has always attached a high degree of concern to safety at work and the protection of workers. Article 42 of the Constitution states that citizens of the People's Republic of China have the right as well as the duty to work. Through various channels, the State creates conditions for employment, enhances occupational safety and health and improves working conditions. Article 3 of the Labour Act stipulates that labourers shall have the right to obtain protection of occupational safety and health. The Trade Union Act, the Mine Safety Act, the Mineral Resources Act, the Coal Act, the Electricity Act and the Construction Act all contain regulations pertinent to the health and safety of workers. As a means of strengthening official oversight of safety in production, preventing and reducing the incidence of accidents, protecting people's lives and property and promoting economic development, the Government of China has in recent years accelerated the steps taken to enforce safety at work, and in 2002 promulgated the Work Safety Act. As a law designed specifically to address the issues of safety at work, the various articles of the Act constitute a thorough system of concrete regulations ensuring the rights of workers to job safety, while also laying out stringent terms of legal responsibility to back up workers' rights with a body of statutory law. The basic rights of workers to safety at work can be summarized as follows: (a) the right to training in working safely; (b) the right to make recommendations on safety issues to one's employer (work unit); (c) the right to be provided with safety equipment conforming to national or trade-specific standards; (d) the right to enjoy Workmen's Compensation Insurance and compensation for injury or death; (e) the right to be made aware of potential dangers and eventual emergency measures; (f) the right to criticize, make reports to a superior or sue with regard to safety management; (g) the right to refuse a command that contravenes regulations or that forces one to work in dangerous conditions; and (h) the right to stop work in an emergency and escape.

56. In order to strengthen work safety inspection and management mechanisms, in early 2000 the Government set up the National Coal Safety Bureau, a vertically managed system with 20 branches at the provincial level and 71 local inspection offices employing a total of 2,800 coal-mine safety inspectors. In 2001, it constituted the National Work Safety Inspectorate (National Coal Safety Bureau), and set up the State Council Work Safety Committee and its offices so as to unify the operations of work safety and coal-mine safety inspectorates nationwide. As a means of further reinforcing work safety management, in 2003, the Government changed the safety inspection system to make the National Work Safety Inspectorate a direct organ of the State Council, disbanding the State Council Work Safety Committee and transferring its functions to the new body. With new enforcement powers, the Inspectorate represents a force for stability and improvement in work safety. Local governments and administrative departments nationwide have similarly stepped up the creation of work safety inspection bodies, with the result that, nationwide, there is now in place an integrated system for work safety inspection and management.

57. Since 2001, the Government of China has stressed the importance of work safety as an organized and standardized aspect of the market economy order. The five major areas of safety concern identified for remedial action are explosives for civilian use and fireworks, road and water transport, coal mines, dangerous chemicals and areas of high-density public gathering. In a remedial campaign, a great number of illegal small factories, small mines, business outlets and transport firms found not to conform to basic safety standards were closed down. These included 15,400 small coal mines, 23,700 other small mines and 237,000 factories producing inflammable and explosive products. Over 20,000 businesses operating in violation of the required conditions for handling dangerous chemicals were liquidated, while more than 10,000 dance halls, Internet cafés and other entertainment venues not conforming to fire regulations were banned. Meanwhile, some 27,000 vehicles found to be operating in violation of technical standards were removed from the roads.

58. In 2001, the Government of China promulgated State Council Regulations on the Establishment of Administrative Responsibility for Major Accidents; the provinces, autonomous regions and directly administered municipalities produced their own versions of these regulations. By establishing a legal framework for establishing responsibility, these measures strengthened the overall system of government responsibility for work safety at all levels. The purpose is to establish the responsibility not only of the individuals involved in a given incident, but also of the government officials who are supposed to provide leadership, in accordance with the law. During the investigation of an accident, for example, four principles of "non-tolerance" are prescribed. It will not be tolerated that: (a) the cause of an accident is not determined; (b) the person or persons responsible for an accident are not severely dealt with; (c) responsible persons in an enterprise and the body of employees are not given appropriate subsequent instruction; and (d) action is not taken to prevent the occurrence of a similar accident. Those responsible for accidents will be dealt with strictly, in accordance with the law.

59. In order to encourage technical changes conducive to work safety, enterprises are urged to establish their own regimens of self-discipline. In recent years the Government of China in cooperation with industry has increased investment in safety-oriented technological change. In the coal industry alone, it has organized four campaigns over the last two years, providing funding for 151 technological upgrade projects in the interests of work safety. The total investment in these projects amounted to 3.92 billion yuan, of which 1.27 billion yuan came from government-bond subsidies, 1.57 billion yuan from bank loans and 1.08 billion yuan from enterprises' own funds. The investment went into new equipment and safety-related technological upgrades in major coal-mining operations. At the same time, enterprises were required to increase their basic commitment to and investment in work safety. Guided and monitored by the Government, Chinese enterprises, particularly large and medium-sized State-sector firms, have established and refined strong systems of work safety, and several hundred enterprises have obtained certification for their occupational health and safety arrangements.

60. The State has vigorously promoted safety-related education and training. Since the 1990s, China has declared a Work Safety Week every year, extending this in 2002 to Work Safety Month and running a concurrent Work Safety 10,000 Kilometre Walk. Other popular safety-related campaigns organized on a national basis include the Health Cup athletics competition and the Youth Work Safety Demonstration Corps. There are hotlines and mailboxes, and a work-safety news bureau that publishes the *China Work Safety News* and

otherwise uses television, radio, print media and the Internet to promote monitoring of safety issues by the public. A work-safety training system has been established to enhance the training already in place for all types of workers. In 2002 alone, this organization provided specialized training for some 220,000 work safety supervisors, 550,000 work safety managers and 1.57 million specialists from all types of enterprises. In large enterprises, educational campaigns are generally conducted at the factory, workshop and team levels.

61. China continues to strengthen international ties of exchange and cooperation in the field of work safety, maintaining at present formal relationships with relevant institutions in more than 20 countries and territories. A Sino-Japanese 5-year plan for the training of coal-mine safety technicians saw 867 safety operatives receive specialized training in both China and Japan in 2002. Formal ties of cooperation have been established through memorandums of cooperation signed with work safety organizations in the United States of America, the Russian Federation, the United Kingdom and Australia. In August 2002, China entered the Third International Mine Rescue Competition held in the United States, a first-time participation that resulted in a first place in the respiratory equipment competition and a third in emergency rescue. With the International Labour Organization, China hosted in October 2002 an International Work Safety Seminar held in conjunction with the Occupational Safety and Health Technology and Equipment Exhibition in Beijing. Attended by some 600 delegates from 30 countries and territories, the exhibition featured displays of new products and technology from 140 manufacturers from China and abroad. In cooperation with the International Labour Organization and Hong Kong's Occupational Safety Bureau, China has also hosted international seminars on building safe neighbourhoods and the culture of safety.

62. Through the legislation and administrative action listed above, China has made great strides in work safety. The number of accidents involving the deaths of 10 or more persons, and the total number of persons killed, dropped in 2001 by 18 per cent and 27.6 per cent respectively compared with the figures for the previous year. The accident rate and total fatalities in the mining and manufacturing industry dropped by 30 per cent and 20.6 per cent respectively, including drops in the respective categories in the coal-mining industry of 37 per cent and 30 per cent. Meanwhile, the incidence of major fires and resulting deaths incurred dropped by 77.8 per cent and 92.4 per cent respectively, while the reductions as regards fireworks-factory explosions were 23 per cent and 43 per cent respectively. On the roads, the number of major traffic accidents was reduced by 32.8 per cent and the number of deaths by 29.8 per cent. In 2002, the work safety picture in China showed great stability with the incidence of major accidents continuing to decrease. The number of accidents involving the deaths of 10 or more persons, and the total number of persons killed, dropped again by 8.6 per cent and 8.4 per cent respectively compared with 2001. The work safety situation in many major industries and domains of economic activity showed improvement, while the tendency to an undue frequency of accidents in certain communities came under effective control.

63. Even though the overall situation regarding work safety in China has improved, the fact remains that due to various factors - rather weak initial foundations, the position of the economy in a stage of transformation, construction and development, prevailing levels of production capacity and scientific development and the need to raise the overall level of work-safety consciousness among the population - it remains an area of serious concern and one which requires a responsible, long-term commitment. Achieving genuine workplace safety and protecting the lives and health of workers are important aims and basic premises in the

realization of a comfortable society for all. The Government will continue to work on the premise of "Safety and Prevention First", showing greater determination and taking stronger measures to ensure that safe conditions prevail in every workplace. Forthcoming projects are outlined below.

64. The State intends to strengthen the legal and systemic underpinnings of safety at work by implementing thoroughly the Work Safety Act and by establishing enduring mechanisms to ensure workplace safety. This includes formulating sets of regulations accessory to the Act: in 2003 some 30 sets of rules and regulations will be promulgated, while 38 national standards will be devised or amended so as to shape as quickly as possible the necessary rules and standards to promote workplace safety, and provide legal guarantees to this end. Under the Act, definition of the hierarchy of responsibility for workplace safety at the governmental, departmental and industrial levels is to be strengthened so as to ensure that workplace safety is genuinely realized at the grass roots. Enterprises will be required to increase their commitment to work safety and provide better basic facilities. A system of authentication of occupational health and safety measures is to be promoted, efforts to prevent occupational hazards are to be reinforced, and further steps are to be taken to establish a solid system of workmen's compensation insurance.

65. China will continue to focus on the remediation of work safety concerns in specific, identified areas. One is in prominent industries, where the establishment in accordance with the law of sound work-safety management systems is to be emphasized in the fields of coal mining, transportation and dangerous chemicals. On the basis of such work in specific areas, progress will be made towards overall standardization of safety management systems. A second is in specific regions - provinces, cities, highways and waterways where the incidence of accidents in recent years has been high - where enhanced monitoring and control and preventive action should significantly reduce the possibilities of serious accidents occurring. A third is in major enterprises, particularly those involved in coal mining, where gas-related disasters are common. Here, a strict policy has been formulated: "first clearing the air, then mining; stringent monitoring, strict controls; ventilation decides production", i.e. limiting major accidents in the coal-mining industry from first principles. A fourth involves reinforced monitoring and management of safety issues in small and medium-sized enterprises, while the fifth is stiffer penalties for violations of the laws and regulations on workplace safety, which are necessary to ensure that the relevant legal statutes are thoroughly implemented and observed.

66. The Government will continue to boost its capacity to monitor and investigate workplace safety, while promoting the implementation of all safety-related measures and designating zones of responsibility. Local government authorities, departments and work units of all types will be required to carefully identify and remedy sources of potential accidents and hidden perils, particularly in busy areas such as bus and train stations, docks, airports, shopping centres, amusement centres and tourist sites. Such areas must be carefully assessed for potential hazards, any identified must be dealt with within set periods of time, and responsibility must be designated for the process. Where basic safety conditions are not met, business or traffic may be suspended pending corrective action or an offending enterprise may even be closed down. Systems for reporting hazards and for public oversight of workplace safety are being put in place.

67. Based on a policy of vigilance, China will strive to establish enduring mechanisms to ensure workplace safety, accelerating work on the “Three Great Objectives” (the creation of safety-management systems and work mechanisms, the development of legal structures, and human capacity-building) while accelerating development of the “Six Support Systems” (work-safety laws, information resources, technical facilities, education and publicity, training, and mine-rescue systems) and fashioning a new work-safety structure with the Government providing unified leadership, departments fulfilling their supervisory duties according to the law, enterprises assuming their responsibilities, and society at large providing oversight and support. One aspect of this commitment is to strengthen leadership by establishing supervisory systems and a complete system of laws on the subject. Work safety is being incorporated into economic planning and the system of target assessment, while strong management mechanisms for the leadership and coordination of working groups on the topic are being set up. A second aspect is to take further steps towards the establishment of a system of responsible guidance from government departments at all levels, so that areas of responsibility for workplace safety in government departments and within enterprises are defined and adhered to. This will allow for the strict investigation and affixing of responsibility and will encourage all concerned to honour their responsibilities. A third aspect is to be mindful of self-discipline in work-safety matters at enterprises, sustaining efforts to improve work-safety mechanisms, while monitoring and inspecting them for compliance with the various systems of safety guarantees. A fourth aspect involves further efforts in safety-related education and training, so as to raise levels of work-safety consciousness in the workforce and within the population at large.

68. China will continue to strengthen its international ties of exchange and cooperation, conscientiously drawing on and learning from the more advanced experience of foreign countries in the field of work safety and adapting this knowledge to conditions in China so it can be put to good use nationwide. It will actively develop its cooperation with the International Labour Organization, the International Social Security Organization and other international organizations in the field of work safety, and accelerate the promotion of Safety Training, Work Safety Legal Studies, Incident Statistics and Reporting Systems, Occupational Safety and Health Management Systems and other such international programmes. It will consolidate its bilateral cooperation with the United States of America, Germany, the United Kingdom, Poland, Australia, India and other countries, and will further develop cooperative programmes with the United States of America in mine safety, with Japan in coal-mining safety training, and with Germany in coal-mining and chemical products safety management. China will continue to organize and host international conferences on work safety and to participate in international safety-related academic and technical exchanges, training programmes and competitions. In short, by opening increasingly to the outside world and adopting a broader vision, and by striving to develop its strengths and overcome its deficiencies, China will raise work safety to new levels.

Article 8

The right to join a trade union

69. China has consistently placed great emphasis on the protection and promotion of the rights of workers. China’s Constitution, the Trade Union Act, the Labour Act and related statutes clearly grant workers the freedom of association and the right to form and join trade unions of their own volition. Article 35 of the Constitution states that:

“Citizens of the People’s Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.”

Article 3 of the Trade Union Act stipulates that:

“Both manual and intellectual workers at enterprises, institutions and organs in China who rely on wages as a main source of income, regardless of their nationality, race, sex, occupation, religious beliefs and educational level, have the right to participate in and organize trade unions in accordance with the law. No organizations or individuals shall obstruct or restrict them.”

Article 7, paragraph 1, of the Labour Act stipulates that “workers shall have the right to participate in and organize trade unions in accordance with the law”. In October 2001, the Standing Committee of the National People’s Congress amended the Trade Union Act, spelling out the legal responsibility incurred by violation of the right of workers to form and join trade unions. Article 50 of the amended Act states that:

“Any organization or individual that, in violation of articles 3 and 11 of this Act, obstructs workers’ joining or organizing of trade unions in accordance with law or efforts by trade unions at higher levels to assist and guide workers in establishing trade unions shall be ordered by the administrative department for labour to desist; if it refuses to do so, the said department may request the people’s government at or above the county level to deal with the matter; where grave consequences result from the obstructive and criminal use of such means as violence and threats, criminal responsibility shall be established according to law.”

Article 53 stipulates that “illegal dissolution or merger of trade union organizations shall be corrected by order of the people’s government at or above the county level and dealt with in accordance with the law”.

70. It is necessary to note here that, in the interests of national security and the maintenance of public order, and because China has compulsory military service, members of the armed forces and the armed police in active service are not workers whose main source of income is wages, and do not join or form trade unions.

71. Article 2 of the Trade Union Act states that “trade unions are mass organizations of the working class formed by workers on a voluntary basis. The All-China Federation of Trade Unions and all the trade union organizations under it represent workers’ interests and uphold their legitimate rights according to law.” Article 7, paragraph 2, states that “trade unions shall represent and uphold labourers’ legitimate rights and interests, and conduct their activities independently in accordance with the law.” In keeping with the Act, China has established a centralized union, the All-China Federation of Trade Unions, which is a natural outgrowth of the historical progress of the workers’ movement in China. It is the voluntary choice of hundreds of millions of workers and is of benefit to trade unions as they represent and protect the interests of the great masses of the workers. For many years, the All-China Federation of Trade Unions and its many levels of union organizations dedicated to upholding workers’ legitimate rights have done outstanding work and earned the widespread trust of the masses of workers.

72. Chinese trade unions at all levels take action, and strive mightily in keeping with the law, to organize the masses of workers into trade unions. In late June 2002, the country had some 1,658,000 grass-roots trade unions with some 131 million members. At the same time, while adapting to China's economic reforms and structural changes in systems of ownership, unions at all levels have made bold innovations in their organizational systems, their working mechanisms, their modes of activity and the fulfilment of their duties, progressively establishing a system for the extension of trade union organization to small towns, neighbourhoods and communities, economic and technical development zones, industrial zones, high-technology parks and administrative villages. In small towns and neighbourhoods nationwide, 37,784 enterprises (94 per cent) and 5,300 enterprises (93 per cent) respectively, have been unionized.

73. Trade unions of all levels in China work through a variety of channels, such as joint conferences with similar levels of Government and the relevant departments, to coordinate labour relations with the Government and employer organizations. In tripartite discussions, strengthening coordination between the monitoring of labour and social security issues and the monitoring of trade union and labour law is emphasized. Unions also participate in the formulation of laws and policy that have a bearing on national labour standards and workers' vital interests, putting forward their opinions and policy suggestions, accomplishing much in terms of both grass-roots participation and macrolevel safeguards. Since the system of national tripartite labour-relations coordination conferences was established in August 2001, four such national conferences have been held. At the provincial level, 30 provinces, autonomous regions and directly administered municipalities have set up systems for tripartite labour conferences; 17 have made arrangements for joint conferences; and 21 that have made arrangements for joint conferences are currently extending them to their cities and counties. In the last five years alone, trade unions have helped to draft 1,264 legal statutes and policies now in force that have a bearing on workers' vital interests.

74. China is promoting a system of consultations and collective agreements among equals. By the end of June 2002, some 635,000 enterprises nationwide, representing some 48.7 per cent of all unionized enterprises and a total of 80 million workers, operated this way. Some 375,000 of these enterprises were non-publicly owned. China's unions also actively promote this system in specific regions and occupations; some 25,500 collective agreements of a regional or occupation-specific nature have been signed nationwide, covering some 328,800 enterprises. In addition, some 30,000 enterprises nationwide have held collective wage negotiations and signed wage-specific collective agreements.

75. Workers are organized to hold democratic elections, to formulate policies democratically, to manage democratically and to monitor democratically. In keeping with the law, trade unions at all levels make it an important task to strengthen democratic management at the grass-roots level. In publicly owned enterprises, unions still maintain the system of workers' representative assemblies, while in non-publicly owned enterprises, they resolutely adhere to a guiding line of protecting the workers' legal rights and interests while working together to develop the enterprise. They actively explore ways of adapting to the realities of their enterprises and strive to promote the democratic management of workers in non-publicly owned enterprises so as to ensure that, in matters involving the workers' vital interests, the rights the law grants them - to be fully apprised of situations, to negotiate, and to monitor the enterprise's implementation of national laws and policies and execution of collective agreements - are upheld. By the end of

June 2002, more than 327,000 enterprises nationwide had workers' representative assemblies; more than 251,000 enterprises operated free-flow-of-information policies; some 187,000 publicly owned enterprises had systems involving democratic appraisal by workers' representative assemblies of the enterprise's leading cadres; 189,000 publicly owned enterprises had systems in which the use of corporate entertainment expenses was reported to the workers' representative assemblies; and 38,350 publicly owned enterprises had established worker membership on the board of directors, while 39,573 publicly owned enterprises operated systems involving employee oversight of corporate affairs.

76. Unions are concerned with the employment and livelihood of workers in difficulty. In order to safeguard the lawful rights and interests of such workers, they run "care projects", promote re-employment for laid-off workers, set up support centres for workers in difficulty in central cities and integrate their activities with refinements to the social security system. In recent years, unions at all levels have, through various channels, built up and distributed assistance funds of a total of 10.4 billion yuan, made sympathy visits to 480,000 enterprises in difficulty and 39.75 million families in difficulty. Nationwide, 447 city/regional-level unions, most county/district-level unions and 180,000 grass-roots-level unions have set up files on workers in difficulty, while over 80,000 cadres have set up assistance and contact relations with almost 1 million households of workers in difficulty. Unions have set up some 6,000 training centres where laid-off workers have attended over 3.2 million course-hours, as well as setting up some 4,000 job centres and finding 3 million new job opportunities for the laid-off and unemployed. By setting up relief-oriented trading markets and self-help production centres, they have helped a further 650,000 unemployed find new work. At the New Year and Spring (Chinese New Year) holidays, meanwhile, some 600 unions at the city level and above have provided workers with telephone hotline services with which to call home.

77. In the process of creating a comprehensive social security system, unions represent the masses of workers in the study and formulation of laws and policies on social security at the national and local levels. In presenting their opinions and suggestions, they actively reflect the wishes of the workers. In recent years, unions have participated in the study and formulation of the Labour Act, the social insurance bill, provisional measures for the collection of social insurance contributions, and old-age and medical insurance schemes. They closely monitor the collection and disposal of social insurance fund contributions and policy execution by these funds; they have urged the Government to widen the coverage of social security; and they have achieved the realization of every social insurance provision workers are entitled to by law. They have also actively developed voluntary mutual assistance programmes funded by workers' individual contributions; these programmes ensure a certain economic assistance in addition to the basic social insurance provided by the State for workers who fall victim to hazards, accidents or calamities. By the end of 2002, the various union-run workers' mutual assistance programmes numbered more than 80,000, with some 24 million members.

78. Unions are active in developing union legal services, providing legal aid and monitoring the application of labour law. At the end of June 2002, 13 provincial and city-level trade union federations were operating a total of 739 legal aid and legal services organizations with some 2,298 dedicated and seconded employees, and funds of 300 million yuan. Working on a voluntary basis, they provided responses to 178,000 legal queries, and handled correspondence and provided non-litigant representation in 14,000 cases; they represented workers in 4,168 cases of labour arbitration and litigation, and provided legal aid in 196,000 cases to some

218,000 workers. Nationwide, there are 155,000 union organizations monitoring the application of labour laws with over 33,000 inspectors; the Government has seconded 3,800 labour inspectors (“coordinating inspectors”). Some 15,585 union representatives sit on labour arbitration committees nationwide. At the same time, through a wide variety of measures, unions at all levels support campaigns that monitor the state of enforcement of the Trade Union Act, the Labour Act and other related statutes.

79. Unions protect and ensure the right of workers to receive vocational skills training, as the law requires. They actively urge all levels of government to include vocational skills training in their economic and social development plans. They also monitor and encourage enterprises to set up and improve skills-training schemes, and actively assist workers in remaining abreast of the latest scientific, technical, cultural, managerial and legal developments. They run a variety of schools, clubs and cultural centres for workers and strive to satisfy the psychological and cultural needs of workers at different levels and in different positions. At the end of 2000, unions at all levels were independently operating over 2,400 workers’ schools with an enrolment of 543,000 persons; 531 training centres of various types; 713 re-employment centres; 39,000 workers’ clubs and cultural centres; almost 20,000 libraries; and 52,000 sports centres, thereby promoting a lively and varied cultural and athletic life for workers. Since 1983, the All-China Federation of Trade Unions has promoted a self-directed study campaign for workers to encourage self-improvement through learning.

80. Concerning the question of strikes, with the explicit exception of police personnel and workers in national institutions who are prohibited from striking for reasons of national security and social stability, the current laws of China do not touch upon problems of this type. During the development of a socialist market economy, with the attendant increasingly complex labour relations, work stoppages and slowdowns may occur in various places. Article 27 of the Trade Union Act states that:

“In the event of a work stoppage or slow-down strike at an enterprise or institution, the trade union shall, on behalf of the workers, hold consultations with the enterprise, institution or the parties concerned, present the opinions and demands of the workers and propose solutions. The enterprise or institution shall try to satisfy reasonable demands by the workers. The trade union shall assist the enterprise or institution in dealing properly with the matter and restoring normal production and other work as soon as possible.”

According to this statute, when a work stoppage or slowdown occurs, union organizations will swiftly convey the workers’ reasonable demands to the relevant parties and will work to the best of their abilities on the workers’ behalf to achieve a timely and appropriate solution. China’s trade unions do not agree with strikes as a way to resolve contradictions in labour relations; they advocate bilateral communication and negotiations in keeping with normal labour-relations practice to settle such problems as they arise. Practical experience proves that consultations on a basis of equality, collective agreements and similar channels or labour-dispute settlements proceedings can resolve the great majority of disputes and differences. Only harmonious, stable labour relations are genuinely conducive to the interests of the working masses.

81. China’s unions actively pursue the development of friendly relations with union organizations around the world and with the International Labour Organization. Between 1998 and 2002, the All-China Federation of Trade Unions received some 333 delegations

totalling some 2,647 delegates from foreign unions, while sending abroad over the same period 303 delegations with some 1,625 delegates. At the International Labour Conference in 2002, a Chinese worker delegate was elected Worker Vice-Chairperson of the Governing Body of the International Labour Office. The influence of China's trade unions and their international profile are continually growing, and their role is increasingly important.

82. As economic reforms take deeper root and with the country's entry into WTO, China's unions are also facing severe challenges, so the All-China Federation of Trade Unions is actively seeking new work philosophies and methods. Employment patterns in China are changing, with non-publicly owned enterprises absorbing more and more manpower and irregular types of employment increasing daily. In order to respond to these conditions, the Federation has adopted the policy that "Wherever there are workers, there must be a union organization." By the end of 2002, some 1,014,000 union organizations had been established in foreign-investment-supported and privately run enterprises with a workforce of 40 million people. Under the conditions of the socialist market economy, the rights and interests of workers are increasingly complex and varied in nature, and changes in the economic systems have created groups of disadvantaged workers. The Federation has remained firm in its determination to adjust the mechanisms governing labour relations, on the one hand, and on the other, to achieve practical and realistic conditions for the working masses. This policy has been clearly effective. At present, China's intellectual or knowledge-based workforce is about 20 million strong, or only 2 to 2.5 per cent of the population, and is far from satisfying the demand brought about by China's modernization. Educational standards in the Chinese workforce are relatively low, which makes it difficult to adapt to international competition since China's entry into WTO. Accordingly, the Federation has made it an urgent objective to cultivate workers with a good general education, and is devoting much energy to that end.

Article 9

The right to social security

83. China is striving to build a comprehensive social security system that is adapted to the structures of the socialist market economy. After years of exploration and practice, the makings of a socialist social security system are being progressively created in the form of social insurance, social welfare, social benefits and social mutual assistance, which feature a variety of channels for collecting funds and providing management services. The basic policies of a social insurance system have already been drawn up, promulgated as law and brought into force, and they cover the great majority of urban active and retired workers. Some districts have even extended coverage to rural migrant workers who have settled in urban areas. In cities, a universal guaranteed minimum subsistence system for residents has been established.

84. With reference to an old-age pension system, a resolution on the establishment of a unified basic old-age insurance scheme for workers, issued in 1997, was the beginning of a single nationwide programme to provide basic old-age pensions for workers in urban enterprises. After some years of implementation, 147 million people have joined the system, among whom some 36.08 million are currently receiving a basic pension. The average monthly pension has risen from 413 yuan in 1998 to 648 yuan in 2002. In order to ensure that the basic pension is at an adequate level and is distributed on time, the Government has in recent years, while perfecting the pension system, been increasing the contribution from the public purse to the

pension funds. Between 1998 and 2002, supplementary contributions by the Central Financial Administration to regional pension funds amounted to 129.4 billion yuan. Pensions are now distributed by social service institutions such as banks and the post office: the rate of distribution by such institutions in 2002 was 99.4 per cent. In 1991, some rural districts in China began trials of an old-age pension system. As the personal-savings model of funding prevails, the basic premise governing the pension system in rural areas can be described as "personal contributions first, collective contributions as a supplement, government policies as support".

85. With reference to medical insurance, in 1998 the Government promulgated a resolution on the establishment of a basic medical insurance system for urban workers, thus initiating a system of basic health insurance on a national scale for urban workers. The basic health insurance covers all work units in urban areas across China and their workers; it is funded by contributions by employers and workers. By the end of 2002, the vast majority of cities across China had established basic medical insurance plans for workers in their areas, and coverage extended to 94 million persons. On the foundation of the basic scheme, cities went on to set up subsidy schemes for expensive treatments and another subsidy system for civil servants, while enterprises meeting certain conditions also set up supplementary schemes for their workers. As a means of addressing the basic medical security problems of the poor, regions nationwide are currently in the process of setting up social medical assistance schemes. Since 2000, the Government of China has required reforms to be implemented concurrently in basic medical insurance schemes, in the medical and health systems and in the distribution of medical supplies. While encouraging competition among medical institutions and market dynamics in the distribution of medical supplies, the Government is striving to reach its objective of "providing the best medical services at the lowest cost".

86. In 1998, Chinese government authorities issued instructions on the trial implementation of workmen's compensation insurance in enterprises, thus establishing an industrial accident insurance scheme in some areas. The same year, they set standards for determining the degree of disability caused by industrial accidents or occupational illnesses to provide a frame of reference for assessing work-related disabilities. At the end of 2002, the average industrial accident insurance premium rate was 1 per cent nationwide, and some 44.06 million workers were subscribed. Work units that have not joined an industrial accident insurance scheme remain liable for any costs that arise in connection with industrial accidents involving their employees. In April 2003, the State Council promulgated workmen's compensation insurance regulations, which will come into force on 1 January 2004, thus making workmen's compensation insurance the object of formal legislation.

87. China established a first unemployment insurance scheme in 1986 and promulgated unemployment insurance regulations in 1999. Unemployment insurance applies to all enterprises and employing entities in urban areas and their workers, and all such entities and their workers must contribute to the insurance fund. Unemployment insurance benefits are paid monthly, at a rate that is lower than the standard minimum wage but higher than the minimum subsistence level for city residents. The period of eligibility for unemployment insurance benefits is based upon the number of years contributions have been made to the fund, but cannot exceed 24 months. Unemployed persons who fall ill while drawing unemployment insurance are also eligible for medical subsidies, while the family members of an unemployed person who dies while drawing unemployment insurance are eligible to receive funeral subsidies as well as the pension due to surviving dependants. In addition, unemployed persons drawing unemployment

insurance can benefit from vocational training schemes and job-search allowances. Between 1998 and 2002, the number of workers subscribing to unemployment insurance plans rose from 79.28 million to 101.82 million. At the end of 2001, the total number of persons drawing unemployment insurance was 4.4 million. As the unemployment insurance system is refined, the system of basic subsistence guarantees for workers laid off from State-owned enterprises is being progressively incorporated into it.

88. Some regions of China began to explore reforms of enterprise maternity insurance systems as of 1988. In 1994, the Government drew on the experiences of the various regions to draw up instructions on the trial implementation of maternity insurance, which stipulate that maternity insurance premiums are to be paid by enterprises and not by individual workers. Maternity insurance benefits chiefly cover medical expenses incurred due to childbirth, and a certain maternity allowance. At the end of 2002, the average maternity insurance premium rate was 0.7 per cent nationwide, and some 34.88 million workers were subscribed. Work units that have not joined a maternity insurance scheme remain liable for maternity costs among their employees.

89. As regards a guaranteed subsistence minimum system, the People's Republic of China since its very inception has operated social relief programmes for the urban and rural poor. In 1993, the Government began to reform social relief programmes in the cities in an attempt to establish a guaranteed subsistence minimum system. By 1999, all cities and all counties with "organized townships"⁵ had established such systems. The same year, the Government formally promulgated regulations on the guaranteed subsistence minimum for city residents so as to provide all eligible city residents with basic coverage.

90. Payments made to city residents under the scheme come out of the budgets of the local people's governments. Local governments set the guaranteed minimum in the light of the basic subsistence needs of local city residents. All city residents whose household income per capita falls below that standard are eligible to apply for support under the scheme. At the end of 2002, some 20,536,000 city residents nationwide were benefiting from such schemes, and central Government support for the distribution of the benefits amounted to 4.6 billion yuan. In recent years, certain rural districts and communities have also begun to set up guaranteed subsistence minimum schemes.

91. China's social welfare system refers to those programmes financed by the central Government which provide a secure living for the elderly, orphans, the handicapped and members of other disadvantaged communities who live in straitened circumstances. In order to safeguard the rights and interests of members of disadvantaged communities, China has promulgated the Rights and Interests of the Elderly Act, the Protection of the Handicapped Act, regulations on work in the Five Support Areas (food, clothing, shelter, medical and funeral services) in rural communities and other statutes. These stipulate that collective support will be provided for the elderly who are widowed and alone, for handicapped persons and for orphans who meet the conditions for public support in cities; both collective and separate support will be provided for such persons in rural areas; the collective support will in general be organized by welfare centres, homes for the elderly, convalescent homes, children's welfare homes and other similar welfare institutions. China's social welfare facilities have made great strides. At the end of 2001, there were 3,327 government-sponsored welfare institutions nationwide, housing some 191,000 persons. There were 35,000 collectively organized welfare institutions housing

some 668,000 persons, 934 private welfare institutions housing some 34,000 persons, and some 38,000 welfare enterprises providing employment for 699,000 handicapped persons. In addition, China runs a national lottery to raise funds for welfare services. In 2001, welfare services raised a total of 4.2 billion yuan.

92. China is a country that suffers frequent natural calamities, with such troubles as floods, drought, windstorms and hail seriously affecting people's lives. In order to provide relief to those affected, China has set up social relief programmes specifically to deal with the effects of sudden natural calamities. All levels of government set aside funds for disaster relief in their annual budgets. Between 1996 and 2001, financial administrations at all levels paid out a total of 21.26 billion yuan for disaster relief, providing food, clothing, bedding and other necessities to some 390 million victims. The disaster-relief system provides essential safeguards for the basic survival of persons in afflicted areas.

93. Mutual assistance within society is a fine Chinese tradition. Promulgated in 2000, the Social Public Welfare Donations Act provided legislative standards and encouragement for making fund-raising campaigns into regular systematic events. In 2001, donations from within society to civil administration departments amounted to 1.59 billion yuan (a figure which includes donations of goods converted into monetary value). The Government of China urges institutions, public and corporate enterprises and social groups to employ organized means to support disadvantaged families and help them escape poverty and prosper. At the grass-roots level, it also lays on community facilities to provide care and service to the poor.

94. The Government has drawn up and implemented a system of special safeguards for women, ensuring, for example, that they enjoy special protection during menstruation, pregnancy, childbirth, breastfeeding and other particular physiological periods, and granting them 90 days of paid maternity leave. In 1994, the Ministry of Labour issued instructions on the trial introduction of maternity insurance by enterprises, specifying how maternity insurance expenses should be met in society as a whole: enterprises create a maternity insurance fund by paying a set proportion of their total wages bill as maternity premiums to the institution administering their social insurance. In 1997, the State defined a maternity insurance coverage plan that brought worker maternity into the ambit of the general social reproduction plan. This has had favourable effects in promoting fair competition among enterprises, improving the situation for women seeking work and protecting the basic rights and interests of women workers during their periods of maternity. The State has also set up a dedicated web page for the maternity insurance scheme to ensure that the relevant national and local policies and regulations and other related information are widely publicized and to prompt and guide local action.

95. China employs a great variety of measures to safeguard and improve the lives of the poor and handicapped. These measures include welfare relief, subsidies, foster care, direct support, social insurance and special care. The guaranteed subsistence minimum for city residents provides coverage for handicapped persons in urban areas who meet the necessary conditions. In rural areas, tax reductions and exemptions for the handicapped are universal, and the poor and handicapped also benefit from welfare relief and subsidies. Some areas provide special support to the jobless handicapped, the seriously handicapped, households with multiple handicaps and the handicapped with special needs. In 2001, some 2.01 million handicapped persons were paid the guaranteed subsistence minimum, while some 470,000 who were unable to join the productive labour force, had no legal parent or foster parent (or whose legal parent or foster

parent could not support them) or had no means of subsistence were in community care such as welfare homes or homes for the elderly, or in foster care in private homes arranged through welfare institutions. Some 2.54 million handicapped were receiving interim relief, regular subsidies and special allowances; 530,000 were enrolled in such social insurance schemes as old-age pension insurance, medical insurance and unemployment insurance, and 860,000 were receiving welfare support.

Article 10

Protection of the family

96. China promulgated the Marriage Act in 1950 and amended it in 1980. In order to adapt to China's economic and social development, further refine the system of married households and safeguard the rights and interests of citizens in this regard, the Standing Committee of the National People's Congress enacted further amendments in 2002. These amendments reaffirm the commitment to the institution of marriage by free consent between one man and one woman as equal partners. They maintain the basic principle of protecting the legal rights and interests of women, children and the elderly, advocating and protecting equality, harmony and civilized conduct in the married household, while addressing problems in current marriages that urgently require resolution. Article 2 of the Act states that "The institution consists in the voluntary union of one man and one woman as equal partners." Article 5 states that "Both parties to a marriage must consent of their own free will, without coercion or interference from any third party." Article 31 states that "If both the man and the woman agree to divorce, a divorce may be granted." In order to ensure the implementation of the Act, the State is currently revising the regulations on the administration of marriage registries. In response to the transformation from a planned to a market economy, amendments to the Act have refined the regime of property in a marriage, drawing clear distinctions between jointly owned, pledged and individual property and the related rights of the spouses. The law also deals with other notable problems that have arisen in step with changes in society, adding bans on bigamy, cohabitation with another when already married, domestic violence, etc.

97. Chinese citizens' freedom to marry is protected by law, and it is by common consent that the two parties concerned agree to marry or to divorce. Between 1985 and 2000, registered marriages among Chinese citizens averaged approximately 9 million per year. Over the same period, the divorce rate rose from 0.9 per thousand to 1.9 per thousand (see table 1).

98. On the foundations of the long-running "Five Traits of a Good Home" programme (an initiative to promote public-spiritedness, respect for study and work, gender equality and respect for the elderly and very young, birth control and good rearing practices and environmental protection), China in 1996 established a National Coordinating Group for Five-Traits Campaigns involving a total of 18 government departments and non-governmental organizations. Its objective is to incorporate these campaigns into overall national plans for economic and social development and the development of spiritual culture. The Group organizes seminars on specific topics, public lectures and orientation classes for newly-weds and publicizes, through the media and related means, the relevant laws and regulations and the ethical values of the civilized household, urging on people the notion of equal, harmonious and civilized married life. A special effort is being made to publicize the amendments to the Marriage Act and urge people to promote and practise the ideals of the good and civilized home themselves.

99. Article 2 of the Marriage Act states that the “Lawful rights and interests of women, children and the elderly shall be protected.” Article 21 says that:

“Parents have a duty to raise and educate their offspring … if they fail in their duty of care, their minor children and children unable to live independently have the right to require them to pay the costs of care Infanticide, abandonment and any other conduct that harms or cripples infants is forbidden.”

Article 22 of the Population and Family Planning Act states that “It is forbidden to discriminate against or to harm women who bear female children and women who do not become pregnant. It is forbidden to discriminate against, harm or abandon female infants.” Article 3 of the Protection of Minors Act states that “The State, society, schools and the home provide minors with education in ideals, morals, culture, discipline and the law …”, while article 9 stipulates that “Parents or other guardians must respect the rights of minors to receive education, and must ensure that minor children of the appropriate age receive compulsory education in accordance with the law. They must not allow minor children to drop out of school during the period of compulsory education.” Article 11 states that “Parents or other guardians must not allow or compel minors to marry, nor enter into marriage contracts on behalf of a minor.”

100. On the protection of women during pregnancy and while breastfeeding, article 61 of the Labour Act states that “Female workers during pregnancy shall not be assigned to work of Grade-III arduousness as defined by the State.” Article 26 of the Population and Family Planning Act states that “When pregnant, giving birth and breastfeeding, women shall enjoy special protection at work in accordance with the relevant laws and may receive assistance and compensation.” Article 30 stipulates that “The State shall establish systems of pre-marital and perinatal health care”, and article 31, that “All levels of people’s government shall take measures to ensure that citizens have access to family planning services, so as to raise levels of reproductive health.” With reference to maternity leave, article 62 of the Labour Act stipulates that “After childbirth, female workers shall be entitled to no less than 90 days of maternity leave with pay”, while article 63 states that “While breastfeeding babies less than one year old, female workers shall not be assigned to work of Grade-III arduousness as defined by the State or to other labour that they should avoid while breastfeeding, or to overtime or night-shift work.” Finally, article 51 states that “The employing unit shall pay labourers’ wages for statutory holidays and leave taken for a marriage or funeral or to take part in social activities in accordance with the law.”

101. Female citizens of China basically enjoy special protection for a reasonable period both before and after giving birth. The final evaluation report on the Women’s Development Programme (1995-2000) showed that the proportion of pregnant women receiving prenatal check-ups had grown from 69.7 per cent in 1992 to 89.4 per cent in 2000. According to sample surveys conducted by the All-China Federation of Trade Unions in 1996 and in 2000, the percentage of women workers in cities receiving regular prenatal check-ups has risen from 82 to 85.3 per cent. Since the late 1980s, the Ministry of Health and the Family Planning Commission have organized in rural communities throughout the country a family planning education programme centred around the “Five Stages” of adolescence, newly wed, pregnancy, breastfeeding and menopause to provide rural women of childbearing age with the knowledge to enable them to remain healthy as they pass through these stages and to keep the ratio of women of childbearing age receiving prenatal check-ups steadily increasing.

102. Surveys conducted by the All-China Federation of Trade Unions show that safeguards for women workers during pregnancy, childbirth and breastfeeding are in operation in the great majority of enterprises. Pregnant workers, for example, are assigned to jobs with no exposure to toxins or with a physically less demanding regimen, and they do not work late or extra shifts. Their rights to leave, rest and benefits after giving birth are also basically ensured: they receive the legally stipulated maternity leave, and are paid their regular salary during it. In addition, the costs of regular prenatal check-ups and delivery are reimbursed by their employers at a rate of 50 per cent or 100 per cent (depending on prevailing internal company policies) (see table 2).

103. There are still some disparities. Indicators in all data categories in separate surveys by the All-China Federation of Trade Unions from 1996 and 2000 are basically even. The reason for this is that since the introduction in enterprises of socialized maternity insurance in the early 1990s, the costs to participating enterprises of prenatal check-ups, paid maternity and rest leave, reimbursements of childbirth expenses and the like for their women workers are paid for by the maternity insurance plan. Indicators in certain survey categories, however, have actually gone down. A first reason for this is that, through poor performance, some enterprises are short of funds and have reduced their outlays on protection for female employees during pregnancy and maternity. A second reason is that the labour contracts in force in certain joint-investment, civil, private and individual enterprises make no provision for women workers during pregnancy and maternity, or the regulations are not enforced. A third reason is that, even though the number of enterprises joining the socialized maternity insurance scheme is constantly increasing, there are still some which have not joined, and whether these enterprises provide protection to women workers during pregnancy and maternity depends upon the degree of importance their directors attach to the question.

104. In its second periodic report on the implementation of the Convention on the Rights of the Child, China has already gone into detail on the protection of the rights of minors. The present report will, therefore, touch on general principles only.

105. China attaches great importance to the protection of minors' mental and physical health. It has made the prohibition of the use of child labour a matter of national policy and has enacted a range of laws and regulations relevant to child and minor labour. The most important of these include: the Labour Act, the Protection of Minors Act, the ban on the use of child labour and regulations on special labour protection for minor workers. In June 2002, China formally ratified the International Labour Organization Convention No. 182 (2002) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

106. Article 15 of the Labour Act specifies "No State institution, social group, enterprise, locally run non-commercial work unit or individual entrepreneur may employ juveniles under the age of 16." This prevents the use of child labour from the points of view of labour administration, business administration and any employing entity, and sets out the standards for the fines to be levied on any individual or work unit that uses child labour or employs minors. An accessory statute, the regulations on special labour protection for minor workers, details the special protection to be accorded to minor workers. This includes strict limits on the areas in which minors may work, regular physical check-ups, registration of workers with the labour administration department, pre-job training and labour inspections.

107. Since the 1990s, China has established labour inspection bureaux in all areas to monitor how employing entities comply with the labour laws and regulations. In recent years, such inspection and enforcement procedures have shown that the great majority of enterprises do not use child and juvenile labour, and in the very few cases in which private or individual non-publicly owned enterprises have been found to be doing so, severe sanctions have been applied and the situation redressed without delay.

Article 11

The right to an adequate standard of living

108. China attaches great importance to the well-being of its people, and recognizes and respects the right of the people to attain a suitable standard of living. It strives to sustain a robust pace of economic development, continually raising and improving standards of living and the quality of life. After 20 years of liberalizing reforms, the overall standard of living of the Chinese people has achieved a level that can be described as "comfortable". The principal indicators of this are: (1) The incomes of urban and rural residents alike have grown markedly. Between 1990 and 2001, the per capita net income of rural residents showed real growth of 62 per cent, while, also in real terms, the per capita disposable income of urban residents more than doubled. Total savings deposits of urban and rural residents had just reached 500 billion yuan in 1989; they now exceed 8.7 trillion yuan; (2) The overall scale of consumption continues to grow. In 2001, total retail sales of consumer products in China were 3.5 times the level of 1990, at a value of 3,759,500 billion yuan. Consumption patterns have undergone radical changes. Urban families' average per capita expenditure on food, as a proportion of total spending, dropped from 54.2 per cent in 1990 to 37.9 per cent in 2001; rural families' dropped from 58.8 to 47.7 per cent. Living conditions for urban and rural residents alike have clearly improved. City residents now commonly use gas or liquefied gas, and spending by urban residents on furniture, home decoration, household appliances and related home improvements has increased manyfold. Meanwhile, a new generation of consumer products has become available. Certain consumer durables have begun to become commonplace in rural communities.

109. China is a developing country, and great imbalances exist between levels of development in different regions. While the great majority of the people are enjoying the material benefits of development, there are still a few groups, for the most part minority peoples living in small rural communities, for whom life is still difficult. In order to solve the problems of inadequate food and clothing for the rural poor, in March 1994, the Government promulgated the "National '8-7' War on Poverty Plan", which proposed to use the roughly 7-year period between 1994 and 2000 basically to resolve the food and clothing problems of the 80 million persons living in rural poverty nationwide. The concrete objectives of the Plan were: (a) to support poor homes in creating stable conditions on the basis of which to overcome their food and clothing problems; (b) to step up construction of basic facilities in poor areas; (c) basically to resolve problems with the supply of potable water for people and livestock, and to provide road connections between most impoverished villages and markets for farm produce and manufacturing centres; (d) to supply electricity to the great majority of poor homes; and (e) to overcome the prevailing backwardness in education, culture and health, and achieve a universal basic standard of education while eradicating illiteracy among the young and active adult

population. The Plan also sought to promote vocational skills education and skills training for adults; to improve medical and sanitation conditions so as to prevent or reduce the incidence of endemic disease; and to contain population growth within the nationally stipulated range. Over the past few years of its implementation, this Plan has achieved great results. By the end of 2001, the majority of poor people living in rural areas were properly fed and clothed, while some remaining poor areas with hostile environments or fragile ecosystems were beginning to approach a state of sustainable development.

110. In order to allow the people to achieve an even higher standard of living, the Government has recently proposed a “struggle” lasting 20 years, the objective being to secure a comfortable standard of living for all: more economic development, further refinement of democracy, further progress in science and education, a more flourishing culture, a more harmonious society and a higher standard of wealth in the people’s lives. China intends, over the better part of 20 years, to optimize structures and heighten efficiency so as to triple the GDP of 2000, with per capita GDP in excess of US\$ 3,000, a standard roughly equivalent to the average prevailing in middle-income countries.

111. With reference to the right to housing, article 4 of the Urban Real Estate (Management) Act states that “In keeping with the state of development of society and the economy, the State shall support housing construction for [city] residents and progressively improve living conditions.” This clearly shows the position and intentions of the State with regard to people’s living conditions. In 2001, the Government enacted regulations governing the expropriation of city housing, stipulating the compensation and resettlement arrangements for expropriated persons, and otherwise protecting the legal rights of those affected by acts of expropriation.

112. Since the establishment of the People’s Republic of China, the Government has attached great importance to improving living conditions for the people. Focusing unwaveringly on the two great themes, “Everyone should enjoy suitable housing” and “Sustainable development of residential districts during the process of urbanization”, the State has accelerated the pace of residential construction, with the result that housing conditions and the residential environment have significantly improved for the majority of people. From 1950 to the end of 2001, housing construction in cities and towns nationwide totalled 6.86 billion square metres. In 2001, the average constructed space per capita in cities and towns was 20.8 square metres (see table 3), a rise of 13.6 square metres since 1950. Meanwhile, great improvements have occurred in the quality of construction, the functionality, the environment and the services available in residential housing.

113. From 1950 to the end of 1978, the State invested a total of 37.4 billion yuan in the construction of some 530 million square metres of new city housing, an annual average of completed construction of some 18 million square metres. Because the construction of residential housing involved a long-term regime of low rents and housing allocation, it did not shape a beneficial cycle of investment and return and it was hard to match growth in housing construction to the rapid growth in urban population. After 1978, housing construction in China entered a phase of rapid development. From 1979 to 2001, total investment in housing construction nationwide amounted to 4,087,800 billion yuan, with an average annual rate of finished construction of 248.1 million square metres. The State has carried out a complete reform of the way housing is allocated, investment in and financing of new construction, the

development of new construction and related management systems. On 3 July 1998, the State Council issued a notice on intensified housing management reform in cities and towns and accelerated new construction which proposed an end to the system of allocating housing benefits in kind and the progressive introduction of housing allocation on a monetary basis. Different housing supply policies would apply to families with differing levels of income: the lowest-income families could rent low-cost housing provided by the Government or their work unit; middle-to-low-income families could buy housing suitable to their economic standing; and other higher-income families could buy or rent commercial housing at market rates. The implementation of these reforms in the housing sector stimulated great interest among residents of cities and towns in buying their own housing, and the home-ownership rate among such residents has risen sharply. Some 80 per cent of urban families are now owner-occupiers, while over 70 per cent of all families permanently resident in cities (including families who reside in cities for more than half the year) own their own houses. The average asset value of a city home is 109,400 yuan, representing some 47.9 per cent of total household assets; housing is thus becoming an important part of urban residents' family assets.

114. Completed new housing in cities and towns between 1998 and 2001 amounted to 2.16 billion square metres (not including "organized townships" except for the "city-gate towns"⁶ right outside cities) making for an annual average of 540 million square metres. Total investment in completed housing units amounted to 2.1 trillion yuan, an annual average of 526.5 billion yuan (see charts 1 and 2). Completed new housing construction in cities and towns in 2001 was 575 million square metres, 3.3 times as much as in 1990, while investment amounted to 626.2 billion yuan, some 11.6 times the figure of 1990. From 1998 to the end of 2001, average constructed residential space per capita in cities nationwide rose from 18.7 square metres to 20.8 square metres, a net increase of 2.1 square metres per person, or an average annual increase of 0.55 square metres (see chart 3). At the end of 2001, the average constructed space per household was 65 square metres, with an average of 2.27 rooms; 64 per cent of households had 2 to 3 rooms (see table 4).

115. The Constitution of China stipulates that, with the exception of land designated by law as belonging to the State, all rural land is collectively held, and the land needed by rural families for housing is collectively owned. For some time after the establishment of the People's Republic of China, as average incomes among farmers were very low, the construction of houses in rural villages depended by and large on the efforts of the people themselves. Not only was the standard of construction thus rather low, but there were problems with water and electricity supply, inadequate basic facilities, etc. Housing conditions were simple and crude, and the residential environment less than ideal.

116. Since 1978, China's rural economy has developed more swiftly. In some rural communities in particular, where economic development has been relatively fast, the original low-quality, manually constructed habitations no longer meet the needs of an increasingly wealthy rural population. Scaled, modernized construction models are gradually being introduced, with land-saving multiple-unit and multi-storey dwellings, and water, electrical and communication supplies and appliances also improving. As a result, the standard of residential housing for rural families is being raised significantly (table 5 contains data on housing conditions for rural families).

117. In order to resolve the accommodation problems of low- and middle-income residents in cities and towns, the Government of China has established instructions on the management of low-rent housing in cities and towns. Where residential housing is concerned, the Government and work units fulfil a social security function, providing relatively low-rent regular housing to the lowest-income households registered as permanently resident.

118. The Government of China has reduced the costs of development and construction through such measures as land sales-tax exemptions and the reduction by half of other administrative fees and charges. At the same time, it has imposed restrictions on sales prices and the levels of profit permitted to developers and intermediaries so as to keep the prices of economical housing units basically in line with what middle-to-low-income families can afford. The State encourages independent mining and manufacturing districts and enterprises, provided they respect city planning schemes, their own corporate development plans and the basic premise of land conservation, to raise funds and cooperate in building housing using their own land. There are in cities and towns at present more than 5,000 workers' cooperative housing societies, and some 1.5 million middle-to-low-income families have taken advantage of cooperative schemes to obtain comfortable housing. Cooperative housing societies provide housing adapted to residents' ability to pay, and offer a solution to the housing problems of people on low incomes. By providing land, tax and similar advantages, the Government also encourages developers to refurbish old and hazardous buildings, thereby improving the living environment of people on low incomes. By simplifying bureaucratic procedures and lowering taxes on the resale and rental markets, the Government encourages low-income families and new members of the workforce to buy or rent affordable housing on the secondary or rental markets.

119. The move to housing allocation on a monetary basis has the practical effect of increasing the ability of middle-to-low-income families to pay housing costs. Homeless workers and those whose housing is sub-standard are given subsidies to raise their ability to pay. The Government has issued instructions on the management of personal housing loans and regulations on the management of housing funds which allow broader scope for offering loans, abolish lending caps, loosen maturity periods, encourage the development of combined loans from housing funds and commercial lenders, and promote the growth of a personal housing-loan industry. At the end of September 2002, total outstanding housing loans, held by commercial banks, amounted to 758.9 billion yuan, or 8.27 per cent of all outstanding loans, and nearly 40 times the figure of 1997. The housing-fund system is thus being vigorously promoted according to principles concisely expressed as: "personal savings, work-unit financial assistance, unified management, and particularized application". The cumulative value of the funds continues to increase (see chart 4).

120. When a family purchases a regular residence for its own use, the deed tax payable is halved; an individual who has bought a regular residence and lived in it for a full year before selling is exempt from conveyance tax; the conveyance tax on the sale of a residence bought by an individual but not lived in for a full year is based on the difference between the sale price and the original purchase price; no income tax is payable on the proceeds from the sale of a residence that has been the sole primary residence of a family for more than five years. There is a strong effort to develop residential consumer services and, through such facilities as housing appraisal services, housing rental agencies and loan guarantees, to provide low-income families with a full range of services in buying, selling and renting houses.

121. China has now essentially bid farewell to the days of serious housing shortages, and the housing requirements of urban dwellers have gone beyond a matter of simple numerical demand to a stage where quantity and quality are equally important. To raise the quality of housing, the State has proposed a framework for new construction that emphasizes "thorough planning, logical layout, comprehensive development and complete facilities". It has produced such regulations and statements of policy as instructions on the new construction of small residential areas in cities and on the inspection and acceptance of such areas after construction, a national healthy residential construction demonstration scheme, suggestions for raising the quality of housing design and improving housing design, design standards for residential housing, a procedure for determining the characteristics of commercial housing, and pollution control norms for the interior environment in civil architecture and engineering, laying out the quality requirements for residential construction and the accessory facilities to be provided. The rate of conformity to regulations in urban residential construction is steadily growing and standards of quality are rising every year. Meanwhile, great progress has been made in standards of housing design and planning, the application of new technology and recent achievements, and management, all of which are stimulating an overall rise in housing standards and encouraging further progress.

122. In proceeding with comprehensive development, the Government utilizes the planning process to require that developers, while building new residential complexes, provide the necessary ancillary cultural, educational and sanitary facilities, and correspondingly increase the number of public transport stops in the immediate area. As the Government provides appropriate subsidies, residents who require low-rent accommodation are able to choose where they want to live in keeping with their needs. Since 1996, when the Government reformed the old system of neighbourhood management and began to promote a new system combining owner-management with management by professional real estate managers, property management in residential neighbourhoods has flourished with outstanding results. The housing environment for the broad masses of the people has improved visibly and their quality of life has been clearly enhanced. To give full expression to the rights of residents, the regulations governing property management clearly require that once 50 per cent of the built floor area in new residential neighbourhoods has been handed over and is in use, or once 30 per cent of the houses in older neighbourhoods of formerly public housing have been sold, the supervising government department should direct the establishment of a neighbourhood owners' committee to represent the owners in monitoring and carrying out inspections. At the same time as China is striving to raise the overall housing standards, great emphasis is given to the relationship between inherited tradition and modern innovation. When old town areas are refurbished, every effort is made to protect typical old residences that have cultural value, and plans are carefully drawn up for their renovation and use. Planning for residential neighbourhoods is also gradually coming to pay attention to distilling the special features of traditional housing layout and the essence of architecture from abroad. As these influences intermingle and are put to practical use, they are progressively shaping a residential culture with a unique Chinese flavour.

123. In comparison with developed countries, housing standards for China's urban dwellers are still fairly low, and there remain some 150 million square metres of old and hazardous housing to be refurbished. Some 1.56 million families lack housing, while for some 350,000 families, the average living space available is under 8 square metres per person.

Residential housing is still built using rudimentary production methods, with productivity in the field less than one fifth that of advanced countries. The establishment of a body of architectural and structural systems for new housing, the replacement of traditional materials used in housing and the provision of highly equipped residences in complete units are all areas requiring further development and enhancement. Accordingly, the improvement of housing conditions for middle-to-low-income families, the encouragement of further progress in construction technology, the modernization of systems in the housing construction industry and general improvements in the quality of housing overall have become urgent. Housing construction in China will continue to maintain a rapid pace of growth. During the Tenth 5-Year Plan, it is estimated that a further 5.7 billion square metres of accommodation will be constructed in cities and rural districts nationwide, and by the year 2005, average urban living space per capita will reach 23 square metres.

124. China will continue in its efforts to develop housing suitable for middle-to-low-income families. It is necessary to ensure a supply of transferable land for the construction of affordable housing units and follow a policy of rebates on accessory charges and all types of administrative fees, cutting down on construction costs and making housing more affordable. Meanwhile, a variety of approaches are envisaged to resolve the housing problems faced by workers. These include developing a standardized model for raising funds for cooperative housing construction, encouraging enterprises in difficult and independent mining and manufacturing zones - while respecting prevailing urban land-use plans - to put their own land to use, and organizing workers to collect building funds. Efforts to resolve the housing difficulties of the lowest-income families will be accelerated, as refinements are brought to the system of low-rent housing and every feasible effort made to realize funding. Further support will be given for the replacement of old and hazardous housing through building development and the creation of neighbourhood cooperatives to promote refurbishment or reconstruction. Efforts will be made to stimulate the real estate market. Minimum down payments will be further reduced, the procedure for distributing the proceeds from the sale of a house will be adjusted and people will be encouraged to "trade in" their houses in order to improve their housing conditions. Standardized models will be developed for financing housing, and improvements made to the housing fund system. New types of personal mortgage will be made available, home insurance policies will be improved and steps will be taken to expedite the creation of a nationwide system of personal housing loans, creating a sound system to guard against the risks of personal mortgage lending and promoting further growth in the personal mortgage business.

125. Work will continue on the Housing Act. China is currently in the process of drafting its first Housing Act which is concerned primarily with protecting citizens' residential and property rights and the associated rights of usage, stewardship, disposal and benefit.

126. With reference to the right to food, China has always made of agriculture the very foundation of the national economy. Since the era of liberalizing reforms, the Government has stabilized and perfected the system of family-contract operations, developed rural-community enterprises, progressively adjusted and optimized agricultural structures, increased investment in agriculture, and implemented sustainable-development strategies for farmers. Very effective measures have been taken to increase agricultural output and reduce poverty levels. A developing country with a large population, China has done its duty and upheld the universal right to adequate food, capturing worldwide attention with its accomplishment.

127. The Government of China has worked diligently to enforce the regulations on the protection of basic agricultural land promulgated in 1994, and established basic agricultural land protection zones, stipulating that basic agricultural land must cover more than 80 per cent of all cultivable land in every province, autonomous region, directly administered municipality and administrative region. Since the establishment of these zones, strict controls over them have been enforced and unless an exception is approved by the State Council on grounds specified by law, no individual or entity may change their designated use or otherwise occupy them.

128. The State continues to increase investment in agriculture in order to further improve farming conditions. Its major investments in agriculture include harnessing the resources of the great rivers; creating agricultural commodity centres; promoting varied and comprehensive agricultural development; building the foundations of an agricultural infrastructure; and creating and promoting systems for agricultural research, education and technology. In 1999, credits to agriculture from the State's financial administration amounted to 108.576 billion yuan, some 1.9 times the amount accorded in 1995. Also in 1999, of the 110 billion yuan of new national debt raised by the Government, some 37.5 billion yuan was invested in improvements to farming conditions, and in irrigation, the protection of natural forests, protection of natural ecosystems and the environment, engineering projects to economize irrigation water, etc.

129. Since 1996, under the influence of economic environment, problems with restricted demand for agricultural products have begun to emerge. Expanding gross agricultural output cannot provide additional employment opportunities and sources of income for rural inhabitants. In some cases production rises but income does not; in others, contradictions emerge when increases in production and in income are seriously uncoordinated. Accordingly, in 1999, the Government of China proceeded with another raft of structural adjustments, and these strategic adjustments to the structure of the agricultural economy and the economy of rural communities can now be seen to have been very effective.

130. At the same time as every region continues to emphasize the importance of sustaining its food-production capacity, there is an active effort to develop crops with a high economic yield and fodder crops. The planting industry is beginning to fashion a basic profile featuring the coordinated development of food-grain crops, high economic-yield crops and fodder crops. In particular, a labour-intensive industry built around vegetables, fruit, flowers and other such products is beginning to flourish and is becoming a new growth area for farmer incomes. Every community seizes the opportunity when food crop production has been adequate to speed up production of livestock, fish and waterfowl so as to guarantee market supply, and this has had an important effect on improving farmer incomes. Every region is making raising product quality and developing specialized marketable products key features in the regulation of farming structures, while cultivating high-quality, customized varieties and brand-name products. Nationwide, at present, the area of land growing high-quality rice amounts to 250 million *mu* (one *mu* = 0.0667 hectares), more than half the total area under rice. Some 109 million *mu* are planted with high-grade wheat, i.e. 31 per cent of the total wheat crop, marking the beginning of a turn away from long-term dependence on imports for specialist wheat. High-quality rapeseed is under cultivation on 71 million *mu*, some 62 per cent of the total rapeseed area, while high-fat, high-protein maize is being grown on 89 million *mu*. The ratio of superior grades of livestock, poultry, aquatic products, fresh fruit and vegetables being produced is also rising significantly.

The safety and hygiene of farm produce is a matter treated with increasing importance, and pollution-free, “green” and “organic” are rapidly developing foodstuff categories. Every region emphasizes the special strengths of its geographical location and the agricultural resources developed there, and is setting up regional primary and supporting industries. Indeed, the trends toward regionalized agriculture, specialized division of labour and socialized production are becoming progressively more clear. The area under paddy rice cultivation in the Yangzi River Basin accounts for 65.7 per cent of the national total, while wheat acreage in the Huang-Huai-Hai Plains accounts for 60 per cent of the national total. The north-east and the three provinces of Hebei, Shandong and Henan together have 55 per cent of the nation’s land under maize cultivation. The distribution of oil-bearing crops, meanwhile, is beginning to take shape as rapeseed in the Yangzi River Basin, peanuts in the Huang-Huai-Hai Plains and soy in the north-east.

131. In recent years, the Government has introduced reforms in the systems of food circulation. These include unrestricted purchases of farmers’ surplus production at protected prices, sales at fair prices by food-procurement enterprises, grain-purchase funds in constant circulation and faster internal reforms at food companies. These reforms were strengthened in 2001 with the adoption of measures that threw open sales areas, protected production areas, tightened controls and placed the provincial governors in charge of these issues. The measures have been very effective in stabilizing food production and ensuring food security. Since the 1990s, the Government has, of its own accord, adapted to the process of liberalization in agricultural trade and reformed the systems governing import and export of agricultural products. China has made important progress in dismantling non-tariff barriers to trade in agricultural products, following WTO directives to clean up and revise domestic agricultural laws and conforming to the international rules governing external agricultural trade.

132. In certain areas, overgrazing on grasslands and excessive opening of virgin territory have damaged the ecological balance, with such ill effects as desertification, soil erosion and salinization of soils. Added to the effect of natural disasters, such man-made calamities cause serious harm to the sustainable development of China’s agriculture. The Government has adopted a range of policies and practical measures to combat, mitigate and guard against such harm and has increased efforts to protect agricultural resources and the natural environment, boost the resilience of agricultural production and promote a beneficial cycle of agricultural development, conservation and environmental protection.

133. Because of its favourable topography, China has been able to undertake a great number of water conservancy projects throughout the country to ease problems with uneven and seasonally irregular water supplies. Basic irrigation infrastructure is widespread and the area of fields under irrigation has increased. Great efforts have gone into water-saving irrigation systems and dry farming, which have raised the effective utilization rates of irrigation water and natural rainfall alike. The State is promoting technologies to deal with plant diseases and pests in major crops and techniques for keeping fruit and vegetable crops free of toxins, controlling locusts and preventing other sources of biological harm. A total of 830,000 square kilometres of land have been brought under erosion control. Water controls are in operation across 1.68 million square kilometres, covering 26 provinces and 910 counties. Disturbing or damaging grasslands is prohibited, and where some minor development is permitted, authorization must be sought from the people’s government at the county level or higher.

Where development has already occurred and resulted in desertification or serious soil erosion, the people's government at the county level or higher may set a deadline for it to cease and order the return of the land to its natural state of vegetation. Cultivation must cease so grazing can resume. It is also prohibited to collect medicinal plants and to cut down or dig up shrubs, trees and other sand-fixing plants in wilderness, semi-wilderness or desert areas. In areas where farming is halted and a return to natural forest or grassland is ordered in order to improve the environment, the following measures can be applied: (a) no compensation is offered to the farmer but a certain quantity of food is provided; (b) appropriate compensation in the form of cash is given to the farmer; (c) no compensation is offered to the farmer but seedlings are provided; and (d) the principle is applied that whoever plants the forest or grassland and cares for it can thereafter reap its benefits.

134. In 1996, China's grain production exceeded 500 million tonnes for the first time and remained steady at that level for the next four years. (For an overview of grain production figures in China from 1994 to 2000, see chart 5.) At present, China's average per capita production of important agricultural products matches or exceeds world averages. From 1996 to 2001, its average per capita production of grain (including that part converted to animal feed, as is the case with the figures below) was close to 400 kilograms; of meat products, close to 40 kilograms; of aquatic products, close to 30 kilograms; of fruit close to 50 kilograms; and of vegetables, over 300 kilograms. With the exception of fruit, these figures exceed world averages in every case. China takes advantage of international and domestic resources and markets to further the development of its agriculture and its rural communities. Being in a situation in which domestic supply of agricultural produce exceeds demand, China is able to regulate market structures and the availability of product varieties through trade; between 1996 and 2000, China imported 47.41 million tonnes of foodstuffs while exporting some 40.67 million tonnes. Net annual imports averaged 1.35 million tonnes. (For an overview of China's food import and export figures from 1994 to 2000, see chart 6.)

135. Between 1996 and 2000, the average incomes of China's urban residents rose by 6.2 per cent annually, their quality of life improved and the Engels coefficient dropped from 48.6 per cent in 1996 to 39.2 per cent in 2000. In 2000, average per capita consumption of (unprocessed) grain products by China's urban residents was 108 kilograms, some 17 kilograms less than in 1996. Over the same period, average per capita consumption of animal products (meat, eggs, fish and seafood) rose from 43.2 kilograms to 46.6 kilograms. Seen from the point of view of consumption patterns, then, the right to adequate food of China's urban residents is well assured, and great steps have been taken towards higher quality and improved nutrition. (For an overview of the changes in disposable income, the Engels coefficient, grain consumption and animal-product consumption among China's urban population from 1996 to 2000, see table 6.)

136. Between 1996 and 2000, the average net per capita income of China's rural residents grew from 1,926 to 2,253 yuan, an annual rate of increase of 3.7 per cent that saw standards of living clearly improve. The Engels coefficient among rural residents dropped over the same period from 56.3 to 49.1 per cent. Average per capita grain consumption dropped from 256.2 kilograms to 249.5 kilograms, while consumption of meat products rose from 14.83 kilograms to 17.48 kilograms (see table 7). With the implementation of the National "8-7" War on Poverty Plan and the launch of the east-west poverty-support plan, the

number of people living in poverty in rural communities has continued to decrease. Policy lurches apart, the State has greatly increased its investment in poverty relief. Total funding for three major programmes (low-interest loans, work-for-welfare, development funding) rose from 9.8 billion yuan in 1995 to 25.8 billion yuan in 1999, an increase of 163 per cent. The number of people with basic subsistence problems in rural communities has dropped from 250 million in 1978 to about 30 million now, while the poverty rate that dropped from 30.7 per cent in 1978 to 5.44 per cent in 1996 has continued to drop, to 2.5 per cent in 2000. At present, income levels among rural residents in most poor areas are basically approaching those in other areas. With average per capita grain production at nearly 400 kilograms, the right to adequate food among China's rural poor is basically assured, and the most pressing problem at present is how to raise rural incomes and standards of living. (For an overview of the population in poverty in rural China and its proportion relative to total population from 1995 to 2000, see table 8.)

137. Since 1996, eating patterns among China's people have improved, and standards of nutrition have clearly risen. For both urban and rural residents, intake of nutrients and of calories has increased. According to the food balance sheets of the Food and Agriculture Organization of the United Nations, China's average per capita daily energy intake in 1996 was 2,881 Kcals, and had risen to 3,044 Kcals in 1999; protein intake rose over the same period from 78 grams/day to 83 grams/day. In 2000, average per capita daily energy intake in rural communities was 2,605 Kcals, i.e. 108.5 per cent of China's recommended daily nutritional intake, and 123 Kcals higher than the 2,482 recorded in 1995. These figures show that China has already surpassed most developing countries and is progressively approaching the nutritional levels of advanced countries.

138. In the Chinese people's enjoyment of the right to food, there still remain problems that should not be overlooked. China's area of cultivable land does not amount to 10 per cent of the world's total, and its water resources amount only to some 7 per cent of the world total; in fact, per capita average water resources in China are less than one quarter of the world average. Some 90 per cent of grasslands are degraded to varying degrees, with at least half being moderately degraded or worse. Expanding grain production puts destructive pressures on the agricultural and natural environment. One of these is desertification: since the founding of the People's Republic of China, the frequency of sandstorms has shown an increasing trend. Particularly big sandstorms with a significant economic impact occurred 8 times in the 1960s, 13 times in the 1970s, 14 times in the 1980s and 23 times in the 1990s. The economic loss attributable directly to desertification reaches 5.4 billion yuan annually; associated indirect losses amount to twice that figure. A second problem is soil erosion: China has among the most serious soil erosion problems in the world. A remote-sensing survey in 1999 revealed some 3,555,600 square kilometres of land surface touched by erosion (not including land eroded by melt water): this represents 37.42 per cent of the country. Soil erosion costs China more than 5 billion tonnes of soil per year, second only to India in world terms. Over the next 20 years China's population is expected to show net growth of 10 million per year, and urbanization will advance at a rate of 0.8 per cent to 1 per cent annually. Because of rising demand, the shortage of available land and water resources and the degradation of the natural environment, China will soon be facing conflicts in its ability to ensure the right to adequate food. Poverty relief remains a formidable duty. China's rural communities still contain 29.27 million people who are inadequately fed and clothed, and though this is not an

enormous number, resolving the situation will be very difficult. The food and clothing situation for the many poor whose problems are in the early stages of resolution has not stabilized because their basic living and working conditions have not fundamentally altered. Consolidating the progress that has been made remains an arduous task. Among those poor who are fed and clothed, standards remain very basic. Constructing a comfortable existence on this foundation, and then progressing to greater ease, will be a long-term struggle.

139. Globalization of the world economy and the expansion of free trade may raise fresh issues relating to the right of Chinese citizens to adequate food. After entry into WTO, a long-term perspective suggests that suitable imports of food can alleviate the pressures that growing domestic demand will place on resources and on the environment, and will thus be of benefit to China's food balance and the sustainable development of food production. They will also pose new hazards to China's food security. First, increasing food imports at present will not help the development of domestic food production. To increase imports against the background of the overall surplus in food production registered in the last few years may aggravate the supply and demand contradictions that already exist domestically and adversely affect farm incomes and the further development of production in the major production areas. Second, owing to trade liberalization and the globalization strategies of multinational corporations, it is possible that, through trade and production, unsafe foods may spread from one country to another and there will be further development of the trend towards monopoly control of food production and trade, hampering the development of agricultural production in developing countries.

140. China aims to achieve basic self-sufficiency in food production based on its own domestic resources. The Tenth 5-Year Plan clearly states that the Government intends to establish a system of food security that conforms to China's national situation and the requirements of the socialist market economy, and ensures a basic balance in the supply of and demand for food. In the course of future development, it will intensify reforms so as to create the policy environment for equilibrium and ensure food security.

141. China will continue to implement the basic regulations on the protection of farm land and will step up arable land management in keeping with the Land Administration Act and the basic regulations. To ensure it can supply the principal agricultural products, it has already set a basic minimum farmed area of 108.53 million hectares for 2005, with a minimum cultivable reserve of 128 million hectares. It will also continue to stabilize and refine the rural community land-contracting scheme so as to maintain the long-term stability of the system.

142. China will pursue overall planning for the economic development of its cities and rural areas, adjusting citizens' incomes and the structures allocating social funds and, within the scope permitted by WTO rules, will increase its support for the development of food production. It will extend its reforms of food circulation to establish a system that is unified, open, competitive and ordered. Improvements will be made to food storage systems and an efficient system for the macroregulation and control of the food supply will be established. China will continue to make use of the international market in food and regulate supply and demand on its domestic markets by developing import and export trade. Its external trade in agricultural products will be managed in accordance with international rules and with ever-greater transparency.

143. The Government intends to establish as quickly as possible a robust system of quality standards and mechanisms for inspection, monitoring, testing and validation of agricultural produce so as to improve control of the entire process of food production “from the farm to the dinner table”. The system will similarly ensure that agricultural products destined for international trade are appropriately monitored in accordance with WTO rules.

144. The principal policy measures published in the China Rural Communities Poverty Relief Programme (2001-2010) include: (a) focusing on developing the farming and livestock industries and improving basic living and working conditions in poor areas; (b) increasing scientific poverty-relief efforts; (c) gradual voluntary resettlement of rural inhabitants; (d) further increasing the funds devoted to poverty relief; (e) integrating the Plan for the Development of the West with the promotion of development in poor areas; (f) continuing to promote social programmes to relieve poverty; (g) pursuing international exchanges and cooperation in the field of poverty relief; and (h) the practical implementation of a system of responsibility for poverty-relief work.

Article 12

The right to good health

145. China places great emphasis on the development of medical and health facilities. Article 21 of the Constitution states that:

“The State develops medical and health services, promotes modern medicine and traditional Chinese medicine, encourages and supports the setting up of various medical and health facilities by the rural economic collectives, State enterprises and institutions and neighbourhood organizations, and promotes health and sanitation activities of a mass character, all to protect the people’s health.” Article 45 states that “Citizens of the People’s Republic of China have the right to material assistance from the State and society when they are old, ill or disabled. The State develops the social insurance, social relief and medical and health services that are required for citizens to enjoy this right.”

146. In 1949, not long after the establishment of the People’s Republic of China and while it was engaged in restoring and developing industry and agriculture, the Government organized a variety of institutions to provide health services, and trained and set up a specialized medical corps. In the cities, a medical security system was set up for the workers; in the rural communities, a three-level network providing treatment, health care and preventive services was put in place, and village doctors were trained. These progressively expanded into a cooperative medical system that provided basic medical and health services to the great masses of the people, regardless of their social standing.

147. In the early 1950s, China began to implement a publicly funded system of medical care in civil service and enterprise work units. In State-owned enterprises, a system of labour insurance was set in place to which collectively owned enterprises referred in setting up their own schemes. By the early 1990s, the number of people enjoying publicly funded medical services had reached 30 million and the medical and pharmaceutical expenses borne by the Government each year exceeded 7 billion yuan. Labour insurance schemes provided coverage to 140 million people (another 60 million workers’ dependants received half-coverage), and paid

expenses amounting to 40 billion yuan. In 1998, the State Council issued a resolution on the establishment of basic medical insurance for urban workers and initiated reforms in urban workers' medical insurance schemes nationwide. A variety of social, medical and emergency assistance models have been implemented to meet the medical needs of the most disadvantaged groups of society.

148. The Government of China has always taken very seriously its work of health care in rural communities. Through the establishment of the three-level health services network and the rural doctor corps, it promoted a system of rural cooperative medical services, implementing a rural primary health-care system and building up the "Three Constructions", to wit, county hospitals, counter-epidemic stations and women-and-children hospitals. With a limited quantity of medical resources, these services undertook to provide basic health and medical services to the rural inhabitants that make up the great majority of China's population. Substantial improvements were brought to a situation characterized by a lack of doctors and medications, and health standards among the bulk of rural inhabitants rose markedly. In 1990, the Government issued planning targets for universal health care by 2000 in rural communities. The entire country was categorized according to level of economic development into zones of "poor", "adequate", "ample" or "comfortable" conditions. Minimum standards were then set for each of these economic zones according to 13 criteria, and systems established to assess these standards on a points system. By the end of 2001, some 95 per cent of agricultural counties (and cities and districts) nationwide had attained the initial phased targets set under the plan. The living environment for rural inhabitants had improved markedly and standards of health had clearly risen. In June 2002, the Government issued the China Rural Primary Health-care Development Programme (2001-2010), and a new round of implementation work is well under way.

149. Through decades of effort, the Government of China has achieved much in the development of medical and health-care facilities. Medical institutions are to be found in the cities and the country alike and a basic system of medical and health-care services is in place. In 1949, the entire country had only 3,670 medical institutions, 84,600 patient beds and 505,000 medical technicians: 0.15 patients beds, 0.93 medical technicians, 0.67 doctors and 0.06 nurses per thousand people. By 2001, there were 330,000 medical institutions nationwide, 3,201,000 patient beds, and 4,507,700 medical technicians. Per thousand people, that represented 2.39 patient beds, 1.69 doctors, and 1.03 nurses. The general level of health has risen remarkably. The mortality rate has dropped from 20 per thousand in 1949 to 6.43 per thousand in 2001, while average life expectancy has risen from 35 years before 1949 to 71.4 years now, matching the levels seen in moderately advanced nations.

150. In 1949, the whole country had only nine maternity and childcare centres and patient beds and workers were virtually non-existent. In 2001, there were 584 maternity-and-childcare and gynaeco-obstetric hospitals and 2,548 maternity-and-childcare centres. In the early years of the People's Republic of China, the maternal mortality rate at childbirth was 1,500 per 100,000. In 2001, there were 127,864 obstetricians nationwide, the number of midwives had grown from 13,900 in 1949 to 42,140, and country midwives in rural areas numbered 227,000. The birth-in-hospital rate was 76 per cent, some 97.3 per cent of births used modern methods of delivery and the maternal mortality rate at childbirth was 50.2 per 100,000. Average life expectancy for women grew from 36 years in 1949 to 73.3 years in 2000, some 8 years longer than the worldwide average reported by the United Nations.

151. In 1949, there were 5 paediatric hospitals nationwide with 139 patient beds. In 2001, China had 37 paediatric hospitals with 9,907 patient beds and 65,995 paediatricians. In the early days of the People's Republic of China, the infant mortality rate was 200 per thousand; this had dropped to 50.19 per thousand in 1991 and by 2001 had dropped again to 32.2 per thousand. The mortality rate for children under the age of 5 has also dropped, from 61.03 per thousand in 1991 to 39.7 per thousand in 2001.

152. Since the 1950s, China has worked hard to improve the rights of the people to life and development, and has achieved effective control over the spread of infectious and endemic diseases. Before the 1950s, acute infectious and endemic diseases had a drastic impact on health and mortality. The mortality rate nationwide exceeded 20 per thousand, of which more than half were victims of infectious disease. The Government increased investment in medical facilities, established medical and health-care institutions at various levels and increased the capacity of the health services, giving priority to developing and guaranteeing basic health care. In 1961, a smallpox epidemic was overcome, and in the latter years of the 1960s cholera, bubonic plague, smallpox, relapsing fever, typhus, kala-azar and other virulent infectious diseases with devastating effects on human health were brought under effective control. Through comprehensive planned immunization, poliomyelitis, diphtheria, whooping cough, measles and other infectious diseases were eradicated or controlled. In 2000, the work to confirm the absence of poliomyelitis was completed: China had reached its target of eradicating this disease from the country. China's legally stipulated reporting of the incidence of infectious disease has shown a decrease from 3,200 per 100,000 in the 1950s to 188 per 100,000 in 2001. The overall rate of decline between 1980 and 2000 was 91.06 per cent, with cholera, diphtheria, epidemic cerebrospinal meningitis, whooping cough, measles and malaria all showing decreases of more than 95 per cent. With the exception of sexually transmitted diseases, the incidence of infectious diseases has dropped to very low levels (see table 9). In 2001, with the exception of cholera, measles, viral hepatitis and rabies, all of which showed no particular change, the incidence of infectious diseases continued to drop, and endemic diseases and parasitic illnesses have been basically brought under control. In 2000, China had essentially met its target of eradicating iodine deficiency, while the areas where such ailments as Kashin-Bek disease (generalized osteoarthritis), Keshan disease and fluorine poisoning are endemic, continued to shrink and the numbers of sufferers diminished. The incidence of schistosomiasis has also dropped significantly; at the end of 2000, of the 413 counties (cities, regions) where schistosomiasis occurs, some 243 had reached their targets of eradication or basic eradication.

153. In keeping with the economic development of society and progress in medical services, the range of diseases prevalent among China's population has undergone change. Starting in the late 1960s and first evident in the large and medium cities, chronic non-infectious diseases have begun to replace infectious disease as the main causes of death. Since then, the types and incidence of illness and the causes of death have changed throughout the country. According to statistics from 2001, the five major causes of death among city residents were malignant tumours, cerebrovascular disorders, heart disease, respiratory disease, and injury and poisoning; among rural residents, they were: respiratory disease, cerebrovascular disorders, malignant tumours, heart disease and injury and poisoning (see table 10).

154. New health problems affecting people's mental and physical health are constantly appearing. The number of people with AIDS and venereal diseases continues to grow. In 1999, the number of new cases of venereal disease was 840,000, a 32 per cent increase over 1998. China discovered its first AIDS case in 1985; by the end of 2002, it was estimated that 100,000 people were infected with HIV. The incidence of infection with viral hepatitis-B is 10 per cent, rising to 20 per cent in some areas. Some 400 million people nationwide are infected with the tuberculosis bacillus, and 5 million people suffer from pulmonary tuberculosis. The numbers of people suffering from mental and psychological disorders have risen sharply and mental health problems are of increasing concern. At present, there are some 16 million people suffering from mental disorders in China, while among the country's 340 million under-17s, some 30 million have depression and behavioural problems. In fact, mental problems have become China's largest category of illness, representing some 18 per cent of the overall total of diseases (see table 11). A further very important public health problem in today's society is injury due to accidents, including traffic accidents, poisoning and suicide attempts. This category, accounting for 5.87 per cent of deaths, is fourth on the list of major causes of death. New health problems that affect the population include childhood malnutrition, obesity and occupational and environmental hazards.

155. In pre-revolutionary China, the conditions of health and medical treatment prevailing among minority peoples were distinctly backward. Endemic and infectious diseases were rife and the human cost high. Since the establishment of the People's Republic of China, the health and medical situation in minority areas has undergone massive improvement and standards of health have risen very significantly. By 2001, the number of health and medical institutions in the ethnic autonomous regions nationwide had risen from 361 in 1949 to 15,942, the number of patient beds had risen from 3,310 to 371,651 and the number of health technicians from 3,531 to 487,700. In the first national census, in 1953, the minority peoples numbered only 34,013,000; in the fifth national census, in 2000, the minority population had risen to 106.43 million, or 8.41 per cent of the total national population. By comparison with 1990, the total population of the minority groups had risen by 15.23 million, an increase of 16.7 per cent; as a share of the total national population, it had risen from 8.04 per cent to 8.41 per cent.

156. China places great emphasis on the health and medical care of the elderly. The ageing of the Chinese population has quickened in step with rapid economic development and improvements in standards of living and available medical and health facilities. This is illustrated by changes in the country's demographic structure: youths aged 0-14 represent 22.89 per cent of the population, which is down 4.8 percentage points since 1990, while persons aged 65 and older represent 6.96 per cent, a rise of 1.39 percentage points since 1990. The country is putting great efforts into developing health-care facilities for the elderly, and has set up a programme of planned research into the prevention of geriatric conditions, while also launching a variety of health-care services for this part of the population.

157. With respect to spending on health care, since the 1990s, the levels of medical and health-care consumption among China's residents have been consistently rising. Total spending on health rose from 74.3 billion yuan in 1990 to 476.4 billion yuan in 2000, with average per capita health expenditure rising from 65 yuan to 376.4 yuan over that period. Total health expenditures as a percentage of GDP rose from 4 to 5.3 per cent (see table 13).

The Government's budgetary allocations covering costs for public health facilities and services and publicly funded medical services have also been rising annually. In 2000, the Government budgeted 70.952 billion yuan for health-care expenditures, some 14.9 per cent of total spending. This represented an increase in spending of 32.64 billion yuan over 1995, and an increase of 50.75 billion yuan over 1991. Nonetheless, the share of total health-care spending represented by government budgeted allocations is diminishing (see table 14).

158. The part of the Government's allocated health-care spending dedicated to primary health care includes spending on public health and on publicly funded medical treatment. For the most part, public-health spending refers to the standard subsidies and special allowances (funds for water works in rural communities, for iodized salt for rural residents, etc.) granted to rural hospitals by government departments at all levels, subsidies for cooperative medicine and spending on disease prevention, spending on maternity and childcare, etc. It does not include, however, funds that the Government grants to urban hospitals of all grades and to enterprises' own internal hospitals for the health care and prevention work they do. Since the 1990s, government spending on primary health care (PHC) has been increasing annually; these PHC expenses represent a steady proportion of approximately 44 per cent of total government health spending (see table 15).

159. With reference to the infant mortality rate, China has always regarded the protection of children's health as an important duty in its public health work. After 50 years of unremitting efforts, the infant mortality rate, which at the foundation of the New China stood at 200 per thousand, was lowered to 32.2 per thousand by 2000. In 1991, China instituted the National Child Mortality Monitoring Network, which has 81 monitoring stations nationwide and can provide urban and rural data separately. In 2000, the infant mortality rate, which stood at 50.2 per thousand in 1991, had been reduced to 32.2 per thousand, thus realizing the target set for that year in the national Children's Development Programme for the 1990s (see table 16).

160. With reference to the provision of safe water supplies, China fully endorsed, supported and actively participated in the International Drinking Water Supply and Sanitation Decade declared by the General Assembly of the United Nations at its thirty-fifth session, which set a global objective of "enjoyment of safe drinking water and sanitation by every person". In 1982, it began a widespread programme of water-improvement works in rural communities. Working on the premise of each party to the endeavour - the central Government, the provinces, regions, counties, villages and individuals - shouldering appropriate responsibility, the State undertook to construct running water facilities and help resolve problems with running potable water in poor areas. The Seventh, Eighth and Ninth 5-Year Plans defined waterworks responsibilities and targets for rural communities. Between 1981 and 2000, overall investment in rural waterworks projects reached 59.46 billion yuan. Of this sum, some 22.7 per cent came in the form of subsidies from local financial administrations, 27.6 per cent in the form of economic support by collectives, 44.5 per cent from the individual beneficiaries and 5.2 per cent in the form of loans and donations. In 2001, total investment in rural waterworks projects amounted to 6.882 billion yuan, with some 30.5 per cent coming from the State, 27 per cent from collectives, 39.1 per cent from individuals and 3.3 per cent from other sources. By the end of 2001, of China's 946 million rural inhabitants, some 860 million, or 91 per cent, had benefited from such water-improvement projects. Among these, some 520 million, or 55.1 per cent of the

rural population, had running potable water, and 210 million, or 22.4 per cent of the rural population, had access to hand-pumped well water. More than 80 per cent of the rural population across China, in some 673 county-level cities and directly administered municipalities (23.7 per cent of the total) can drink running potable water (see table 17).

161. On the subject of adequate sewage treatment facilities, China began to implement in 1993 a nationwide programme for the improvement of rural latrines. The standards for hygienic rural latrines are: the latrine must have walls and a roof; the latrine pit and septic tank must not leak; it must be clean, free of flies and maggots, and basically odourless; the septic tank must be sealed and fitted with a cover; the sewage must be cleaned out in timely fashion and safely treated. Between 1996 and 2000, total national investment in rural latrine improvement amounted to 13.59 billion yuan. Of this sum, some 13.62 per cent came in the form of subsidies from local financial administrations, 16.12 per cent in the form of economic support by collectives, 68.73 per cent from the individual beneficiaries and 1.54 per cent in the form of loans and donations. By the end of 2000, hygienic latrines were in place in 44.84 per cent of the country's 239 million rural households, and safe sewage treatment practices were in place in 31.22 per cent of rural villages. Hygienic latrine facilities of various types have been installed in more than 80 per cent of rural households across China, in some 197 counties, county-level cities and directly administered municipalities (6.9 per cent of the total). By the end of 2001, newly built hygienic latrines of various types were in place in 114 million rural households, while adequate sewage treatment facilities were available to 46.09 per cent of village households.

162. Immunization programmes are acknowledged to be low-investment, high-return public health intervention measures, and Governments around the world are unanimous in applying them to the protection of children's health. In 1978, China began to implement immunization programmes for children. At the beginning of the 1980s, data from representative surveys showed that fewer than 10 per cent of children under 1 year old had been immunized with the BCG vaccine (against tuberculosis), the DPT vaccine (against diphtheria, pertussis and tetanus), the polio and the measles vaccines. In the mid-1980s, the Government made a commitment to the international community to make children's immunization universal and included this objective in its national economic and social development plans. In 1988, 1990 and 1995, programmes organized at the provincial, county and village level reached 85 per cent of the universal inoculation target. At present, some 20 million children are born every year in China, and every child is expected to have received full basic immunization by the age of 1. Statistics from 2001 showed that the inoculation rate for diphtheria-pertussis-tetanus was 98.2 per cent; for measles, 97.72 per cent; for poliomyelitis, 98.32 per cent; and for tuberculosis [BCG], 97.59 per cent (see table 18). The elevation of the children's immunization rate has effectively brought measles, whooping cough and diphtheria, which, in the past, were the principal causes of childhood death and disability, under control. Between 1978 and 2000, these programmes reduced the incidence of measles, whooping cough, diphtheria, myelitis, tuberculosis and tetanus by 300 million cases, reduced the associated death rate by more than 4 million, and saved some 40 billion yuan in hospitalization expenses. The four inoculations have reduced the incidence of the related diseases from 1,336.35 per 100,000 cases of disease overall to 11.7 per 100,000 cases at the end of the 1990s, a reduction of approximately 99 per cent.

163. Before the 1950s, the average life expectancy among China's population was 35 years. Over the 1950s and 1960s, this rose to 57 years; by the end of the 1980s, it had reached 68.55 years, and in 2000, average life expectancy was 71.4 years. The fifth national census, in 2000, showed that average life expectancy for men was 69.63 years, while for women, it was 73.33 years. Compared to the data of the fourth national census, in 1990, these figures showed increases of 2.79 years for men and 2.86 years for women. Urban residents have a higher average life expectancy than their rural counterparts. In terms of administrative areas, the population in the more economically advanced areas in the east has lower birth and mortality rates, and average life expectancy exceeds 73 years. In central areas, birth rates and infant mortality rates are diminishing every year, and average life expectancy exceeds 70 years. In the less developed areas of the west, birth rates and infant mortality rates are higher and, at approximately 68 years, average life expectancy is lower than the national average. As for the minority peoples, as their rates of population increase grow and their standards of health improve, average life expectancy also continues to rise.

164. A survey of public health services in China in 1998 showed that, for 77.5 per cent of urban residents, the closest medical facility was within one kilometre of their homes, and that most city residents could walk to the closest medical facility within 20 minutes. Grass-roots medical facilities in the cities have at their disposal well over 20 types of medication and they are able to treat most of the common health problems of the local population. The proportion of the urban population that can be treated by trained personnel for general ailments and injuries, and can regularly have access to 20 basic medications at facilities within one hour's walk is now nearly 100 per cent. At the end of 2001, there were 48,090 hospitals in villages and towns nationwide, and some 637,084 villages had medical treatment centres; 89.7 per cent of administrative villages had medical centres, and 1,290,595 country doctors and health workers were working in rural communities, an average of 1.82 per village (see table 19). According to the objectives of the "Health Care for All 2000" plan implemented in China's villages, the minimum standards for a first-grade health clinic are: (a) separate, dedicated rooms should be provided for diagnosis, treatment and dispensing; (b) at least 120 common medications and all necessary equipment should be available; (c) there should be at least one certified country doctor, and one female country doctor or female health worker (midwife); and (d) management procedures should be in place to handle outpatient administration, issuance of prescriptions, acceptance of payment, disinfection, security, etc. By the end of 2001, some 95 per cent of agricultural counties nationwide had met or basically met these requirements. Accordingly, the proportion of the rural population that can now be treated by trained personnel for general ailments and injuries and can regularly have access to 20 basic medications at facilities within one hour's walk now exceeds 90 per cent.

165. According to the annual national health statistics for 1996 to 2001, the proportion of women able to receive health-care services from trained personnel during pregnancy and when giving birth has been rising every year (see table 20). Data on deaths during childbirth over the same period show that the maternal mortality rate for women nationwide is also falling year by year though in this case there is a sizeable discrepancy between the rates for urban and rural women. Approximately 80 per cent of such deaths occur after parturition. The data from 2001 show obstetrical haemorrhage as the cause of death in 47.8 per cent of cases, the majority of them involving post-partum haemorrhage. (For death rates during childbirth nationwide and the comparative proportions of deaths occurring before and after parturition each year, see table 21.)

166. In China, the various types of personnel trained for the care of infants include: workers in maternity and child-care institutions (see table 22); medical and nursing workers in hospitals, preventive-care institutions, private clinics, and foreign-financed hospitals and clinics; and trained infant- and home-care workers.

167. In many of China's agricultural villages, especially in the west and in areas inhabited by minority peoples, public health is poorer, a situation attributable to relatively backward standards of economic development and the influence of geographical and environmental factors. As changes have occurred in rural economic systems and social life has developed, standards of living, including people's health-care needs, have undergone significant transformations. Health-care management systems, health services and investment, however, have not yet adjusted to these changes. In poor areas, the incidence of certain infectious and endemic diseases remains comparatively high and seriously affects rural people's health. Examples include the resurgence of tuberculosis in areas where it had previously been brought under effective control and the numbers of sufferers are now visibly rising. Important endemic diseases such as Kashin-Bek disease, endemic fluorine poisoning and schistosomiasis are widespread and cause great harm. They are for the most part concentrated in the original revolutionary zones, the national-minority zones, remote border areas and impoverished areas of central and western China, and the number of people exhibiting symptoms reaches 51 million. A serious shortage of investment in health facilities in rural communities makes it difficult to guarantee the provision of public health and preventive health services. Particularly in poor areas, the pace of improvement in principal health indicators among rural residents has clearly slowed, even halted in certain areas. Accordingly, the gap in standards of health between urban and rural residents has grown.

168. To maintain its emphasis on primary health care in rural communities, the Government has mandated global completion of the targets set out in the Rural Primary Health-care Development Programme (2001-2010). Prevention will remain the primary focus, and to this end, construction of county-level preventive-health institutions will be emphasized, revised service models in rural (and small-town) hospitals will be promoted, and special attention will be paid to the provision of preventive-health and basic medical care, particularly by the public health services. In agricultural districts that have already been urbanized, hospitals will focus on serving the local neighbourhoods. Work on scheduled immunization programmes will be intensified, lying-in conditions in rural and small-town hospitals will be improved, and limits will be imposed on the fees charged to rural women having their babies in hospital. A campaign to promote health among the farming masses will seek to increase personal awareness of health-care issues and promote a rational, civilized and healthy lifestyle among rural inhabitants.

169. In 2002, the Government issued a resolution on further intensification of health-care work in rural communities. This document proposes the establishment in rural communities by 2010 of a health-services system and a cooperative medical system that are adapted to the requirements of the socialist market economy and to levels of economic development in the communities concerned. The main elements of this initiative include the establishment of a basic rural health-services network with complete facilities, the establishment of rural health-services teams with good technical qualifications, and training health workers for work in the countryside through an educational model requiring five years of professional training after graduation from junior middle school or three years after graduation from senior middle school. By 2005, clinical and medical workers in rural and small-town hospitals nationwide will need to have earned an

assistant doctor certificate or higher qualification. By 2010, the great majority of country doctors will need to be certified assistant doctors or hold a higher qualification. Over the next five years, existing medical management personnel at the county and village levels, and currently employed technicians in rural medical institutions will all receive a round of further training. All levels of Government will increase their medical funding annually, the rate of increase to be no lower than the overall rate of increase in spending for that year as determined by the financial authority. Between 2003 and 2010, the annual increase in spending on medical facilities by people's governments at the central, municipal and county levels will for the most part be directed towards the development of medical facilities in rural communities. With a focus on major diseases, efforts will concentrate on the establishment of a new model for cooperative rural medical systems and medical assistance programmes, to be organized and directed by the Government with the voluntary participation of the rural inhabitants themselves. In central and western regions outside the cities, the central financial administration will make special support payments to these new cooperative medical models equal to 10 yuan per participant per year. Local government subsidies, meanwhile, will average at least 10 yuan per person per year.

170. In 2001, the Ministry of Health issued suggestions for intensifying health work in the west of the country, which proposed continuing to increase health-related investment in western regions, and health-oriented funding and other support from the central Government for poor areas of the west to accelerate the construction of basic health facilities in rural communities. Health systems nationwide will be organized to support their counterparts in the west with personnel training, technical guidance, peripatetic medical teams and equipment support. Personnel training, health education, implementation of the long-standing "patriotic hygiene and sanitation" campaign, and monitoring of law enforcement in important health fields will be stepped up. Starting in 2003, the Government will mobilize some 500 large and medium-sized health institutions in the centre and east to support their rural counterparts in the west, in particular by assisting in the construction of county-level medical facilities and hospitals in central towns and villages. Each province, autonomous region and directly administered municipality will organize the city, district and higher-level medical institutions under its jurisdiction to support the medical facilities in local rural communities. They will organize medical teams and establish systems for peripatetic medical services, providing the vehicles and equipment to penetrate deep into remote rural and minority areas and operate peripatetic medical programmes. In 2001, the central Government provided subsidies amounting to 80 million yuan for basic construction of "Three Constructions" health facilities in rural communities. It invested 120 million yuan in the construction of some 116 county hospitals in poor counties and a further 670 million yuan in the construction of blood banks in central and western regions. In 2002, it continued to develop basic medical infrastructure in poor areas with investments amounting to 300 million yuan in hospitals dedicated to traditional Chinese medicine and other medical specialties. It also made budgetary provision for 800 million yuan-worth of State bonds to finance the construction of facilities dedicated to the prevention and control of disease at the county, district, city and provincial levels in western regions.

171. The Government of China is intensifying the prevention and control of infectious, endemic and parasitic diseases, bubonic plague, cholera, AIDS, poliomyelitis and other major diseases in western regions. It is continuing to work to bring schistosomiasis and iodine deficiency under control in these areas and has expanded preventive programmes that target Kashin-Bek disease and endemic fluorine and arsenic poisoning. In 2001 alone, the central Government allocated 850 million yuan to resolve the drinking water problems of

some 3 million people living in areas of 10 central and western provinces and regions affected by severe fluorine and arsenic poisoning. During the Tenth 5-Year Plan, 180 million yuan will be given to nationally designated poverty-stricken counties in 12 western and 6 central provinces to purchase hepatitis-B vaccine and the necessary equipment for injection, so as to ensure that the 6 million infants born every year in these areas can be immunized. In 2001 and again in 2002, the Government provided 20 million yuan for central and western provinces to purchase and install cold-chain vaccine facilities to replace outmoded equipment and thereby improve the operation of scheduled immunization programmes.

172. The Government actively seeks voluntary bilateral and multilateral assistance from the international community and from Hong Kong, Macao and Taiwan, as well as donations or preferential loans from international financial organizations and foreign Governments in order to undertake new projects. In 2001, international cooperation projects began a progressive shift in emphasis towards the west of China. Assistance from the sources noted above amounting to nearly US\$ 100 million went towards immunization programmes, tuberculosis prevention, the eradication of iodine deficiency, neighbourhood health services and capacity-building in poor western regions. At the same time, personnel continue to be trained for the west.

173. Through the enactment of laws and regulations such as the Mother and Child Health Care Act and instructions on its implementation, and standards to govern pre-marital health care, China promotes a system of pre-marital health-care services that provide guidance, counselling and medical check-ups in an effort to reduce the incidence of birth defects. In the year 2000, the average rate of pre-marital medical check-ups nationwide was 64.55 per cent, with large discrepancies between urban and rural rates. The State has launched medical and health-care services which provide pregnant women with health-care, nutritional and psychological counselling and guidance besides regular pre-natal check-ups, and has raised the proportion of hospital births. Through a number of measures, moreover, the Government has done much to prevent and reduce factors harmful to mothers, infants and infants in utero, and has thereby reduced the incidence of illness and mortality within this group. A significant gap persists, however, in terms of health-care availability and the quality of services available during pregnancy, between China's poorer areas and the economically more advanced regions of the country. An important area of emphasis for the Government's health-care efforts therefore remains the protection of weaker communities and a constant focus on the health of mothers and children in poor areas.

174. The funds and resources available to China, a densely populated developing country with limited financial resources, cannot cover the needs of the country's poor areas. Particularly in the poorer parts of the west, women's health still faces many challenges, the most prominent of which is high maternal mortality. In 2000, the maternal mortality rate nationwide was 53 per 100,000; in remote areas, this reached 114.9 per 100,000, and in some areas even exceeded 400 per 100,000. In rural areas, more than 90 per cent of deaths in childbirth occur in backward areas, 40.5 per cent of them during in-home births. A multitude of factors contribute to this situation, foremost among them being that economic conditions in these backward communities prevent women from giving birth in hospitals. Ignorant and backward customs and indifference to health and hygiene also mean that the safety of pregnant women does not command due attention. A second factor is that health workers in these rural communities often possess very rudimentary knowledge, utilize backward techniques and the service they provide

may be unsatisfactory. According to a survey conducted in 1998 by the Ministry of Health, only 1.4 per cent of health technicians in rural hospitals had a level of education at the undergraduate level or above, 53 per cent had completed a polytechnic high school, and 36.4 per cent were graduates of a regular senior middle school or lower. The great majority had not undergone any sort of systematic professional training and could not handle an obstetric emergency on their own. As such, they presented a latent risk of maternal mortality. A third factor is that the health-care facilities in these rural areas are often outmoded, and, in many areas, emergency and clinical-transfer services are unavailable. The obstetric facilities available in many rural hospitals are primitive and ill-prepared to deal with emergencies; this is also a contributing factor in maternal mortality. In view of these conditions, the Government of China has legislated in the China Women's Development Programme (2001-2010), the China Children's Development Programme, the Tenth 5-Year Plan and the development strategy for the west for the implementation of policies and strategies aimed at improving women's health in poor areas. It continues to invest a good deal of manpower, material and financial resources in this area, and is developing broad-based cooperative programmes in concert with the World Health Organization (WHO), the United Nations Children's Fund (UNICEF), the Canadian International Development Agency and other international organizations to speed efforts on behalf of women's health in China's poorer regions.

175. In order to bring down mortality rates, in particular, the infant mortality rate, to promote the healthy development of children, to combat the factors and trends contributing to infant mortality and under-5 mortality, and to achieve the goal set out in the China Children's Development Programme of reducing infant and under-5 mortality by one third from 1990 levels, the Ministry of Health initiated multilevel sample surveys of mortality in these groups. In 1991, the infant mortality rate nationwide was 50.19 per thousand, while the under-5 mortality rate was 61.03 per thousand. In 2000, these rates had been reduced to 32.2 per thousand and 39.7 per thousand respectively, which demonstrates that China has indeed achieved its targeted reductions in these areas.

176. Over the past few years, China has made a firm commitment to promote the utilization of oral rehydration salts (ORS) and oral rehydration therapy (ORT) nationwide in cases of children's diarrhoea, in order to reduce the incidence of child mortality due to dehydration caused by diarrhoea. In a stratified sample survey of 51,690 children under the age of 5, conducted in 1994, the rate of ORT utilization in cases of diarrhoea was 84.47 per cent. While in urban areas, this rate was 80.87 per cent, in rural areas it was 85.3 per cent, and a rate over 80 per cent was achieved nationwide, thus meeting the target initially set for ORT utilization. In the last few years, child mortality due to diarrhoea has dropped significantly: statistics show deaths due to diarrhoea in children under 5 at 443.1 per 100,000 in 1991, 275.2 per 100,000 in 1995 and 192.8 per 100,000 in 2000, a reduction of 56.5 per cent over the decade. Thus the targeted 50 per cent reduction in child mortality due to diarrhoea by the year 2000 was also achieved.

177. Statistics show that the under-5 mortality rate from pneumonia nationwide was 1,512.7 per 100,000 in 1991, 1,062.4 per 100,000 in 1995, and 773.6 per 100,000 in 2000, i.e. that it fell 48.8 per cent over the decade and the targeted reduction by one third of the child mortality rate due to pneumonia by the year 2000 was achieved.

178. In 1999, in a programme carried out in cooperation with WHO and UNICEF, Integrated Management of Childhood Illness was implemented in China, with trial stages carried out in Hunan Province and the Ningxia Hui Autonomous Region. In 2001, the programme was extended to Gansu, Inner Mongolia, Anhui and other provinces to a total of 12. Since the programme has been implemented, the Government has appointed specialists to rewrite the relevant teaching materials, wall charts and handbooks to suit conditions in China. In three demonstration training programmes and teacher training programmes organized since then, some 178 persons have received the related training. Health workers in the participating areas have learned simple and practical methods for assessing, categorizing and treating children's illnesses; standards have been put in place for the utilization of medications by country doctors, and reductions achieved in the inappropriate use of antibiotics; basic equipment has been provided to rural hospitals; and the system of clinical referrals for seriously ill children has been tightened up.

179. A seminar convened by the Ministry of Health in 1991 to discuss the promotion of mother's milk and breastfeeding produced the China Mother's Milk Promotion Plan, and after 1992, China launched a large-scale baby-care campaign which included a critical assessment, based on worldwide standards of prevailing conditions by Chinese and international experts on breastfeeding. By the end of 1995, China had established 2,957 baby-care hospitals, outstripping the commitment it had made to the international community to establish 1,000 such facilities that year. By the end of 1999, it had some 7,329 baby-care hospitals in total. The baby-care campaign promotes breastfeeding nationwide. A national survey in 1998 showed that 67 per cent of mothers breastfed their children for four months: 54 per cent in urban areas, 72 per cent in the countryside.

180. In the year 2000, the central Government made a special allocation of 420 million yuan to purchase some 2,400 vehicles to supply every county in the centre and west, and poverty-stricken counties in the east, with vehicles specially equipped to provide mother-and-child health care and assistance with births and sound child-raising and to improve the overall standard of reproductive health services available to rural women. In 2000 and 2001, the Government ran programmes in 378 poverty-stricken counties in 12 western provinces to reduce the maternal mortality rate and to eliminate tetanus in newborn children, with a total investment of 200 million yuan. Also with the women and children of poor areas in mind, poverty-relief allowances have been introduced for pregnant women, obstetric facilities built in rural hospitals, specific training provided for grass-roots-level health workers, and programmes put in place for health education and for expert guidance and consultations. The first objective was to reduce the maternal mortality rate. By the end of 2001, maternal mortality rates in the 378 poor counties targeted had dropped on average by 28.79 per cent; in seven provinces, the rate had dropped by half, with the highest reduction, 72.64 per cent, recorded in Gansu. In Tibet, where standards of health care for pregnant women among the region's farmers and herders have risen significantly over a short period of time, maternal mortality dropped from 715.8 per 100,000 to 324.7 per 100,000. A second objective was to eliminate the incidence of tetanus among newborn children; when the incidence rate in the 12 provinces dropped below one per thousand, one programme objective was achieved. After two years of effort, the great majority of the programme's general and accessory objectives had been met, and this success contributed to reducing the nationwide incidence of maternal mortality and neonatal tetanus.

181. In order to improve standards of environmental and occupational health, China established a Disease Surveillance Point System (DSP) in 1990. By the end of 2002, 400 of China's 668 cities had established air-quality monitoring systems. Depending on their size, each of these cities set up two to seven monitoring stations; the total includes 146 automatic air-quality monitoring systems and over 380 automatic substations. Altogether 145 Disease Surveillance Points have been set up, covering a population of some 10 million in China's 31 provinces. Some 28 cities set up air-quality monitoring systems and Disease Surveillance Points at the same time, thus establishing networks which monitor air quality in the environment and the incidence of disease among the population (see table 23).

182. More than 100 cities nationwide have set up systems to monitor their drinking water quality, while plans have been implemented to upgrade the safety of drinking water supply in rural communities. A 1998 survey of the quality of drinking water in rural areas of 19 provinces showed that standards had clearly risen. Some 70.6 per cent of the population used water from underground sources and 56.5 per cent had centralized water supply. Some 32.3 per cent of those surveyed had drinking water rated as first-grade by national water standards; only 10 per cent had in 1985. Since 2000, some 47 environmentally important cities nationwide have conducted monthly tests of water quality in their watershed areas, and this programme is now being extended to other regional cities. In addition, studies have been initiated into the degrees of damage to health that environmental pollution has caused among populations, and in-depth research is being conducted into the harmful effects on health of air and water pollution.

183. China is a country with great manpower resources; the labouring population of the country is around 700 million. At the end of 2000, it had 7.9 million industrial enterprises, 20 million rural enterprises and some 60,000 enterprises partly financed from abroad (including Hong Kong, Macao and Taiwan). To adapt to continually evolving occupational health requirements, it is progressively establishing a nationwide network for labour health and safety and occupational disease prevention and nearly 30,000 people are currently engaged in occupational health work. Since the 1950s, the Government has conducted wide-ranging surveys of occupational diseases, and by around 1981, these provided a picture of the incidence and distribution of occupational poisoning due to the presence of lead, benzene, mercury, organic phosphate fertilizers, trinitrotoluene (TNT) and other toxins. In 1983, an epidemic survey was conducted involving more than 100,000 workers who were in contact with eight types of carcinogenic substances. Between 1986 and 1990, a nationwide survey of current and past cases of pneumoconiosis was conducted, and systematic archives were established to track this disease. In 1996, a survey was conducted into the occupational health situation at 1,421 enterprises in seven provinces and cities. Through such wide-ranging surveys, great volumes of data have been collected, and over the years, systems for occupational health management have taken shape in all the major industrial fields - metalworking, coal mining, petroleum and petrochemicals, railways, electrical power, etc. In the coal-mining industry for example, such measures as wet-drilling, spraying and wetting of dust sources, rock-face rinsing and ventilator-cleaning have been actively enforced for years, thus bringing ambient dust levels down by between 68 and 89.5 per cent. According to statistics from the China Occupational Health Data Network for the year 2000, monitoring of hazardous occupations nationwide showed that 64.8 per cent of State-sector industrial enterprises basically met national standards in this area. Severe heatstroke in high-temperature factory workshops has been basically eliminated; the working areas of many enterprises meet, or are very close to meeting, the national health standards for ambient dust concentrations. Great progress has been made in

preventing occupational poisoning, many factories having adopted complementary measures such as replacing toxic materials with non-toxic ones, implementing new technologies, improving containment and ventilation, and basically putting an end to leakage, seepage and so forth. The incidence of common chronic occupational poisoning has dropped markedly. In 2000, some 370,292 workers underwent job-related physical check-ups, and timely and effective measures were taken to treat those in whom an occupational disease was detected or clinically diagnosed.

184. The Government of China has enacted a series of laws and statutes aimed at the prevention, treatment and control of infectious, endemic, occupational and other diseases. These include the Tenth 5-Year Programme for the Prevention and Control of Disease, the National Bubonic Plague Emergency Control Plan, the Mid- and Long-Term Plan for AIDS Prevention and Control (1998-2010), the National Campaign for the Containment and Prevention of AIDS (2001-2005), the National Tuberculosis Prevention Plan (2001-2010), the Tenth 5-Year Programme for the Control of Schistosomiasis, suggestions on further efforts to eradicate iodine deficiency, the China Mental Health Plan (2002-2010) and the China Food and Nutrition Development Plan (2001-2010).

185. The Government of China advocates a "prevention first" approach to health issues and makes the prevention of such serious threats to health and well-being as infectious, endemic and chronic non-infectious diseases the principal tasks in health-care work. Across the country, each region has set up a variety of specialized preventive health-care institutions and teams and has launched mass patriotic campaigns for health. Since the beginning of the era of liberalization, the Government has set a basic course in this area that can be summarized as: "organized by the Government, coordinated by regional departments, implemented by the masses, scientifically ordered, and supervised by all society". Significant preventive initiatives to date include immunization programmes and the widespread promotion of an iodine additive in food salt. A Centre for Disease Prevention and Control has been established, and some 800 million yuan in State bonds has been invested in the construction of disease prevention and control institutions in the west of the country. The monitoring of serious infectious diseases has been reinforced, so as to prevent and control sudden outbreaks of epidemics. The National Disease Data Reporting and Management System, responsible for the dissemination and management of disease-related data from the four levels of Government - county, regional, provincial and central - was formally inaugurated in January 2002, and the primary stages of producing and managing epidemic situation reports in electronic-data format have been completed. Meanwhile, the design of systems for relief and disease prevention in the wake of disasters, and emergency response to sudden public health incidents has been completed, and these will be implemented nationwide beginning in 2003.

186. An all-out campaign to prevent AIDS is under way. Funding from government bonds has been allocated to strengthen the blood-bank system nationwide, and international cooperation is also being actively sought. A basic strategic framework has been put in place for the care of AIDS victims, treatment protocols have been defined, and integrated neighbourhood-based programmes for the care and treatment of AIDS victims and prevention of the spread of the disease are functioning. Priority is being given to ensuring funding for the construction of a national AIDS prevention and control centre and to cover expenses related to the prevention of this disease.

187. Plans have been implemented to incorporate hepatitis-B into the children's immunization programme, and the Government has arranged for provincial governments to bear the costs of hepatitis-B immunization. In order to help the 12 western provinces and counties below the national poverty level in six central provinces incorporate hepatitis-B into their children's immunization programmes, China has signed a cooperative agreement with the Global Alliance for Vaccines and Immunization, whereby the two parties jointly finance the purchase of the necessary vaccines and single-use disposable syringes. Between 2001 and 2005, the central financial administration will contribute some 36 million yuan annually to these programmes.

188. The Government is still working to eradicate poliomyelitis and is committed to strengthening its immunization strategies. It has enacted measures for the administration of preventive inoculation and regulations on preventive inoculation. It has also strengthened the measures in place to combat endemic and parasitic diseases and is engaged in fully implementing the national schistosomiasis control segment of the Tenth 5-Year Plan. An iron deficiency eradication campaign is under way in impoverished areas. In certain areas where cultivation has been halted to allow the land to return to its natural state of vegetation, the subsidies granted to residents include wheat flour and supplements of iron and other trace nutrients.

189. In order to strengthen the disease prevention and control work carried out in conjunction with major construction projects, the Government has formulated a number of policy measures. These include a note on enhanced disease prevention and control during large construction projects, the trial implementation of technical norms governing the clearance of the reservoir bed at the Yangzi River Three Gorges Dam, and a technical programme for the prevention of bubonic plague during the construction of the Qinghai-Tibet Railway. In addition, the Government provides timely operational advice and material and financial support for areas afflicted by natural disasters. It has issued clear requirements on the monitoring and reporting of progress with disaster relief operations and the epidemiological situation in disaster-stricken areas.

190. Since the establishment of the People's Republic of China, the Government has laid down a number of policies and regulations on occupational health and safety, and since the 1980s, has stepped up the formulation of a systematic legal structure in this domain. In October 2001, the Standing Committee of the National People's Congress promulgated the Occupational Diseases Act, which formally came into effect on 1 May 2002. This, in combination with a number of prior statutes laid down by the State Council, such as the regulations on labour protection in workplaces where toxic substances are used, the regulations on the prevention and cure of pneumoconiosis, and the regulations on the protection of radioisotopes and radioactive installations and the many regulations laid down by the Ministry of Health such as the rules on how to handle declarations of occupational diseases and hazardous items and protect workers' hearing in industrial enterprises, constitutes a basic framework of legal, administrative, regulatory and enforcement measures for the codification of occupational health and safety management in China.

191. National occupational health and safety standards are continually being raised. In 2002, in keeping with the Occupational Diseases Act and building on the work of many previous years, the Ministry of Health revised and reissued some 157 statutes covering more than 500 such national standards, including the framing of health standards, for industrial enterprises,

restrictions on occupational contact with noxious factors in the workplace, diagnostic standards for occupational diseases, radiation-protection standards and diagnostic standards for radiation-related diseases. Together, these many reforms make up a distinctively Chinese system of standards in occupational health and safety that is in line with prevailing international norms.

192. The Government intends to reorganize and systematize the existing occupational-disease data network and improve the data systems designed to control occupational poisoning. This initiative will cover the formulation of policy, the development of regulations and standards, controls, emergency response and relief, the definition of toxicity in chemical products, technological consulting, training and education, certification and other such important tasks, generally raising the level of information available to help control cases of acute occupational poisoning. A national emergency response control centre for acute occupational poisoning is to be established in order to direct and coordinate the response to toxic incidents in a unified manner.

193. The Government of China takes occupational health and safety very seriously. It specifically targets major occupational hazards, tightening controls on dust and toxicity in the workplace and improving the conditions of work overall. Over many years of operation, all of the country's large industries - metalworking, coal mining, petroleum and petrochemicals, railways, electrical power, etc. - have developed efficient internal systems for dealing with occupational health and safety issues. Large and medium-sized State-sector enterprises have by and large established rules for the safe handling of hazardous tasks, for the monitoring of the workplace and for the monitoring and protection of worker health. In order to adapt to the new needs brought about by recent economic reforms, specifically reforms to enterprise management and problems arising in connection with the utilization of labour, the Government has adopted effective measures to protect the health of workers. Priority has been given to strengthening the relevant legal framework and there is constant expansion of the scope of oversight and enforcement. A major nationwide project to reorganize and regulate the production, sale and use of harmful chemicals began in 2000. At the same time, a major campaign was launched to promote occupational health and safety in industrial and mining enterprises nationwide and to spread awareness of occupational health issues. The Government has issued a directory on the elimination of obsolete means of production, technologies and products and is progressively restricting and eliminating outmoded technologies, materials and work methods that represent serious industrial hazards, while also promoting clean models of production.

194. The percentage of the population of China aged 65 and above has grown from 5.58 per cent in 1990 to 6.96 per cent in 2000, which demonstrates the entry of the elderly into the age structure of China's demographic profile. With the ageing of the population comes an increase in the numbers suffering from chronic ailments, a lengthening of the course of diseases, and constant increases in medical and pharmaceutical costs, all of which have an enormous impact on medical and health-care facilities. Accordingly, the Government has taken a number of steps to safeguard medical care for the elderly so as to ensure that the rights and interests of its senior citizens are protected.

195. The Government has drafted an outline of research into the prevention and treatment of geriatric ailments as part of the Tenth 5-Year Plan, and intends to establish and refine a system of health services and medical security for the elderly as quickly as possible. Senior citizens are to be made an important object of grass-roots health services in urban and rural areas alike, and a

variety of models of health care are to be developed for them. A corresponding set of standards for social services for the elderly is to be put in place and refinements brought to the relevant regulatory system so as to ensure the development of neighbourhood-based medical and health-care facilities and the provision of health education. In this way, the basic medical and health-care needs of the elderly will progressively be satisfied.

196. Large and medium-sized hospitals are being urged to move into geriatric medicine, increase medical services for the elderly and make these services easily accessible; and to establish case files for the elderly, develop home care and offer house calls and home nursing, daytime observation and terminal care, thus gradually introducing home-based treatment for the elderly and creating an information and emergency alarm network. Grass-roots health-care workers caring for the elderly are being given more constructive and technical training. Research into the prevention and treatment of geriatric conditions is being stepped up, and a healthy and civilized lifestyle based on scientific principles is being promoted. Efforts to combat chronic disease are being actively encouraged. For such common and persistent chronic conditions as cardiovascular disease and diabetes, the incidence of which is clearly rising, continuing, integrated, neighbourhood-based preventive, therapeutic and educational services are being developed.

197. Neighbourhood health services are able to provide the more disadvantaged members of society with special humanitarian and health care which serves to increase their feelings of identity with and belonging to the community. They are also extremely useful in encouraging a scientific view of health issues and in maintaining and promoting residents' health, which ultimately promotes a positive community culture. Suggestions concerning the promotion of urban neighbourhood development nationwide issued by the Government in November 2000 single out neighbourhood health services as an important part of neighbourhood development, and require cities to begin transferring health-care resources towards their neighbourhoods, creating a new urban health-care system based on the neighbourhood community. Statistics gathered at the end of 2002 show that some 358 cities have developed such services and set up over 11,700 neighbourhood health centres. The neighbourhoods are also home to a great number of care centres for the elderly, clinics and other medical facilities that provide local residents with specialized health-care services.

198. The Government of China has issued a series of important directives on neighbourhood health services. "Some Suggestions concerning the Development of Health Services in Urban Neighbourhoods" of 1999, for example, laid out the following objectives: pilot neighbourhood health-service projects to be set nationwide by 2000; a basic systemic framework for the provision of such services to be in place by 2005; and formation of a relatively complete system by 2010. "Suggestions concerning the Year 2005 Objectives in the Development of Health Services in Urban Neighbourhoods", published in 2001, requires most cities nationwide to have established the basic framework to implement policy, operate a complete service network, assign personnel rationally, hone service functions, lay out standards for oversight and administration, ensure that funding channels are functioning properly, and match health services to the needs of the neighbourhood. "Suggestions concerning Acceleration of the Development of Health Services in Urban Neighbourhoods", issued in August 2002, required neighbourhood health services to adopt the mechanisms of the competitive marketplace, and encouraged social

organizations and individuals to set up services of this type. At the same time, the Government, through its policy on financial subsidies, tax incentives and similar measures, is supposed to promote neighbourhood health services.

199. By 2005, the Government plans to have established a neighbourhood health services network with varied models of supply in at least 80 per cent of cities at the regional level and above. This network will feature guidance by non-profit institutions, a main body composed of health service institutions with a comprehensive set of functions, and back-up support provided by grass-roots medical and health facilities. At least 35 per cent of county-level cities will have developed neighbourhood health networks suited to the actual conditions prevailing in their areas. Seventy per cent of the residents covered by each subdistrict office will be able to reach a neighbourhood health centre or other comprehensive health service institution within 15 minutes' walk from home, and will be able to reach these centres by telephone. The first steps have been taken to constitute, around a qualified general practitioner, specialized teams of well-educated neighbourhood health workers by 2005. On average, there is at least one such neighbourhood general practitioner for every 10,000 city residents, though cities meeting certain conditions are striving to double or better that level of service. At least 50 per cent of the nurses in these services have undergone post-initial qualification training administered by the provincial health authorities. In comparison with the year 2000, the proportion of city residents going to neighbourhood health services for medical care has increased significantly, reaching some 50 per cent in large and medium-sized cities, and over 80 per cent of them are satisfied with the service they get. In comparison with the year 2000, levels of basic health knowledge among residents, of inoculation through immunization programmes, of standardized treatment of major chronic, non-infectious diseases, and of managed health care for women, children and the elderly have improved noticeably. Meanwhile, the rate of increase in the cost to residents of medical care has remained at year-2000 levels or decreased.

200. The trial implementation of basic job descriptions for urban neighbourhood health services in October 2001 pinpointed the most basic tasks for such services at the moment: local diagnostic services, mental health care, neighbourhood medical services, health education, mother-and-child health care, in-community convalescence, prevention and treatment of infectious, endemic and parasitic diseases, paediatric health care, family planning services, prevention and treatment of non-infectious chronic diseases, health care for the elderly, and the collection, treatment, analysis and reporting of relevant data.

201. The Government issued a resolution on health reforms and development in 1997. This pointed out that health education is an important part of citizens' education and should be strongly emphasized so as to raise public health awareness and the masses' ability to take care of their own health; health education should be vigorously promoted among China's 900 million rural inhabitants. "Some Suggestions concerning the Development of Health Services in Urban Neighbourhoods" of 1999, and "Guiding Suggestions on Reform of the Urban Medical and Health System" of 2000 both made clear the health-education functions of neighbourhood health services. "Policy Suggestions on Subsidies for Health Facilities" confirmed the policy of making subsidies granted to public health institutions to cover the expenses of public health services include the costs of health education.

202. Published in November 2001, the directive of the Ministry of Health on basic job descriptions for urban neighbourhood health services laid out the concrete tasks to be performed in terms of neighbourhood health education. Guiding Suggestions on Reform and Development of the Health System in Rural Communities, published by the Government in 2001, emphasized the continued promotion of the campaign to further health education among China's 900 million rural residents, spreading a scientific understanding of medicine and pharmaceuticals and advocating civilized and healthy lifestyles. The Rural Communities Primary Health Care Development Programme (2001-2010), produced in 2002, incorporated that campaign into the general ambit of rural primary health care.

203. During the 1990s, China launched a national neighbourhood health education project for rural and urban communities alike. In rural communities, the focus was on the health education campaign for 900 million rural residents, spreading basic health-related information and advocating healthy lifestyles, the rational use of health-care resources, and the creation of natural environments conducive to healthy living. In 2002, the relevant government departments drew up a plan of campaign to further strengthen the work being done in this area, confirming safety and health as the main themes and focusing on the dissemination of information on mother-and-baby safety, safe injections, safe sex and food safety. Further efforts to implement the plan focused on ensuring that residents of impoverished areas have the opportunity to learn and grasp the principles of personal health care. Nearly 200,000 copies of the "Rural Health Education Reader" and the "Rural Health Education Broadcast Scripts" have been distributed, while another 110,000 video and audio tapes of the programme's 140 television episodes and 30 radio broadcasts have been produced and distributed free of charge. Other materials in the series include educational posters and handbooks. Each region has localized the educational posters, brochures and leaflets, and used such other measures as billboards, exhibitions, counselling services, lectures, quiz competitions and diagnosis and treatment of diseases to disseminate health information. Nationwide, more than 2,000 television and radio stations have broadcast campaign programmes; some provinces and regions have translated the material into local dialects and minority languages for broadcast in specific areas. Some 702 television stations nationwide broadcast the educational programme "A World of Health", which reaches more than 600 million viewers.

204. Since its inception in 1990, a joint health-promotion project between China and UNICEF has focused on the health of fragile communities in rural areas and among the country's minority peoples. It disseminates basic information on breastfeeding, childhood development, vaccination and family health, conditions such as diarrhoea, coughing, malaria, AIDS, and iodine deficiency, and the prevention of smoking among teenagers. It is currently operating in 488 counties in 28 provinces. Evaluation of the project's effectiveness at various stages has shown that 75 per cent of the target population is in possession of 75 per cent of the information contained in the "Knowledge for Life" handbook.

205. Since 1979, China has produced a total of 24 laws, regulations and notices aimed at restricting smoking. These include the Tobacco Monopoly Act, the Protection of Minors Act, the Advertising Act and the Juvenile Delinquency Act. By April 2000, some 14 provinces and directly administered municipalities and 88 cities had promulgated ordinances prohibiting smoking in public places. The objectives of such legal statutes and a number of related public campaigns are to obtain a smoke-free environment, protect the health of children and the young and bring about a generally salutary social environment.

206. In 1998, WHO adopted the development of health systems as one of its four major strategy orientations. These were stated as: the reduction of mortality and physical handicaps, the reduction of environmental hazards, the development of health systems, and the promotion of health-related elements in policies of social, economic and environmental development. The Government of China took advantage of this opportunity to expand the scope of its cooperation with WHO and applied for extrabudgetary research projects on matters related to reforms in China's urban and rural medical and health systems. The application was successful, and health-care reform projects in China became a formal listed item in the budgets of WHO and UNICEF.

207. For several years, China has cooperated with WHO, UNICEF, the Joint United Nations Programme on HIV/AIDS, the United Nations Development Programme (UNDP) and other international organizations using regular-budget credits amounting to US\$ 40 million, and has successfully applied for extrabudgetary funding of a further US\$ 28 million. It has obtained US\$ 54 million from the Global Fund to Fight AIDS, Tuberculosis and Malaria and US\$ 38 million in funds from the Global Alliance for Vaccines and Immunization. All of these projects have been in important areas for the development of China's health facilities. Since 1984, China has also entered into 10 loan agreements with the World Bank for funds to support such varied programmes as the comprehensive development of regional health services, the development of rural health services and personnel training, basic health services, the control of endemic and infectious diseases (AIDS, sexually transmitted diseases, tuberculosis, etc.), mother-and-child health care, health services, medical education, health education, immunization programmes and other important projects. These health-related loans have been used to supply a great quantity of technology and equipment, both foreign and domestic in origin, and train large numbers of qualified workers.

208. The Government of China has entered into a number of bilateral cooperation agreements. These include: a grant by the Government of the United Kingdom to support AIDS-control and neighbourhood health projects; large-scale immunization and tuberculosis-prevention projects carried out with assistance from the Government of Japan; a tuberculosis-prevention and treatment project with the Damien Foundation of Belgium; a second 10-year agreement with Japan's Sagawa Scholarship Foundation for the training of medical personnel; and a cooperative project between the Governments of China and of Australia for the control of AIDS in the Asian region. China has also increased its contacts with neighbouring countries in the area of health and hygiene and participates in regional health cooperation activities. It is a signatory to the Memorandum of Understanding regarding Population Movement and HIV Vulnerability among the health ministries of five Mekong Basin States, and hosted the ministerial conference on disease-monitoring in the six nations of the Mekong Basin where the six participating health ministers signed a memorandum of understanding regarding the monitoring of disease in the Mekong Basin. In October 2000, it hosted a China-Africa Cooperation Forum in Beijing, an important milestone in China's cooperation with the countries of Africa at which leading Chinese experts spoke on questions of China's medical cooperation with these countries. Cooperation in the field of health has since become an important outcome of the forum.

209. China also maintains relations and cooperative agreements in the field of health technology with a number of non-official foreign institutions, including the medical schools and biomedical research faculties at several leading universities, and specialized international

non-governmental organizations. With an eye to developments worldwide in the medical and biological fields, China also participates in cooperative technical projects in the fields of basic medicine and high technology and has thereby extended its cooperative relations to every branch of medicine.

Articles 13 and 14

The right to education

210. China's Constitution and other laws stipulate the right of citizens to receive education. Article 64 of the Constitution states that citizens of the People's Republic of China have the right as well as the duty to receive education. The State promotes the all-round development of children and young people, morally, intellectually and physically. Article 9 of the Education Act stipulates that "Citizens of the People's Republic of China have the right and the responsibility to receive education. All citizens have an equal right to education in accordance with the law, without regard to their nationality, ethnicity, gender, occupation, financial situation or religious beliefs." Such statutes as the Compulsory Education Act, the Vocational Education Act, the Higher Education Act, the Teachers Act, the Protection of Minors Act, the Women's Rights and Interests Act, the Details on the Implementation of the Compulsory Education Act, the regulations on education for the handicapped and the order prohibiting the use of child labour all provide strong, comprehensive safeguards of the right of all the people to receive an education.

211. The Government of China administers a regimen of nine years of compulsory education, which it regards as the most important aspect by far of its work in education. Article 18 of the Education Act stipulates that "The State shall implement a nine-year regimen of compulsory education. All levels of government shall take the necessary measures to ensure that children and young persons of the relevant ages attend their studies." Article 4 of the Compulsory Education Act stipulates that "The State, society, schools and the home guarantee the right of children and young persons of the relevant ages to receive education in accordance with the law." Article 10 states that "The State shall exempt students receiving compulsory education from paying fees." In the year 2000, nine-year compulsory education coverage extended to 85 per cent of the Chinese regional population, basically meeting the targets set out at the 1990 World Conference on Education for All, in Jomtien, Thailand: "to provide a fundamental education to children, young persons and adults; to actively eliminate inequalities in education; and to make primary education generally and wholly available". By the end of 2001, nine-year compulsory education coverage of the regional population had risen to more than 90 per cent. Also in 2001, the number of students enrolled for compulsory education was 190,579,000, some 28,999,000 more than in 1990 (an increase of 18.9 per cent). There were 65,143,800 students enrolled in standard junior middle schools, some 25,978,500 more than in 1990, an increase of 66.3 per cent. At the primary school level, meanwhile, the enrolment rate for children of school age was 99.05 per cent, up from 97.8 per cent in 1990. The primary school enrolment rate for boys was 99.08 per cent and for girls, 99.01 per cent, a difference between the genders that had been reduced to 0.07 per cent.

212. China places great emphasis on the education of children from poor homes. In 1995, the Government instructed all regions to establish a viable system of student-assistance funds for primary and middle schools and determined that, during the period of the Ninth 5-Year Plan,

the central financial administration would set aside 130 million yuan from the special subsidy fund for compulsory education and the (minority) peoples' educational subsidy fund to establish a national student-assistance fund for compulsory education in impoverished areas. Every year this fund provides financial assistance to more than 600,000 children who, for family reasons, face exclusion from or discontinuance of their education. During the first National Compulsory Education Plan for Impoverished Areas, which ran from 1995 to 2000, the Government's commitment of a total of 12.6 billion yuan allowed the primary school enrolment rate in areas benefiting from the plan to reach 99.34 per cent, and the junior middle school enrolment rate to reach 91.76 per cent of school-age children. During the same period, the dropout rate among primary school students in these areas dropped to 0.46 per cent, while among junior middle school students, the rate dropped to 1.77 per cent. Some 4,000 new primary and middle schools were built and 30,000 primary and middle schools enlarged, with a total increase in school floor space amounting to 60 million square metres. The quality of teaching instruments and equipment, books and reference materials was significantly improved, transforming the previously backward educational facilities. All levels of government have reduced or abolished sundry charges, including textbook fees and boarding fees, lightening the financial burden on students from disadvantaged families. In 2001, the Ministry of Education and the Ministry of Finance issued suggestions on the trial distribution of textbooks to primary and middle school students in certain impoverished areas. Under this initiative, the central financial administration makes a special allocation of 200 million yuan every year to provide primary and middle school students from economically disadvantaged families in poor areas with textbooks free of charge. Though operating on a trial basis, the programme benefits some 2.45 million students every year.

213. Great effort is applied to improving the education of girls. In a document issued in 1996, the "Ninth 5-Year Plan Educational Facilities Programme and Development Plan for 2010", the Government of China spelt out its intention of reducing the gaps in rates of school enrolment between male and female students, between urban and rural areas, between disadvantaged and developed areas, and between areas predominantly inhabited by ethnic minorities and other regions. In July the same year it put forward 10 suggestions for further improvements to work with female students in impoverished and national minority areas, which required the education of girls to be made an important part of every region's current compulsory education agenda, called for conditions to be created in which girls could attend school, launched projects to stamp out illiteracy and intensify research in children's education, and laid down concrete requirements for international cooperation in the field of girls' education. The provisional regulations of the Ministry of Education on the assessment and approval of compulsory education stipulate that the enrolment rate and the dropout rate of school-age girls should meet provincial standards and count among the criteria for approval of compulsory education programmes. The Education Act the Protection of Minors Act, the Compulsory Education Act and the China Women's Development Programme all contain corresponding regulations on the education of girls.

214. To address the problems of school-age children among the floating population, in 1998 the Government issued provisional arrangements establishing standards for the school enrolment of those affected. A State Council resolution on reform and development of basic education dating from 2001 required every region to come to grips with the problems of education among the floating population, making it a prime responsibility of the governments in regions with floating populations to guarantee the educational rights of the children concerned through the provision, by a variety of methods, of full-time primary and middle school facilities.

Regulations have now been issued in all the regions concerned and auxiliary classes are being run. In some areas where the floating population tends to concentrate, schools have been opened specifically for these children. In addition, subsidies are provided to pupils from families in difficulties, to safeguard their right to an education.

215. Through the compulsory education for handicapped children segment of the Ninth 5-Year Plan, the Government of China brought the education of handicapped children within the scope of standard compulsory education, and is committed to ensuring in this regard the same standards of supervision and approval. Suggestions on further reform and development of special education during the Tenth 5-Year Plan which it issued in 2001 called for the education of handicapped children to be brought within the scope of the standard compulsory education system; for commitment to the education of handicapped children to be made a central task of the overall compulsory education system and efforts to consolidate and raise educational standards and levels of achievement in that system; and for the compulsory education of handicapped children to be the focus of efforts to develop special education facilities. The State has set up a system of special education allowances to which the central Government has contributed some 260 million yuan since 1989, while regional authorities have spent over 2 billion yuan to support compulsory education for handicapped children and youths. In 1990, the country had 746 special education schools with a student body of 71,959. By 2001, there were 1,531 such schools, and the number of students in compulsory education was 386,360.

216. With a view to full implementation of compulsory education in rural communities, the State Council in 2001 promulgated a resolution on basic education, reform and development calling for further reforms in the management of compulsory education in rural communities. Since 2002, compulsory education in rural communities has operated entirely on the model of leadership by the State Council, implementation by local government and management at various levels, but primarily the county.

217. China attaches great importance to early childhood education, and was ahead of schedule in reaching the goals laid out in the China Educational Reform and Development Programme. In 1997, the kindergarten enrolment rate (children aged 3 to 6) was 43 per cent (the goal had been 30 per cent), while in rural communities, pre-school enrolment in the year prior to formal education reached 60 per cent. The educational models for young children in China's many regions vary widely owing to economic and cultural differences, and include three-year, full-day kindergartens, half-day kindergartens, and one-year pre-school classes. Flexible and varied informal models adapted to local conditions, such as seasonal classes, weekend classes, play groups, itinerant supplementary classes, in-home tutoring and parent-assisted activities, are also spreading.

218. Since 1990, the State has operated a system of subsidies specifically for the development of education among the country's minority nationalities. The National Compulsory Education Plan for Impoverished Areas allocates more than 7 billion yuan in funding for areas of the west where minority peoples are concentrated. The National Student-Assistance Fund for Compulsory Education in Impoverished Areas focuses on minority areas and provides assistance to enable children from disadvantaged families of all national groups to attend school. The State has also secured funds amounting to US\$ 415 million under four World Bank projects for the development of basic education in impoverished areas, concentrating them on the development

of educational facilities in 466 poor counties in 28 western and central provinces. Between 1996 and 2001, it used State bonds and other special funds to invest a further 5,368 million yuan in minority areas and the west. In 2001, some 19.49 million minority students were attending school nationwide, an increase of 39 per cent over 1991.

219. The Government of China has increased the funding it provides to support the compulsory education programme. Article 56 of the Education Act states that "The State Council and people's governments at the county level and above shall establish specific funds for education and concentrate support on compulsory education in remote, poor and national minority areas." Between 1990 and 2001, budgetary allocations for the compulsory education programme multiplied by a factor of nearly 11. Over those 10 years, total tax revenues collected and dedicated to education amounted to 171.733 billion yuan, while public donations and fund-raising contributed a further 139.417 billion yuan, making a grand total of 311.1 billion yuan, most of which went into compulsory education. There has been closer investigation and monitoring of fee-charging practices during compulsory education, and the laws against charging student fees during compulsory education are strictly enforced. In 1996, the Ministry of Education, the State Development Planning Commission (now State Development and Reform Commission) and the Ministry of Finance jointly issued provisional instructions on fee-charging in compulsory education schools, which accepted the principle that compulsory education should be free of charge to the pupil and restricted the charges levied to those for sundry expenses and confined the right to approve standards for such charges to people's governments at the provincial level. A note on the problem of indiscriminate charging of fees at primary and middle schools in rural communities, issued in 2001, required that as of that year, on a trial basis, a "one fee covers all" system should be instituted. The prevailing chaotic situation was to be cleaned up, with strict standards to govern the permitted sundry and textbook charges and a maximum charge. Students would then be charged a single fee. The maximum fee under the system would be set jointly by the Ministry of Education, the State Development Planning Commission and the Ministry of Finance.

220. In 1992, the Government of China announced a goal of basically eliminating illiteracy among the young and under-40s by the end of the twentieth century. Figures from the fifth National Census show that the number of illiterate adults in China dropped from the 182 million registered in 1990 to 85 million in 2000. This reduction of almost 100 million in 10 years represents a drop in the adult illiteracy rate from 22.2 per cent to 8.72 per cent. Illiteracy among the young and under-40s fell by 48,669,700 from more than 62 million (10.38 per cent) in 1990 to 20 million or so (4.8 per cent) in 2000. By the year 2000, 24 provinces, autonomous regions and directly administered municipalities had essentially met the nationally mandated goals for the elimination of illiteracy.

221. To ensure that citizens can obtain a secondary education, China has established secondary institutions throughout the country. These guarantee that, before citizens enter the job market, they can acquire a vocational education or appropriate skills training. In 2001, there were some 34,300 senior middle or secondary educational institutions nationwide (including regular senior middle schools, vocational secondary schools, regular senior middle vocational schools, technical schools, adult secondary schools and adult vocational secondary schools) with a new enrolment of 9,879,900 students and a total student body of 26,009,300. Some 52.9 per cent of students graduating from junior middle schools went on to higher secondary education, 12 percentage points higher than in 1990. The number of

students at regular senior middle schools was 14,049,000, some 6,876,000 (95.9 per cent) more than in 1990. Students at vocational secondary schools numbered 11.64 million, twice the level registered in 1988. Students at adult technical training schools nationwide completed 92.7 million courses.

222. China is actively developing the higher education sector. In 2001, the number of students attending institutes of higher education was 13 million, some 3.4 times as many as in 1989. Between 1989 and 2001, nearly 12 million people graduated from regular adult schools of higher education, and over 300,000 took postgraduate degrees. Gross enrolment in higher education rose from 3.5 per cent in 1991 to 13.3 per cent in 2001, an increase of nearly 10 percentage points; the admission rate from the senior entrance examination rose from 21 to 57 per cent, a rise of 36 percentage points. Since 1995, the central financial administration has invested 8.76 billion yuan in the "211 Programme" for higher education (see note 4 above) which is focusing on the construction of almost 100 institutes of higher education. China is also putting great emphasis on the development of modern distance learning, vocational education programmes for professional certification and other continuing education models, and on refining an examination system for self-study courses, so as to create an open, socially oriented online educational network. Between 1999 and 2002, Internet-based higher education developed from scratch and expanded so rapidly in scope that by now nearly 1.3 million people are registered for online study. By 2001, meanwhile, some 13,394,300 registrations had been accepted for examinations on higher education self-study courses, 641,000 students had obtained diplomas and 4,559,800 students were registered in adult education schools nationwide. The expansion of higher education facilities has greatly eased long-standing problems of supply and demand at this level of study. In addition, the Government fully supports study abroad by Chinese citizens. Between 1978 and the end of 2002, some 580,000 persons travelled abroad to pursue further education.

223. The State has adopted a number of measures to provide financial assistance to students in higher education who are in economic difficulty. In 1987, it launched a scholarship system; since 1993, schools of higher education have introduced a variety of policies that include scholarships, student loans, work-study programmes, allowances for cases of special hardship and reductions of or exemptions from school fees. Between 1994 and 2001, the central financial administration allocated a total of 1.15 billion yuan specifically to assist higher education students in difficulties. In 1999, the State set up a national student-loan system that became fully operational in 2000. The national scholarship fund set up in 2002 now makes annual grants totalling 200 million yuan, thereby assisting some 45,000 students from disadvantaged families in their quest for moral, intellectual, physical and aesthetic development.

224. In order to improve the quality of education, China is continually engaged in raising teachers' levels of education, salaries, working conditions and position in society. It has passed a number of laws, such as the Teachers Act and regulations on teacher qualifications, and has declared 10 September every year "Teachers' Day". Through such initiatives as the Yangzi River Incentive Plan for Scholars, the Higher Education Teaching and Research Incentive Plan for Outstanding Young Teachers and the Outstanding Young Teachers Grant Scheme, the central Government has fostered a new generation of academic leaders. It has also been able to attract, settle and train a corps of outstanding young teachers intending to make careers in higher education. The New Century Schoolyard Programme and the Special-Grade Teacher Scheme have steadily improved training for primary and middle school principals and

new groups of core teachers and school principals. As a result, the proportions of teachers formally qualified for their posts at primary, junior middle and senior middle schools have risen from 94.6 per cent, 83.4 per cent and 63.5 per cent respectively in 1998 to 96.8 per cent, 88.8 per cent and 70.7 per cent in 2001. Article 25 of the Teachers Act stipulates that "The average salary level for teachers should be no lower or higher than the average salary level in the national civil service, and should be progressively increased." Indeed, China has repeatedly raised salary standards for teachers. In 2001, average monthly salaries for primary and middle school teachers stood at 804 yuan and 906 yuan respectively, up from 415 yuan and 452 yuan in 1995 (increases of 93.7 per cent and 100.4 per cent respectively over the period). As a result, teaching is becoming an ever more attractive career option. Between 1991 and 2001, meanwhile, investment in new construction of housing for teaching professionals exceeded 140 billion yuan, leading to a total increase in residential space for teachers of 190 million square metres, or 2.7 million individual residences. Average per capita floor space for teachers' families in urban areas rose from 6.29 square metres in 1991 to 10.81 square metres in 2001, 0.56 square metres per capita more than the average for urban residents overall of 10.25 square metres.

225. China considers it important to draw on the social resources of every sort in setting up communal educational institutions. In 1997, the State Council issued regulations on the establishment of schools by community effort, and in 2002, the Standing Committee of the National People's Congress discussed and approved the Promotion of Private Education Act which is to come into effect in September 2003. China has thus entered a period of rapid development in the field of privately run education. In 2001, it had some 56,274 private educational institutions, 27,190 more than in 1996, attended by 9.23 million pupils, 5.85 million more than in 1996. These privately run schools included 44,526 kindergartens, 39.9 per cent of the national total, and 4,846 primary schools, 1 per cent of the total nationwide but, with 1.82 million pupils, receiving 1.4 per cent of the intake. At the secondary level, China had 4,571 regular privately run middle schools, 5.7 per cent of the national total, with an enrolment of 2.33 million students, (3 per cent of the total). There were also 1,040 privately run vocational middle schools, 13.3 per cent of such schools nationwide, which, with 380,000 students, accounted for 8.1 per cent of total enrolment in schools of this type. There were also 1,202 privately run institutes of higher education with an enrolment of 1.13 million students. In 1995, the National Education Commission issued provisional regulations to govern joint-venture education projects with foreign partners. This led to a rapid development of such projects: by the end of 2001, there were already 657. In March 2003, the State Council promulgated follow-up regulations on joint-venture education projects with foreign partners, which will enter into force on 1 September 2003.

226. The Government of China is continually increasing its investment in education. Article 53 of the Education Act stipulates that "The State shall establish a system for funding education that is based primarily on government financial allocations, and secondarily on funds raised through any other channels, and shall progressively increase its investment in education." Article 54 provides that "The financial allocations made to support education, expressed as a proportion of the country's gross domestic product, shall increase in step with national economic development and concurrent increases in State revenues." Total national investment in education in 2001 amounted to 463,766,000 yuan, an increase of 20.49 per cent over spending in 2000, and some 7.03 times the 65,936,000 yuan investment of 1990. Between 1990 and 2001, the average annual increase in investments in education was 19.4 per cent.

227. In 2001, budget allocations at all levels to education amounted to 258,238,000 yuan, some 6.06 times the 42,614,000 yuan allocated in 1990. From 1990 to 2001, the average annual increase in allocations to education from public finances was in the order of 17.8 per cent. Nationwide, the average budgetary allocation per primary school student was 645.28 yuan, some 3.96 times the figure of 1993, representing an average annual rate of increase of 18.79 per cent. At the junior middle school level, the average budgetary allocation per student was 817.028 yuan, some 2.57 times the figure of 1993, representing an average annual rate of increase of 12.53 per cent. At the senior middle school level, the average budgetary allocation per student was 1,471.12 yuan, some 2.38 times the figure of 1993, representing an average annual rate of increase of 11.45 per cent. In higher education, finally, the average budgetary allocation per student was 6,816.23 yuan, some 1.68 times the figure of 1993, representing an average annual rate of increase of 6.66 per cent.

228. For each year from 1995 to 2001, total outlays on education nationwide (budget allocations by all levels of government, urban and rural educational supplements, the amounts spent by enterprises on running primary and middle schools, and tax rebates for businesses owned and operated by schools) represented, as a proportion of GDP, successively 2.41 per cent, 2.44 per cent, 2.49 per cent, 2.55 per cent, 2.79 per cent, 2.87 per cent and 3.19 per cent. In 2001, outlays by the State on education amounted to 305,701,000 yuan, some 5.4 times the figure of 1990, representing an annual rate of increase of 16.61 per cent. Spending on education from other channels is also constantly rising: in 2001, total non-governmental spending on education amounted to 158,065,000 yuan, some 16.57 times as much as in 1990, representing an annual rate of increase of 29.08 per cent.

229. Because of long-standing inequalities in development among China's regions, nearly 10 per cent of the population lives in regions where universal education can only be provided at the primary level or indeed up to the third or fourth year of primary school. The total population in areas where the goal of nine years of universal compulsory education has not been achieved is 110 million; in some rural areas, the junior middle school dropout rate is still quite high. In 2000, the dropout rate was 0.55 per cent in primary schools nationwide, and 3.21 per cent at the junior middle school level. As the floating population continues to grow, the challenge of educating the children within it is growing in step.

230. With the publication in 2001 of a resolution on reform and development of basic education, the State Council made it very clear that, during the period of the Tenth 5-Year Plan, local people's governments at all levels should continue to make the universal availability of nine years of compulsory education and the eradication of illiteracy among the young and under-40s their highest priorities in education, expanding the coverage of full compulsory education so that 90 per cent of the relevant age group complete junior middle school and the literacy rate among the young and under-40s remains above 95 per cent, and increasing senior middle school enrolment to around 60 per cent. The responsibilities of the various regions were laid out with due emphasis on initiative, pragmatism and plans and instructions suited to local conditions: the regions where nine years of universal compulsory education have yet to be realized were told to battle hard to achieve that goal. The resolution also called for the administration of compulsory education in rural communities to be improved; primary and middle school teachers in rural communities to be paid their salaries; funding for the

construction of primary and middle school buildings in rural communities to be arranged; the indiscriminate charging of fees in certain schools and areas to be firmly stopped; implementation of the second National Compulsory Education Programme for Impoverished Areas, and the programmes twinning eastern schools with poor schools in the west and urban schools with poor schools in the regions to continue; and the financial assistance plan for primary and middle school students to be polished and put into effect.

231. China has been carrying out cooperative educational projects with UNICEF and UNDP since the 1980s. The period from 2001 to 2005 is China's fifth period of cooperation with UNICEF; the projects scheduled have an overall budget of US\$ 14 million, to be used for the most part in the 12 western provinces for the development of basic education, to improve teacher training, to enhance early childhood education opportunities and to build up a distance learning system. Over the same period, China's cooperation projects with UNDP are focused principally on the three provinces of Gansu, Sichuan and Yunnan, where distance learning methods are being employed to boost teachers' professional skills and standards of performance. The UNDP budget for these projects amounts to US\$ 6.5 million. China is also party to a number of multilateral cooperation projects with the World Bank, the United Nations Population Fund and various other countries, focusing on such areas as basic education, vocational skills training, teacher training and higher education, which have had excellent results.

232. China has an extensive history of cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO) that has produced outstanding results. In the field of universal education, a delegation from the Government of China attended the 1990 World Conference on Education for All and signed the World Declaration on Education for All, thereby making a solemn commitment to achieving by the year 2000 the twin goals of establishing universal basic education and eliminating illiteracy. After 10 years of unremitting efforts, China has made great strides in universal education. In 2001, at the Fourth Meeting of the Ministers of Education of the Nine Most Populated Countries, which it hosted, China was able to announce that it had basically achieved the goals of establishing a universal regime of nine years of compulsory education and eliminating illiteracy, and was working towards a yet higher goal, universal education of quality. China has in recent years been cooperating with UNICEF in certain innovative educational experiments, curriculum development and reform, and educational research and training.

Article 15

The right to cultural life and the benefits of science

233. Article 47 of the Constitution clearly states that:

“Citizens of the People’s Republic of China have freedom to engage in scientific research, literary and artistic creation and other cultural pursuits. The State encourages and assists creative endeavours conducive to the interests of the people that are made by citizens engaged in education, science, technology, literature, art and other cultural work.”

Article 19 says that “The State undertakes the development of socialist education and works to raise the scientific and cultural level of the whole nation.” Article 22 says that:

“The State promotes the development of art and literature, the press, radio and television broadcasting, publishing and distribution services, libraries, museums, cultural centres and other cultural undertakings that serve the people and socialism, and it sponsors mass cultural activities. The State protects sites of scenic and historical interest, valuable cultural monuments and relics and other significant items of China’s historical and cultural heritage.”

Further to these provisions, China has enacted a series of laws which lay out concrete rights and measures to safeguard them. These include: the Civil Procedure Act, the Copyright Act, the Patent Act, the Trademark Act, the Protection of Cultural Objects Act, the Minority Regional Autonomy Act, the Protection of the Handicapped Act, the Protection of Minors Act, the Women’s Rights and Interests Act, the Rights and Interests of the Elderly Act and the Juvenile Delinquency Act. The State Council has issued many sets of administrative regulations on implementation of the Copyright Act, the protection of computer software and the protection of integrated circuit board design; detailed regulations on the implementation of the Patent Act; regulations on the implementation of the Trademark Act, on the administration of audio-visual productions and on the administration of publishing, cinemas and films, television and radio broadcasting, commercial performances, entertainment venues and venues providing commercial Internet service; customs regulations for the protection of intellectual property rights; and regulations for the protection of traditional arts and handicrafts. It is currently debating draft regulations on public cultural and sports facilities which lay out clear, concrete stipulations for the construction, use, administration and protection of libraries, museums, cultural centres and other facilities. Government departments have issued instructions on the administration of enterprises distributing Chinese and foreign joint-venture audio-visual productions, and on the administration of Chinese and foreign joint-venture cinemas; these and other such regulations have an active influence on the protection of citizens’ cultural rights. Since China joined WTO, it has revised certain laws, administrative and departmental regulations, including the Protection of Cultural Objects Act, removing provisions not in conformity with WTO rules and making amendments where necessary.

234. The principal legislative measures the Government of China has taken recently to protect the cultural rights of its citizens have to do with:

(a) Promoting a flourishing literary and artistic life: instructions on the management of institutions collectively administering copyright, regulations governing artistic performance groups and regulations on the administration of national cultural development funds, among others. These serve to protect the rights and interests of writers and artists, and clearly define the qualifications and legal status of performing groups, encouraging them to create and perform better productions for the masses and satisfy the rights of the masses to cultural enjoyment;

(b) Promoting a flourishing mass culture. Single-topic laws and regulations on libraries, museums, cultural centres and other facilities have been enacted. These are linked to the forthcoming regulations on public cultural and sports facilities;

(c) Enacting laws that complement the Protection of Cultural Objects Act or relate to the protection of popular and national cultures. The Ministry of Culture has formulated bills to protect these aspects of China's culture and forwarded them to the National People's Congress. Once these laws have been promulgated, a further set of measures for their concrete implementation and other related legal documents will be enacted.

235. China has long adhered to a basic artistic and literary policy of "letting a hundred flowers bloom and a hundred schools of thought contend". This policy encourages the free creation by the people of an academic atmosphere and a social environment characterized by liberty and harmony and conducive to the development of each individual's creativity. In terms of literary and artistic works, it advocates a varied creativity characterized by different styles, different movements, different subject matter and different methods. In terms of academic theory, it advocates free debate among different schools of thought and the interaction of different perspectives. Furthermore, China has made "universalization" and "enhancement" two important aspects of the development of cultural enterprises. "Universalization" means allowing every citizen to participate freely in any type of cultural or artistic activity in accordance with his own will. "Enhancement" refers to a constant effort to raise the quality of art and satisfy the constantly growing cultural needs of the masses.

236. At the beginning of the 1980s, China introduced a policy of "in every county a library and cultural centre, in every township a cultural station" as an integral part of national social development planning, with the objective of establishing a cultural network for the masses that extended to every city and town in the country. By the end of 2001, it had 2,696 public libraries, 402 provincial- (or municipal-) level art centres for the masses, 2,851 county- (or municipal-) level cultural centres, 40,138 township cultural stations, 20,117 cultural centres in rural communities, 55,846 reading rooms, and 32,903 amateur performing troupes. Some 1,382,600 grass-roots cultural activities took place between 1997 and 2001, 500,000 exhibitions were held and 660,000 training sessions conducted. In April 2002, the State began to implement the National Cultural Information Resources Sharing Programme, a major project using modern data-processing technology to digitize and organize the many cultural resources and treasures produced by the Chinese people over thousands of years as well as the cultural resources of modern society. The Programme will play a notable role in turning around the information-deficient situation that has prevailed in central and western provinces, particularly in poor, outlying, economically and culturally backward areas.

237. China attaches great importance to guiding and encouraging the literary and artistic creative endeavours of its citizens, organizing and promoting a rich variety of cultural activities. Since 1991, the Ministry of Culture has run the wide-ranging "Galaxy Awards" scheme, under which amateur literary and artistic works by talented citizens are selected by popular acclaim, encouraging creativity and providing a public stage for outstanding works. Particular attention is paid to works which draw attention to special national characteristics or regional peculiarities, and originality and diversity are encouraged. The Government also regards it as especially important that the elderly, children, the handicapped and other unassertive groups should have equal cultural rights, and pays special attention to their participation in creative activities. It has instituted the "Dandelion Programme" to raise general cultural and artistic levels among children and the young: "Dandelion Prizes" are awarded for artistic achievement by young persons.

It has set up a university for senior citizens, and runs the China Seniors' Choir Festival, in which more than a million senior citizens have participated. China Handicapped Arts Groups fully safeguard the rights of disabled citizens to participate in cultural activities while supporting them in their artistic and creative endeavours.

238. China has long been committed to the development of a thriving cultural and arts scene, providing citizens with more and better products and services. Artistic and cultural groups are flourishing. There are currently 51 institutional members and more than 2 million individual members of the China Federation of Literary and Arts Circles. National prizes have been established in all branches of the arts and competitions for their award are held regularly. In the field of literature, for example, there are the Lu Xun Prize for Literature and the Mao Dun Prize for Literature; in the dramatic arts, the Plumflower Prize and the Cao Yu Prize for Drama; in cinema, the Golden Cock Prize and the Hundred Flowers Prize; while in television, there is the Golden Eagle Prize, etc. Other disciplines such as the fine arts, music, dance and acrobatics also all have their own special awards for outstanding works and their creators. In 2001, there were some 2,600 groups performing in China in 4,892 productions of which they gave some 71,000 performances attended by an audience of 470 million; 100 movie dramas were written and produced, besides 8,877 television films and series episodes. These many diverse cultural products amply reflect citizens' freedom to participate in cultural and creative activities and contribute to the lively and flourishing spiritual and cultural life of the masses.

239. In 2002, China launched a programme to produce a collection of 50 "great works" for the stage by 2006. This five-year programme is supported by an annual budget of 40 million yuan. China attaches great importance to the cultural life of citizens in poor, remote areas. Special funds are allocated for the purchase of rights to artistic works of particular merit and local theatre troupes are encouraged to import them for performance. Culture, science and hygiene campaigns are mounted in rural areas, and prominent national-, provincial- and municipal-level performance groups visit these areas, give performances free of charge and offer guidance and support to local performing arts troupes. The "Every Village Connected" programme on television and radio and the "21-31" programme (a twenty-first century initiative to provide every village with a film every month) together ensure that the great majority of the people, especially residents of remote communities and members of minority nationalities, can listen to radio broadcasts, watch television and see films.

240. In 1996, the Government of China requested the central and regional financial administrations to increase investment in cultural facilities annually in step with increases in economic development, at a rate not lower than the increase in tax revenue of the administration concerned. The State Council issued regulations on the refinement of cultural and economic policy, instituting a tax to cover the costs of building cultural facilities and, to encourage donations to support such facilities from the public and establish healthy, dedicated sources of funding, maintained the relevant tax benefits. In 2000, it issued a note on economic policies to support the development of cultural facilities which reaffirmed that rising tax resources would continue to be used to support public cultural facilities and required financial administrations to incorporate funds for cultural development in their budgets. In addition, it raised the maximum allowable income tax credit for donations to cultural facilities: in the case of enterprises, from 3 per cent of income tax payable to 10 per cent, and in the case of individuals, from 3 to 30 per cent.

241. With an annual rate of increase of 13.6 per cent, total expenditure on cultural facilities nationwide between 1996 and 2001 amounted to 32.55 billion yuan. In 2001, financial subsidies to cultural facilities amounted to 7.09 billion yuan, some 783 million yuan (12.4 per cent) more than the previous year. From 1996 to 2001, investments by China's national financial administration in arts groups totalled 9.13 billion yuan, with an annual rate of increase of 17.8 per cent; investment in public libraries rose by 16.2 per cent annually, and totalled 6.851 billion yuan, while funds allocated to public cultural facilities rose by 15.8 per cent annually and amounted to 6.31 billion yuan in total. The State also established special funds for the production and performance of outstanding theatrical productions, for the development of film-making facilities and for the development of the publishing industry. In 2001, it launched a special fund to support a national staged productions project and a project to publish books in scholarly editions.

242. China has in recent years carried out many major cultural construction projects, building, renovating and enlarging libraries, museums, cultural centres, theatres, cinemas and concert halls. Between 1998 and 2001, investment in the construction of public cultural facilities amounted to 8.37 billion yuan, and some 762 projects were completed and handed over for use nationwide. Total finished floor space amounted to 3.222 million square metres. Some 818 projects involving the fixed assets of the national cultural (and cultural objects) system were designed in 2001, with a total planned investment of 22.947 billion yuan and a total planned increase in available floor space of 4.471 million square metres. The 292 completed construction projects provided 1.127 million square metres of floor space through a total investment of 2.824 billion yuan. Construction also formally began in 2001 of the new National Theatre, a project with an approved total floor space of 149,500 square metres and approved investment of 2.688 billion yuan. Meanwhile, such planned projects as construction of the National Museum, expansion of the China Fine Arts Centre, the second stage of construction of the National Library and construction of the National Digital Library, and maintenance work on the National Palace Museum are actively under way. Construction work on the Central Fine Arts Academy, a 241,800-square-metre project that drew investment of 14,533,000 yuan, is complete. In accordance with local conditions, the regions have completed many important, large-scale construction projects reflecting the cultural features of each area. In fact, in 2001, some 35 major cultural construction projects nationwide had budgets in excess of 50 million yuan, and 20 had budgets exceeding 100 million yuan.

243. Between 1996 and 2001, regional governments at all levels invested some 1.2 billion yuan in the construction and enlargement of 650 county-level libraries and cultural centres. Under the Tenth 5-Year Plan, the State has allocated further funding of 500 million yuan to support the construction of county-level libraries and cultural centres. In 2001, financial subsidies to mass cultural facilities nationwide amounted to 1.41 billion yuan, some 225 million yuan more than in 2000, an increase of 19 per cent. Subsidies to arts centres rose by 24.7 per cent, to cultural centres, by 17.8 per cent, and to cultural stations, by 17.4 per cent.

244. As an old country with a renowned ancient culture, mainland China possesses nearly 400,000 known immovable cultural artefacts and a further 12.6 million movable objects that are stored in collections. For its main ruins and sites, the Government has adopted a classification system that serves to identify them and reinforce the protection they deserve. At present, there are some 60,000 main county-level protected cultural sites, 7,000 that are rated for

provincial-level protection and 1,272 major sites that are graded national cultural relics. As for the millions of movable artefacts, each is classified with reference to its historical, scientific or artistic value as a first-, second- or third-grade cultural object, and they are all generally designated as cultural treasures. Some 101 cities such as Beijing, Xi'an and Luoyang where valuable cultural artefacts are particularly abundant have been listed as national historical cultural cities. Meanwhile, some 28 man-made and natural sites in China, including the Great Wall, the Forbidden City, the Tomb of Qin Shihuang, the First Emperor and the Potala Palace, have been listed by UNESCO as World Heritage Sites, the third highest national total in the world.

245. In 1982, the Standing Committee of the National People's Congress promulgated the Protection of Cultural Objects Act, China's first piece of legislation specific to the cultural domain. Protected cultural relics are cared for according to their classification. Much human and material resources have been invested in archaeological excavation, protection of unearthed artefacts and the construction of museums. Within the constraints of the law and under the guidance of the Government, local authorities in each region undertake the responsibility of caring for sites and artefacts in their administrative areas while the central financial administration provides financial support. The various levels of government also set up administrative units responsible for the protection of artefacts, archaeological research offices, museums, offices for the protection and study of ancient buildings, etc. In October 2002, an amended version of the Protection of Cultural Objects Act was promulgated, confirming a working approach to cultural artefacts that stressed protection, rescue, reasonable use and improved management. It also further defined the functions and responsibilities of each level of government and stressed that the protection of cultural objects should be incorporated into all planning for economic and social development, with provision for the costs in the budgets of the authorities concerned. Meanwhile, these concerns should be made part of regional construction planning. The law also laid down clear regulations for the passage of cultural objects across national borders, set out rules for the behaviour of private collectors, strengthened controls over auction houses and further defined legal responsibilities in all regards.

246. The Government of China is striving to increase its investment in the protection of cultural objects. Between 1998 and 2000, the central financial administration allocated annual subsidies for the protection of the country's principal artefacts averaging 130 million yuan, while an allocation of 200 million yuan in 2001 went to projects left over from 2000. Since the Ninth 5-Year Plan, the State has made annual allocations of 25 million yuan in subsidies to the regions for use in the development of facilities for the rescue and protection of cultural artefacts, and also budgets some 1.5 million yuan for the protection of sites in the listed national historical cultural cities. In 2002 alone, some 250 million yuan was provided to support major museum construction projects in the regions. Museums organize some 8,000 exhibitions nationwide every year that are visited by more than 150 million people. In the last few years, some 30 museums from provinces, autonomous regions and directly administered municipalities have held exhibitions in neighbouring countries and overseas that have been viewed by no fewer than 10 million people.

247. In 1991, the Standing Committee of the National People's Congress passed supplementary regulations on punishment for the illegal excavation of ancient cultural sites and graves. Amendments to the Penal Code in 1997 made it a crime to interfere with the administration of cultural objects. China is also a party to such international agreements as the

Convention for the Protection of Cultural Property in the Event of Armed Conflict, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the Convention Concerning the Protection of the World Cultural and Natural Heritage and the Convention on Stolen or Illegally Exported Cultural Objects. With international cooperation, meanwhile, China has successfully pursued and repatriated some of the country's cultural artefacts that had been smuggled abroad.

248. China invests great quantities of human, material and financial resources in the protection and advancement of ethnic and folk cultures. Since the 1980s, the State has supported a project called "The Ten Great Compilations of Literary and Artistic Annals", a huge enterprise in which more than 100 million yuan has been invested. To date, some 270 volumes of the "Ten Compilations" have been edited and approved, and 190 volumes already published. The full 300-volume set of this major work, which has been described as the "Great Wall of Chinese ethnic and popular culture" is expected to be completed in 2004. The Ministry of Culture has also set up and vigorously promotes a Beijing and *Kunqu* opera studio, has run a nationwide competition for outstanding up-and-coming *Kunqu* opera performers, and has staged three Chinese and Beijing opera festivals, thus affording effective protection for *Kunqu* opera and other ethnic art forms which have been listed by UNESCO as masterpieces of the oral and intangible heritage of humanity. With the rapid pace of economic development and under the influence of foreign cultures and lifestyles, however, China's ethnic and folk cultures are still facing a serious and unprecedented situation. Many traditional skills and popular art forms lack a new generation of practitioners and are facing the risk of no longer being passed down as they have been over centuries. Some unique languages, writing systems and customs are facing extinction. In view of this situation, the State has accelerated the legislative process aiming to protect China's ethnic and folk cultures. By further clarifying the scope of the necessary protection and clearly stating the rights and responsibilities proper to the State, to the relevant groups and to individuals, new protective mechanisms have been established. These encourage the preservation and dissemination of ethnic and folk cultural forms, prevent their loss or destruction, and improve the range of international cooperation in this domain.

249. According to article 4 of the Constitution:

"... the State protects the lawful rights and interests of the minority nationalities The State helps the areas inhabited by minority nationalities speed up their economic and cultural development in accordance with the characteristics and needs of the different minority nationalities The people of all nationalities have the freedom to use and develop their own spoken and written languages and to preserve or reform their own ways and customs."

The Regional National Autonomy Act states that the national autonomous regions have the right to develop on their own initiative such national cultural facilities as writing systems, arts, news services, publishing services, broadcasting, television and film-making services, in keeping with their national models and ethnic characteristics. They also have the rights to collect, collate, translate and publish works of national literature, and to protect their sites of national importance and cultural relics, as well as valuable cultural objects and other important historical and cultural objects. The State, meanwhile, will implement special policies to favour the construction of cultural facilities in national minority areas, the training of literary and artistic personnel, cultural exchange with the outside world and the protection of cultural objects.

250. With the support of the State, all of China's national minority peoples have established their own performing troupes. In 2000, the national autonomous regions were home to 510 such troupes, 58 national song and dance companies and 182 theatres. The State regularly holds musical, dance and dramatic competitions for the "Peacock Prizes"; 12 had been held by 2002. The "Dashing Steed Prizes" are awarded for literature, film and television programmes. The nine competitions held for these by 2002, plus those for the Peacock Prizes, have produced a large number of outstanding works with a national-minority theme and have fostered the talents of many excellent artists and writers. Twenty-four higher fine arts academies nationwide offer specialized courses that specifically aim to foster the artistic talents of members of the minority nationalities, while certain middle schools and academies in the autonomous regions, like the various national academies, offer opportunities to specialize in minority literature, music, dance and fine arts which contribute greatly to the cultivation and development of the many talented artists in these communities.

251. Since 1990, the central and regional financial administrations have allocated special funds for the construction, enlargement and repair of a great number of libraries, cultural centres, arts centres, museums and cinemas/theatres in the minority regions, adding significantly to the basic cultural facilities there. By 2000, the national autonomous regions were home to 79 people's arts centres, 655 cultural centres, 7,078 cultural stations, 563 libraries and 151 museums. Since 1992, the State has been implementing the National Borderland Great Cultural Corridor Programme in the nine provinces and autonomous regions where minority nationalities are concentrated - Guangxi, Yunnan, Tibet, Xinjiang, Inner Mongolia, Gansu, Heilongjiang, Jilin and Liaoning; in 1994, the programme was extended to nine other coastal provinces and directly administered municipalities. Under the programme, some 5 billion yuan had been spent by 1999 in the construction of a great many basic cultural facilities and other venues, making the Great Cultural Corridor a vast ring-shaped network which has improved and enriched the cultural lives of the people living in border areas, who number more than 10 million. The Government has also initiated a Cultural Assistance to Tibet plan through which the Ministry of Culture has organized support from 14 inland provinces and cities for the Tibet Autonomous Region. In recent years, the Ministry has arranged 5.48 million yuan in funding to subsidize the construction of 32 cultural facilities in Tibet and allocated a further 11.51 million yuan to help Tibet protect and repair cultural artefacts, while also making special provision to foster artistic talent.

252. The State attaches great importance to unearthing and protecting the traditional cultural artefacts of the minority nationalities and has organized programmes for their collection, collation, translation and publication, and for the protection of major ancient sites, precious cultural objects and other relics of historical and cultural importance. A great amount has been invested in the renovation of important sites in Tibet, Qinghai and Xinjiang, particularly in Tibet, where 50 million yuan was spent on a five-year renovation of the Potala Palace. Between 2002 and 2006, the State will provide a further 330 million yuan in special funding to Tibet for the upkeep of the Potala Palace, Norbulingka and the Sakya Monastery. Meanwhile, the three great historical epics of the minority nationalities, the Tibetan "Story of King Gesar", the Mongolian "Jangar Epic" and the Kirghiz "Manas Epic" are being collected, collated and studied. The "Story of King Gesar", with its 1.5 million lines of text, is the world's longest heroic epic poem. Some 5,000 audio tapes and several hundred videotapes have been recorded of the traditional story-singers who have passed it down orally over generations, and some 40 million words of the text have been transcribed to date. The work has also been the object of more

than 1,000 scholarly essays and 30 major research monographs, a combination of efforts that have transformed this scattered, orally transmitted epic into a systematically arranged monument of literature. The translation of the “Manas Epic” into Mandarin Chinese has also been completed.

253. China actively promotes professional and amateur education and training in the arts. Ordinary institutes of higher education have fine arts departments or offer fine arts degrees, while both higher and middle teacher training institutes also have fine arts departments. The higher and middle fine arts academies and schools form the basis for the training of professional workers in the arts and culture. Between 1997 and 2001, fine arts academies nationwide admitted 7,793 new students and produced 5,137 graduates; middle arts colleges admitted 113,842 students and produced 80,637 graduates. A nationwide system of higher academies and middle colleges is thus in place for formal and amateur art education, training and assessment. At present, China has 252 institutes for research into culture and the arts, which employ 6,457 persons. Together, they constitute a comprehensive, multi-levelled structure for art education which offers a complete range of specializations. Among the various art faculties, 18 at present confer doctoral degrees, while 23 offer doctoral courses; 90 confer master’s degrees, while 152 offer master’s-level courses, and 80 offer undergraduate specializations. Meanwhile, kindergartens and primary and middle schools nationwide offer music, art and handicraft classes and there are literally millions of young persons learning every variety of musical instrument, voice, theatre, literature, fine arts and the like; every year, more than a million take non-vocational grading examinations in their chosen fields. People’s arts centres, cultural centres (stations), community cultural centres, youth centres, the university for the elderly and all sorts of non-vocational schools offer training in music, dance, theatre, fine arts, calligraphy and the myriad traditional arts and crafts of China.

254. China currently has 288 national radio stations and 432 television stations. In addition, there are 1,263 county-level radio stations, 70,099 medium- and short-wave radio and television transmitters and relay stations, 34 satellite-upload transmitters, 520,000 satellite-receiver stations and some 3 million kilometres of cable-television networks. Altogether, these facilities constitute a system linking the centre and the regions by a full range of interconnected and compatible electronic means and offering comprehensive radio and television coverage. The great majority of people in China have a radio and a television in their homes, and the Government of China has implemented major projects to extend the coverage of radio and television broadcasting. The “Every Village Connected” project, launched in 1998, was a major engineering undertaking which, by the end of 2002 and with an investment of 1.77 billion yuan, had resolved the radio and television reception problems of some 100,000 villages with a total population of 70 million. The rates of coverage of the national territory by radio and television broadcasts rose over that period from 88.3 per cent and 89 per cent respectively to 93.2 per cent and 94.5 per cent respectively. The production quality of radio and television programmes has been considerably improved, just as they have also quickly increased in quantity. At present, a total of 1,777 radio programmes and 1,047 television programmes are broadcast. The various radio stations broadcast a total of 21,378 hours of programming every day; the television stations broadcast 155,819 hours of programming every week.

255. All areas of publishing - books, newspapers, periodicals, audio and video products, and electronic publications - are developing very quickly. China has 565 publishing houses, with 154,526 different titles in print and a total print run of 6.31 billion copies. There

are 290 audio and video publishers, with 17,646 different products in their catalogues and a total of some 202 million tapes/CDs in circulation. There are 8,889 periodicals with total print runs amounting to 2.89 billion copies, and 2,111 newspapers printed to a total volume of 35,106,000 copies. In recent years, information technology in China has developed with a rush, especially the Internet, giving people quick and convenient access to information services. Since 1997, the number of Internet users in China has grown from 620,000 to 45.8 million, a 74-fold increase in five years. Rapid growth and development remain a feature of this area of activity, as the numbers of online resources, networked computers, Internet users and output bandwidth all continue to grow.

256. In 1980, China became a member of the World Intellectual Property Organization (WIPO). Since then, it has produced a series of laws and regulations to protect intellectual property rights. These include the Trademark Act, the Patent Act, the Copyright Act and the General Principles of Civil Law, which clearly lay out the intellectual property rights legally enjoyed by any citizen or legal person over the products of his or her intellectual creation. The State Council has issued regulations on the implementation of the Trademark Act, the Patent Act, the Copyright Act and the Protection of Computer Software Act. China has also joined a number of international agreements that deal with intellectual property rights, including the Paris Convention for the Protection of Industrial Property, the Madrid Agreement concerning the International Registration of Marks, the Bern Convention on Protection of Works of Literature and Art, the Universal Copyright Convention and the Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms. In 1994, the Standing Committee of the National People's Congress passed a resolution on punishment for infringements of copyright, and in 1997 amended the Penal Code with language covering intellectual property rights crimes. In recent years, the Patent Act, the Trademark Act and the Copyright Act have also been revised to refine the mechanisms for legal recourse in intellectual property rights cases. In 2001, the State Council promulgated regulations for the protection of integrated circuit board design and revised certain administration regulations that concern intellectual property rights. In barely 20 years, China has erected an extensive legislative and regulatory system for the protection of intellectual property rights that suits national conditions within China and conforms to international treaties and conventions. It has thus outpaced some advanced countries, which have often needed decades or even centuries to complete such a legislative process.

257. China has established a system to enforce the laws protecting intellectual property rights. The Supreme Court has issued a series of judicial explanations in trials involving intellectual property rights, and, since 1992, China has set up more than 20 courts for intellectual property rights cases. Government administrative departments have been granted the authority to assign administrative punishments; this is a prominent feature of the way China protects intellectual property rights. In cases of serious infringement of the laws, the relevant administrative department can confiscate the illegal earnings of the guilty party, exact fines or impose other punishments. Since 1999, China has closed down some 277 centralized dealerships and illegal distribution centres for audio and video products, and disallowed, halted or banished operations at another 8,600 businesses. In 2001, authorities confiscated and destroyed 100 million copies of illegal audio and video merchandise, seized 12.23 million pirated publications and 4.12 million copies of pirated software, and recorded 22,813 cases of trademark infringement and counterfeiting.

258. China places great emphasis on publicity and personnel training for the protection of intellectual property rights. It uses media, lectures, reports, quizzes and performances in the press and broadcast media to publicize the laws and regulations on intellectual property rights, progressively raising the public awareness of this important area. Beijing University, the China People's University, many other universities and the China Social Sciences Institute have all established schools of intellectual property rights or intellectual property rights training centres to educate and train experts in this field. The Government actively supports all activities which promote the protection of intellectual property rights or the spread of culture. China's first institution for the collective management of intellectual property rights, the Music Copyright Society of China, was founded in December 1992 and already has 1,200 members. Through the establishment of such specialized associations and institutions, the first steps have been taken towards a public system of intellectual property rights administration and services.

259. To date, China has signed bilateral intergovernmental accords on cultural cooperation with 145 countries, and agreements on 708 yearly cultural exchange programmes. It maintains various forms of cultural exchange with 160 countries and territories and contacts with several thousand foreign and international cultural organizations. Every year, as many as 5,000 cultural exchange projects are carried out with other countries.

260. Under the many cultural exchange agreements China has signed with other countries, the Government allocates special funds every year and makes concrete provisions for the related projects in its annual planning. Since 1995, it has sent an average of 2,680 performing arts groups abroad every year, and staged at least 690 art exhibitions; it has hosted an average of 1,760 performing arts groups and 570 art exhibitions from abroad. Since the year 2000, it has organized a Chinese Cultural Tour of America in the United States and a Chinese Cultural Festival in France; it was the featured guest at the Berlin Asia Week in Germany, has held a Chinese Cultural Festival in Brazil and a Chinese Culture Week in Egypt. In partnership with Japan, it has organized a Sino-Japanese Cultural Year, and with Korea, a Sino-Korean Peoples' Exchange Year.

261. China has always provided financial and other support to selected national participants in high-level international competitions. Chinese artists, both established and up-and-coming, have often appeared and earned commendable results in such varied and important international competitions as Russia's Tchaikovsky International Musical Competition, Germany's Munich International Musical Competition, Poland's Chopin Piano Competition, Austria's Vienna International Guitar Competition, Romania's International Youth Clarinet Competition, Monaco's Monte Carlo International Acrobatics Festival, and the international film festivals at Cannes, Berlin, Venice, Hawaii, Sydney and Tokyo.

262. Between 1996 and 1999, China successively organized and hosted the China International Symphonic Music Year, the China International Opera and Ballet Year, the China International Fine Arts Year, the China International National Song and Dance Year and other such international artistic events. Since 2000, it has also organized three "Rendezvous in Beijing" gala events, and continues to hold the Beijing International Music Festival, the Hebei Wuqiao Acrobatics Festival, the Shanghai International Arts and Film Festivals, the Changchun Film Festival and other international cultural and artistic events.

263. China encourages workers in culture and the arts to travel abroad and attend international cultural conferences and symposiums. China is a member of UNESCO, WIPO, the Asia-Europe Foundation and more than 30 important international organizations and institutions that bear on culture and every branch of the arts. In 2001, a cultural delegation of the Government of China attended the Second International Conference on Culture and Development, organized jointly by Cuba's Ministry of Culture and UNESCO. In 2002, Chinese cultural delegations attended the Amman International Conference of the World Intellectual Property Organization, the Third UNESCO Round Table of Ministers of Culture and the Fifth Ministerial Meeting of the International Network on Cultural Policy, held in South Africa.

264. The development of science and technology is crucial to improving the quality of life, promoting and protecting human rights and realizing universal equality. The motto "*In building socialist modernization, priority is given to the development of science and technology*" is the rational choice of the Government of China, and on 2 July 1993, at the second session of the Standing Committee of the 8th National People's Congress, this policy was acknowledged with the passage of the Progress in Science and Technology Act.

265. China actively advocates a scientifically oriented social climate and seeks to root out any kind of unscientific or anti-scientific consciousness that may interfere with scientific and technological activities. In this way, it guarantees a scholarly approach to science and technology and diversification in research methods, which help to bring Chinese science and technology into the ranks of the advanced world. Consciousness of science and technology is promoted on a national scale, as this is an important way of encouraging progress and raising the level of general culture among the workers.

266. As stipulated in national regulations, institutes of research and development enjoy autonomy in their research, their production management, their utilization of funds, their institutional structure and their hiring practices. They may in addition take any action permitted by the regulations to raise funds for research and development from within society so as to promote and safeguard unhindered progress in science and technology. Chinese law stipulates that science and technology workers have the right to found or to join legally constituted scientific and technical organizations. Such organizations can have a positive effect on the development of scientific disciplines, the spread of scientific and technical knowledge, the training of specialized personnel, the development of consulting services, the promotion of academic exchanges and the protection of the legal rights and interests of workers in these fields.

267. Both the Constitution of China and the Progress in Science and Technology Act make clear the social status and such specific rights as the working and living conditions due to workers in these fields. All levels of government, enterprises and organizations are working to progressively improve the salary and benefits offered to science and technology workers, to improve their working and living conditions and to offer generous pay and benefits to workers who make an outstanding contribution to their work. They are creating conditions allowing for reasonable movement of such workers so as to give full play to their specialized abilities. Meanwhile, special allowances as stipulated in government regulations are granted to science and technology workers who are engaged in pure research, applied research and high-technology research; who are working on major engineering and construction projects; who are engaged in

important, leading-edge research and studies of significant benefit to society; whose work takes them to impoverished rural areas or to minority-nationality regions, or whose work is conducted in an adverse or hazardous environment.

268. Since the beginning of the era of liberal reforms, China has issued and revised several sets of regulations offering material incentives to workers in science and technology: regulations on rewarding inventions, on rewards in the natural sciences, on rewards for progress in science and technology and for logical suggestions and technological innovations, etc. The Progress in Science and Technology Act codifies Chinese practice in offering such incentives and enshrines the principle in law. In 1999, the State Council issued regulations on national rewards for science and technology which modified the reward system and increased the rewards made to people with significant achievements in driving progress in science and technology or spreading knowledge in these fields. Winners of the highest national prize for science and technology, for example, are each granted 5 million yuan, while the first-class national natural sciences awards, technological invention awards and scientific and technological progress awards are worth 90,000 yuan each, and their second-class counterparts, 60,000 yuan.

269. Scientific and technological exchanges and cooperation with foreign Governments and international organizations are a favoured means of encouraging research and development institutions, institutes of higher education, social organizations and workers in scientific fields to establish cooperative relations of all types with their counterparts abroad. The Government has instituted an International Scientific and Technological Cooperation Award which is bestowed on a scientist from abroad who has made a significant contribution to the development of science and to human civilization in the name of international scientific exchanges and cooperation.

270. The Government of China has invested in the construction of a great many basic facilities for the popularization of science. By the year 2000, China had 425 scientific and technological centres, including the National Centre for Science and Technology and 29 similar institutions at the provincial level. Some 100 youth science and technology education centres had been designated, as had 200 national popular science and technology education centres. These work in conjunction with the major institutions to stage exhibitions, presentations of reports, seminars, training courses, experiments and other activities, and have been prominent in the popularization of scientific knowledge and the dissemination of scientific thought and methods. China also produces and publishes a great many popular scientific periodicals and books: almost 300 scientific, engineering, agricultural, medical and general-interest periodicals targeting different social strata and occupations are published nationwide. In the 1980s, China published some 20,000 scientific titles, an average of 2,000 per year, with basic sciences accounting for 23 per cent, engineering technology for 29 per cent, agricultural technology for 20 per cent, medicine and health for 12 per cent, and interdisciplinary and multidisciplinary material for 16 per cent. After 1990, science publications grew to an average of 4,000 titles per year and now range between 7,000 and 8,000 titles per year. There are also some 200 scientific and technological journals and over 300 magazines, while many newspapers and periodicals of other types have introduced lively, interesting and informative science sections. Many large newspapers have reintroduced or launched special science supplements or even special editions. Some scientific and professional newspapers have increased the size of their science supplements or their frequency of publication, and each can lay claim to legions of enthusiastic and devoted readers.

271. Science-oriented radio programmes have increased in length and in frequency, changing their titles and increasing their content. In addition, they have established various types of phone-in lines and advisory services, thus transforming a unidirectional mode of communication into a bidirectional flow of information and providing deeper and more animated explanations of topical scientific issues of general interest. Certain programmes have become listener favourites, and the phones start ringing with listener queries every few seconds once the broadcast begins. In the 20-odd years since reforms began, the main channels of almost every television station of provincial, city or higher level have begun to carry popular science and technology programmes. Thousands of science-education films have been produced nationwide. Between 1950 and 1978, China produced 1,328 science-education films; between 1979 and 1993, it produced 2,500. The Beijing Science-Education Film Studio alone produced over 900 films between 1960 and 1996. China has already set up over 100 popular science-oriented web sites and several dozen more of a specialized nature.

272. Neighbourhoods across the country are increasingly acquiring science-oriented shopping streets, science and civilization parks, science-theme attraction streets, science-and-civilization residents' committees, science-information streets, science bulletin boards and model scientific families. The scientific orientation of some neighbourhoods has been incorporated into governmental work with unified planning and approval, in such a way that the popularization of science has penetrated into every type of social service network. These science-oriented measures in city neighbourhoods are closely coordinated with residents' studies, lifestyles and work; pertinent lectures, exhibitions, training, competitions, science-oriented outings and other such activities engage local residents extensively in the popularization of science. Meanwhile, science classes and scientifically based exercise are laid on for retirees so as to give them a role in promoting the popularization of science.

273. To improve scientific standards among China's farmers, in 1986 the National Science Commission put into effect the first rural economic development plan to be based on science and technology, the Meteor Plan. By bringing advanced technology to rural communities, the Plan induced hundreds of millions of peasants to rely on technology to develop the rural economy, guided technological progress in rural enterprises, promoted a general improvement in rural workers' abilities and fostered sustained, rapid and healthy development of agriculture and the rural economy. By the end of 1995, some 66,736 projects had been initiated under the Meteor Plan nationwide, and 35,254 completed. Total investment was in the order of 93.76 billion yuan and projects were under way in more than 85 per cent of the nation's counties. The value of production through Meteor Plan projects in 1995 amounted to 268.27 billion yuan, which provided 47.39 billion yuan in tax revenue and earned some US\$ 8.89 billion in foreign exchange. Ten government departments organized a joint culture, technology and sanitation campaign in rural areas which brought together technologists of all types and levels, technical and agricultural departments, and the China Association for Science and Technology. This campaign penetrated deep into the countryside, teaching farmers technological methods, providing training, instructing people in productive living and popularizing scientific knowledge. According to incomplete statistics, by 1998, some 962,000 technologist-visits had been made to rural areas, 47.79 million items of technological material had been freely distributed, 496,000 technological meetings had been held, more than 95 million farmers had attended technological training sessions, and 1 million rural technicians had been trained. The part that progress in farming technology contributed to growth in the agricultural economy rose from 34.28 per cent in 1995 to roughly 40 per cent in 1998.

274. In 1994, the Government put out suggestions for intensifying efforts to popularize science and technology, which plainly stated its intention to “generalize scientific and cultural education, and lead the people into scientific modes of production and lifestyles” and made it an important duty to “favour the building of socialist material civilization and spiritual civilization through reliance on scientific and technological progress and the dissemination of knowledge”. The Government formed a Joint Conference for the Popularization of Science with the participation of 19 departments, which proceeded to issue the Popularization of Science and Technology Programme for the Ninth 5-Year Plan, the 2000-2005 Working Programme for the Popularization of Science and Technology and the Development Programme for the Popularization of Science and Technology during the Tenth 5-Year Plan among other major documents. In 2001, the Government decided that, as of that year, the third week of May would be designated “National Science and Technology Week” during which mass activities with a scientific orientation would be conducted. In 1996, 1999 and 2002, it convened national conferences on the popularization of science and technology to map out the work to be done nationwide, specify aims and objectives, identify the authorities responsible and press for standardized implementation. On 29 June 2002, it promulgated the Popularization of Science and Technology Act to set popularization efforts on a legal course and promote and regulate the associated activities in accordance with the law.

275. The central financial administration has increased its investment in the popularization of science, and other departments have set funds aside for the purpose in their own areas of responsibility. Regional governments have greatly increased their budgets for this work, and governments at all levels have increased their investment in the construction of science and technology centres and related facilities. Since the Seventh 5-Year Plan, the Government of China has invested more than 3 billion yuan in the construction of science and technology centres nationwide. Some of these, such as the China Science and Technology Centre and the Tianjin Science and Technology Centre, are of an international standard.

276. Since the founding of China Science (the precursor to the current China Association for Science and Technology) in 1950, China’s scientific organizations have run a variety of campaigns to popularize science and technology. These have included programmes for the country’s 900 million rural inhabitants such as “Sending Technology to the Countryside” and “Winter of Science”, programmes addressing young people such as the “Spreading Science Campaign”, the Science and Technology Innovation Contest and summer and winter science theme camps, lecture programmes for the nation’s leading cadres such as the “Hundred Reports from a Hundred Academicians” series, and other seminars and lectures. The Thousand Factories, Thousand Clubs Campaign addressed technological innovation in the nation’s large industrial enterprises, while national academies have launched advisory, diagnostic and trouble-shooting services for State-sector enterprises. Collectively, these initiatives have done much to increase public scientific awareness and have helped to create a generally favourable social atmosphere of respect for and confidence in science.

277. For the past 50 years, the Chinese Academy of Sciences has paid great attention to the popularization of science and has initiated a great many projects that have coalesced into a system that includes management, research, dissemination and education in science-related areas. Its initiatives include “Pointers and Models for Research Facilities Embarking on the

Popularization of Science", the "Studies and Models for the Popularization of Science at National Travel Destinations" and other experimental projects. It has produced suggestions on the creation of public science facilities in China's scientific academies and botanical gardens and other policy documents, and trained many scientists active in the popularization of science. It has established botanical gardens in Beijing, Wuhan and Kunming, a museum around the prehistoric "Peking Man" site at Zhoukoudian, the White-Flag Dolphin Aquarium in Wuhan, the Academy of Sciences computer network data centre, the Changchun Man-made Satellite Observation Centre and many other sites for public education in the sciences. It has launched such activities as the "Entering the Palace of Science" and "Uphold Science, Root out Superstition and Oppose Evil Cults" campaigns, and organized exhibitions and seminars on "Life and Evolution", "The Universe, The Earth and Life", and "The Mysterious World of Molecules". It has also founded and publishes the *China National Geographic, Computer Enthusiast, Newton's World of Science* and other periodicals, and publishes more than 4,000 popular science books and audio-visual products. At the same time, it encourages and organizes scientists to take part in a variety of popular-science activities, for example, the "Hundred Academicians" series of science lectures held in 10 cities between 1996 and 1998, and the publication of the Academician Science book series, of which 50 titles have appeared. It uses the summer and winter school vacations, as well as holidays, to organize science and technology camps for the young, and also offers exhibitions, seminars, competitions and visits to scientific facilities.

278. By tying popular scientific education to vocational training, the building of corporate cultures and mass technological innovation campaigns, raising scientific and technical standards among workers, boosts the capacity for technological innovation in enterprises. Supporting all types of popular science within society and using scientific information campaigns directed at the general population build favourable corporate images and increase people's identification with high-technology products.

279. In 1988, the China Science and National Rejuvenation Fund was founded (now renamed the China Science and Technology Development Fund) and 64 special funds, among them the Gao Shiqi Popular Science Fund, the Mao Yisheng Science and Technology Development Fund, the Sun Yueqi Science and Technology Education Fund and the 21st Century China Youth Science Education Fund were set up. Together, these provided 3.555 million yuan in sponsorship for 12 science-popularization projects in 2000 - 7 per cent of the special funding for that year. The development of funds for the popularization of science in China reveals certain new trends. One is that national investment in big science and technology funds is increasing the number of popular science projects. Another is that regional governments are vigorously promoting the development of science-popularization funds. A third is that all branches of society and domestic and foreign enterprises are actively investing in such funds. Meanwhile, UNICEF support for popular science education campaigns in 150 poor counties in China means that these campaigns are able to reach and benefit a million young rural residents every year.

280. China's legislative organs have enacted specific laws to promote the wider application of the fruits of scientific and technological advances. These include the Agricultural Technology Promotion Act and the Scientific and Technological Advances Conversion Act. The Government grants material rewards to individuals who have made a significant contribution to a

scientific or technological development or its conversion for wider application. Such onward conversions of technology are also encouraged through preferential taxation policies, such as the business tax exemption offered to scientific research bodies and institutes of higher education on any income earned through technology conversion. There is also a temporary tax exemption in place on income earned by research bodies and higher institutes through such services as technology transfers, technical training, technological consulting, technology subcontracting and similar services that these organs provide to industry.

281. Research institutions and schools of higher education and their staff can independently find high-technology enterprises or convert technology for existing enterprises. Research institutions which practise competitive recruitment must allow staff who do leave to reapply for their original positions within a stipulated period of time (usually two years), on the same salary and terms as their colleagues who had not left. The salary, medical and accident insurance and other benefits payable to technology staff while working in concurrent posts or leaving the institution are in principle the responsibility of the employing enterprise.

282. Experts in science and technology are encouraged to found high-technology enterprises. Provided that they voluntarily and on their own initiative set up the enterprises, raise the necessary capital, operate the business as they see fit, are personally responsible for profits and losses, show proper restraint and achieve personal development, they are allowed to show what they are worth. State-sector and collective high-technology enterprises are permitted to draw on their own core assets; when such enterprises are corporatized, the core staff are allowed to be founding members of the companies that result. This guarantees that the personal worth of such technology specialists can be maximized. Regional governments, in conjunction with the relevant institutions, are required to support high-technology business-development service centres (known as "high-tech enterprise incubators") in helping research institutions, schools of higher education and their personnel to found technology-conversion enterprises by providing the necessary sites, facilities and services.

283. The Government uses competitive mechanisms to choose the best candidates to support, then provides investment, credit, capital subsidies and venture capital to support conversion projects. On certain conditions, and in accordance with the State regulations, local areas can set up technology-conversion funds or venture funds. Commercial banks are expected to offer loans to technology-conversion enterprises that meet the requisite credit conditions.

TABLES

Table 1

Marriage registration and divorces, 1985-2000

Year	Registered marriages (couples)	1st marriages (persons)	Subsequent marriages (persons)	Divorces (couples)	Divorce rate (‰)
1985	8 290 588	16 076 337	504 839	457 938	0.9
1986	8 822 935	17 075 107	570 763	505 675	0.9
1987	9 247 372	17 880 856	613 888	581 484	1.1
1988	8 971 750	17 285 077	658 423	658 551	1.2
1989	9 351 915	17 959 680	744 150	752 914	1.3
1990	9 486 870	18 191 303	782 437	800 037	1.4
1991	9 509 849	18 203 226	816 472	829 449	1.4
1992	9 545 047	18 320 957	769 137	849 611	1.5
1993	9 121 622	17 470 092	773 152	909 195	1.5
1994	9 290 027	17 793 306	786 748	980 980	1.6
1995	9 297 061	17 760 657	833 465	1 055 196	1.8
1996	9 339 615	17 817 240	861 990	1 332 215	1.8
1997	9 090 571	17 259 504	921 638	1 197 759	1.9
1998	8 866 593	16 753 749	979 437	1 190 214	1.9
1999	8 799 079	16 583 593	1 004 565	1 201 541	1.9
2000	8 420 044	15 813 933	1 026 155	1 212 863	1.9

Source: National Bureau of Statistics, *China National Statistics Yearbook*, 2001.

Table 2**Protection of women workers during pregnancy and while breastfeeding, 1996-2000**

Survey criterion	1996 (%)	2000 (%)
May avoid toxic, hazardous or prohibited work environments	96.8	97.6
May avoid overtime and night shifts	91.8	95.8
Enjoy at least 90 days of maternity leave after delivery	92.1	88.2
Have time to breastfeed	96.4	94.5
May avoid overtime and night shifts while breastfeeding	92.5	93.7
Obtain whole or partial reimbursement for prenatal check-up expenses	60.0	75.8
Obtain whole or partial reimbursement for delivery expenses	81.7	77.2
Receive salary during maternity leave	91.9	85.3

Source: National Population and Family Planning Commission.

Table 3
Housing situation for urban residents

Year	Total new residential construction (square metres)	Average city floor space per person (square metres)	Average city living space per person (square metres)
1978	0.38	...	...
1980	0.92	7.2	...
1985	1.88	10.0	...
1986	2.22	12.4	8.8
1987	2.23	12.7	9.0
1988	2.40	13.0	9.3
1989	1.97	13.5	9.7
1990	1.73	13.7	9.9
1991	1.92	14.2	10.3
1992	2.40	14.8	10.7
1993	3.08	15.2	11.0
1994	3.57	15.7	11.4
1995	3.75	16.3	11.8
1996	3.95	17.0	12.3
1997	4.06	17.8	13.0
1998	4.76	18.7	13.6
1999	5.59	19.4	12.3
2000	5.49	20.3	14.9
2001	5.75	20.8	15.5

Source: *China National Statistics Yearbook*, 2002.

Table 4
Number of rooms per family in cities (2000)

	No. of families per thousand	Average per family	No. of rooms (%)						
			0	1	2	3	4	5	6+
China	84 890	2.27	0.1	25	43	21	6	2	3
East	44 990	2.269	0.1	26	40	21	7	2	3
Central	26 270	2.214	0.1	24	47	21	5	1	2
West	13 630	2.254	0.05	25	44	22	5	2	2

Source: Data from the 2000 China Census.

Table 5
Housing situation for rural residents

Item	1985	1990	1995	2000	2001
New house this year					
Floor space (m ² per person)	1.08	0.82	0.78	0.87	0.84
Value (Yuan/m ²)	40.17	92.32	200.30	260.23	263.45
House structure					
Reinforced concrete	0.09	0.23	0.33	0.47	0.45
Brick and timber	0.70	0.47	0.37	0.36	0.34
Year-end house situation					
Floor space (m ² per person)	14.70	17.83	21.01	24.82	25.37
Value (Yuan/m ²)	26.27	44.60	101.64	187.41	196.12
House structure					
Reinforced concrete	0.31	1.22	3.10	6.15	6.94
Brick and timber	7.47	9.84	11.91	13.61	13.82

Source: *China National Statistics Yearbook*, 2002.

Note: This table from sample survey data in rural communities.

Table 6
Standard of living changes for city residents

Year	Disposable income (Yuan)	Engels coefficient (%)	Grain consumption (Kgs/person)	Animal products consumption (Kgs/person)
1996	4 839	48.6	125	43.2
1997	5 160	46.4	117	44.4
1998	5 425	44.5	114	44.5
1999	5 854	41.9	112	46.8
2000	6 280	39.2	108	46.6

Source: China National Statistics Yearbooks, 1996-2001.

Table 7
Rural income and food consumption, 1995-2000

Year	Net per capita income (Yuan)	Foodstuff consumption (Kgs/person)				
		Grain	Oil	Vegetables	Meat	Eggs
1995	1 577.74	258.92	5.80	104.62	13.12	3.22
1996	1 926.1	256.19	6.07	106.26	14.83	3.35
1997	2 090.1	250.67	6.16	107.21	15.08	4.08
1998	2 162.0	249.3	6.13	108.96	15.53	4.11
1999	2 210.3	247.45	6.17	108.89	16.35	4.28
2000	2 253.4	249.5	7.06	106.7	17.48	5.0

Source: China National Statistics Yearbooks, 1996-2001.

Table 8
Reductions in rural poverty, 1995-2000

Year	1995	1996	1997	1998	1999	2000
Proportion of population in poverty (%)	6.3	5.44	5.40	4.6	3.5	2.5
No. of persons in poverty (per thousand)	65 000	58 000	50 000	42 000	34 000	30 000

Source: National Bureau of Statistics, *China Rural Poverty Report*.

Table 9
Trends in incidence of infectious diseases (per 100,000 inhabitants)

Disease	1980	1990	2000	Percentage change 1980-2000
Totals	2 079.79	292.21	185.98	-91.06
Cholera	4.16	0.06	0.15	-96.39
Diphtheria	1	0.04	0	-100.00
Meningitis	23.44	0.87	0.19	-99.19
Pertussis	62.82	1.76	0.45	-99.28
Scarlet fever	10.95	2.66	1.03	-90.59
Measles	114.88	7.59	5.74	-95.00
Dysentery	568.99	125.28	39.65	-93.03
Typhoid and para-T.	11.94	10.14	3.9	-67.34
Viral hepatitis	111.47	115.58	63.04	-43.45
Epidemic encephalitis B	3.31	3.37	0.93	-71.90
Malaria	337.83	10.38	1.94	-99.43
Viral hemorrhagic fever	3.12	3.6	2.89	-7.37
Leptospirosis	3.67	2.55	0.31	-91.55
Rabies	0.68	0.31	0.04	-94.12
Gonorrhoea	...	6.84	18.31	167.69
Syphilis	...	0.09	4.73	5 155.56

Source: *China Health Statistics, 2000*.

Table 10
Five main causes of death, 2001 (partial figures)

Cities (partial figures)			Rural areas (partial figures)		
Cause of death	Deaths per 100 000	% of total mortality	Cause of death	Deaths per 100 000	% of total mortality
Malignant tumours	135.59	24.93	Respiratory disease	133.42	22.46
Cerebrovascular disease	111.01	20.41	Cerebrovascular disease	112.60	18.95
Heart disease	95.77	17.61	Malignant tumours	105.36	17.73
Respiratory disease	72.64	13.36	Heart disease	77.72	13.08
Accidents and poisoning	31.92	5.87	Accidents and poisoning	63.69	10.72

Source: China Health Statistics, 2001.

Table 11
Place of six major diseases and trauma in total burden (%)

	1990 estimate			2020 projection		
	Total	Male	Female	Total	Male	Female
Mental problems and attempted suicide	18.0	15.6	20.7	20.0	15.0	26.8
Accidental trauma	12.9	15.7	9.9	11.0	11.6	10.2
Cardiovascular disease	11.0	11.2	10.7	16.3	19.1	12.6
Respiratory disease	10.7	11.1	10.2	16.3	16.2	16.5
Malignant tumours	8.7	10.4	6.8	18.7	22.7	13.3
Infectious parasites	7.5	7.7	7.2	1.4	1.3	1.5

Source: Ministry of Health.

Table 12**Birth rates, mortality rates and population growth rates (‰)**

	Total			Cities			Counties		
	Birth rate	Mortality rate	Natural growth rate	Birth rate	Mortality rate	Natural growth rate	Birth rate	Mortality rate	Natural growth rate
1949	36.00	20.00	16.00	...	...	...	...	...	...
1952	37.00	17.00	20.00	...	...	...	...	...	...
1957	34.03	10.80	23.23	44.48	8.47	36.01	32.81	11.07	21.74
1965	37.88	9.50	28.38	26.59	5.69	20.90	39.53	10.06	29.47
1970	33.43	7.60	25.83	...	...	...	...	...	...
1975	23.01	7.32	15.69	14.71	5.39	9.32	24.17	7.59	16.58
1980	18.21	6.34	11.87	14.17	5.48	8.69	18.82	6.47	12.35
1985	21.04	6.78	14.26	14.02	5.96	8.06	19.17	6.66	12.51
1990	21.06	6.67	14.39	16.14	5.71	10.43	22.80	7.01	15.79
1995	17.12	6.57	10.55	14.76	5.53	9.23	18.08	6.99	11.09
1996	16.98	6.56	10.42	14.67	5.65	8.82	18.02	6.94	11.08
1997	16.57	6.51	10.06	14.52	5.58	8.94	17.43	6.90	10.53
1998	16.03	6.50	9.53	13.67	5.31	8.36	17.05	7.01	10.04
1999	15.23	6.46	8.77	13.18	5.51	7.67	16.13	6.88	9.25
2001	13.38	6.43	6.95	...	...	...	...	...	...

Source: *China National Statistics Yearbook*, 2000; figures for 2001 from the *2001 Statistical Report on National Economic and Social Development*.

Table 13
Health expenditure in China

Year	GDP			Total expenditure on health			Health spending as percentage of GDP	Average per capita health expenditure (yuan)
	Year value (billion yuan)	Constant value 1978 = 100 (billions of yuan)	On-year growth rate	Year value (billion yuan)	Constant value 1978 = 100 (billions of yuan)	On-year growth year		
1990	1 854.79	1 020.91	3.8	74.30	40.90	14.3	4.0	65.6
1991	2 161.78	1 114.77	9.2	88.86	45.82	12.0	4.1	76.7
1992	2 663.81	1 273.51	14.2	109.07	52.14	13.8	4.1	93.1
1993	3 463.44	1 445.29	13.5	137.04	57.19	9.7	4.0	11.56
1994	4 675.94	1 628.31	12.7	176.86	61.59	7.7	3.8	14.76
1995	5 847.81	1 799.37	10.5	225.78	69.47	12.8	3.9	186.4
1996	6 788.46	1 971.87	9.6	285.72	83.00	19.5	4.2	233.5
1997	7 446.26	2 146.19	8.8	338.49	97.56	17.6	4.5	273.8
1998	7 834.52	2 313.99	7.8	377.65	111.54	14.3	4.8	302.6
1999	8 206.74	2 479.25	7.1	417.86	126.24	13.3	5.1	331.9
2000	8 940.36	2 677.48	8.0	476.40	143.16	13.5	5.3	376.4

Source: Health Economics Institute of the Ministry of Health.

Notes: GDP figures from *China National Statistics Yearbook*, 2001. Yearly health expenditures from the Health Economics Institute of the Ministry of Health.

GDP and health spending growth rates calculated on a constant 1978 value of 100.

Average per capita health expenditure in yuan for that year.

Table 14
Health spending in government budgets

Year	Total health spending (billions of yuan)	Government health spending (billions of yuan)	Government share of total (%)	Health spending as percentage of total government budget
1990	74.30	18.57	25.0	6.02
1991	88.86	20.23	22.8	5.97
1992	109.07	22.65	20.8	6.05
1993	137.04	26.94	19.7	5.80
1994	176.86	33.84	19.1	5.84
1995	225.78	38.31	17.0	5.61
1996	285.35	46.10	16.2	5.81
1997	338.49	52.21	15.4	5.65
1998	377.65	58.72	15.6	5.44
1999	417.86	64.10	15.3	5.00
2000	476.40	70.95	14.9	4.50

Source: *China National Statistics Yearbook*.

Table 15**Government health budgets and primary health-care expenditure
(billions of yuan)**

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Government health budget	20 229	22 653	26 942	33 843	38 309	46 095	52 208	58 723	64 096	70 952
Spent on primary health care (PHC)	8 798	10 104	12 256	15 232	17 909	21 065	24 125	26 285	28 548	31 165
Spent on rural health	3 757	4 294	4 623	6 030	6 680	7 466	8 149	8 610	9 421	10 065
Public medical expenditure	5 041	5 810	7 633	9 202	11 229	13 599	15 976	17 675	19 127	21 100
PHC as percentage of total health spending	43.49	44.60	45.49	45.01	46.75	45.70	46.21	44.76	44.54	43.92

Source: Health Economics Institute of the Ministry of Health.

Table 16**Childhood mortality rates, 1991-2000 (‰)**

	Nationwide			Cities			Rural		
	Newborn mortality	Infant mortality	Under-5 mortality	Newborn mortality	Infant mortality	Under-5 mortality	Newborn mortality	Infant mortality	Under-5 mortality
1991	33.1	50.2	61.0	12.5	17.3	20.9	37.9	58.0	71.1
1992	32.5	46.7	57.4	13.9	18.4	20.7	36.8	53.2	65.6
1993	31.2	43.6	53.1	12.9	15.9	18.3	35.4	50.0	61.1
1994	28.5	39.9	49.6	12.2	15.5	18.0	32.3	45.6	56.9
1995	27.3	36.4	44.5	10.6	14.2	16.4	31.1	41.6	51.1
1997	...	33.1	42.3	...	13.1	15.5	...	37.7	48.5
1998	22.3	33.2	42.0	10.0	13.5	16.2	25.1	37.7	47.9
1999	22.2	33.3	41.4	9.5	11.9	14.3	25.1	38.2	47.7
2000	22.8	32.2	39.7	9.5	11.8	13.8	25.8	37.0	45.7

Source: Ministry of Health.

Table 17
Waterworks improvements nationwide

	Unit	end 1987	end 1989	end 1991	end 1993	end 2001
Population benefiting from waterworks improvements	million	509.94	615.43	705.55	762.11	861.13
Percentage of rural population	%	60.2	70.3	77.0	82.9	91.0
Type of waterworks improvement:						
- Waterworks providing tap water	unit	204 107	302 096	522 691	591 251	694 138
Population benefiting	million	174.15	227.25	300.92	350.07	521.46
As percentage of total population	%	34.2	36.9	42.7	45.9	55.1
- Well and hand-pump	million	48.230	30.410	36.070	39.760	67.250
Population benefiting	million	137.72	183.98	198.98	206.62	212.14
As percentage of total population	%	27	29.9	28.2	27.1	22.4
- Other improvements	million	198.07	204.22	205.65	205.42	127.53
As percentage of total population	%	38.8	33.2	29.1	27.0	14.8

Source: Ministry of Health.

Note: All figures are cumulative totals.

Table 18
Inoculation rates nationwide and related disease-incidence rates

	Incidence rate (1/100,000)				Inoculation rate at 12 months (%)			
	Diphtheria	Pertussis	Polio	Measles	BCG	DPT	Polio	Measles
1980	1.00	62.82	0.76	114.88	...	...	...	...
1985	0.14	14.22	0.15	40.37	...	...	...	...
1987	0.04	5.61	0.18	9.88	85	74	78	77
1989	0.03	2.46	0.42	7.77	...	...	...	...
1991	0.02	0.94	0.17	10.9	96	95	96	95
1994	...	...	...	...	94	93	94	89
1995	...	...	...	...	92	92	94	93
1996	...	...	...	...	97	95	96	97
1997	...	...	...	...	96	96	97	96
1999	...	...	...	...	97.2	92.0	92.7	93.6
2000	...	...	...	...	97.8	97.9	98.0	97.4
2001	...	...	...	...	97.6	98.3	98.3	97.7

Source: Ministry of Health.

Table 19**Health facilities in agricultural villages nationwide**

	Units	1985	1988	1990	1992	1993	1995	2001
Administrative villages	village	716 639	734 095	749 963	735 355	731 755	736 671	710 012
Villages with clinics	village	625 992	641 076	646 529	651 031	651 861	655 105	637 084
% of total admin. villages	%	87.35	87.33	86.21	88.5	89.1	88.9	89.7
No. of village clinics	clinic	777 674	806 497	803 956	796 523	806 945	804 352	698 966
Established by village or collective	clinic	305 537	287 586	266 137	294 417	279 382	297 462	289 091
Jointly established by village doctors and/or health workers	clinic	88 803	78 873	87 149	83 742	94 700	90 681	92 555
Township hospitals	hospital	29 769	29 845	29 963	34 213	34 914	36 388	44 857
Established by individuals	hospital	323 904	369 209	381 844	350 633	374 296	354 981	255 423
Others	hospital	29 661	40 984	38 863	33 518	23 663	22 876	17 040
Village doctors and health workers	person	1 293 094	1 247 045	1 231 510	1 269 061	1 325 106	1 331 017	1 290 595
Village doctors	person	643 022	731 653	776 859	816 557	910 664	955 933	1 021 542
Health workers	person	650 072	515 392	454 651	452 504	414 442	375 084	269 053
Village doctors and health workers per 1,000 rural population	person	155	144	138	141	147	148	141

Source: Ministry of Health.

Note: "Village doctors" refers to personnel who have been tested and certified by the county health administration.

Table 20**Women receiving health care from trained personnel during pregnancy and at delivery, 1996-2001**

Year	During pregnancy %	At delivery %
1996	83.69	80.06
1997	85.89	82.85
1998	87.13	83.91
1999	89.25	85.86
2000	89.36	86.15
2001	90.31	87.15

Source: Ministry of Health.

Table 21

Maternal mortality rates, 1996-2001 (nationwide, in cities and in rural areas)

Year	Maternal mortality rate (1/100,000)			Proportion (%)	
	Nationwide	Cities	Rural areas	Before delivery	After delivery
1996	63.9	29.2	86.4	20.0	80.0
1997	63.6	38.3	80.4	22.6	77.4
1998	56.2	28.1	75.5	24.9	75.1
1999	58.7	26.2	79.7	22.7	77.3
2000	53.0	28.9	67.2	22.0	78.0
2001	50.2	33.1	61.9	19.2	80.8

Source: Ministry of Health.

Table 22

Women and children health-care institutions nationwide

	1949	1957	1965	1975	1985	1990	1995	2001
Women and children hospitals	80	96	115	103	272	328	396	584
Patient beds	1 762	6 794	9 233	8 307	24 443	32 304	38 368	41 431
Paediatric hospitals	5	16	28	23	26	33	35	37
Patient beds	139	2 295	4 527	4 546	6 209	7 866	9 407	9 907
Women and children health-care centres	9	4 599	2 795	2 025	2 724	2 820	2 832	2 548
Patient beds	139	2 295	4 527	1 406	10 110	14 263	21 618	32 560
Obstetricians	...	4 194	9 218	...	44 680	92 359	...	127 864
Paediatricians	...	4 539	10 281	...	36 162	56 661	...	65 995
Midwives	13 900	35 774	45 639	64 875	75 517	58 397	48 997	42 140
Rural midwives	...	657 335	685 740	615 184	513 977	470 982	359 052	226 934

Source: Ministry of Health.

Note: For statistical purposes, the figures for obstetric hospitals and their patient beds for 1995 and 2000 have been included under women and children hospitals.

The 1965 figures shown for obstetricians and paediatricians actually relate to 1963; similarly, the 2001 figures in the same categories relate to 2000.

Table 23**Distribution of China's 28 air-quality monitoring stations and disease-surveillance points (DSP)**

Air-quality monitoring stations	DSP stations	Air-quality monitoring stations	DSP stations
Zhengzhou	Zhengzhou City	Lhasa	Lhasa City/Chengguan District
Yinchuan	Yinchuan City	Lanzhou	Lanzhou City/Chengguan District
Xining	Xining City/Downtown	Kunming	Kunming City/Panlong District
Xi'an	Xi'an City/Beilin District	Huhehaote	Huhehaote City / Huimin District
Wulumuqi	Wulumuqi City/Tianshan District	Hefei	Hefei City/Zhongshi District
Wuhan	Wuhan City/Jiang'an District	Hangzhou	Hangzhou City/Xiacheng District
Tianjin	Heping District	Haikou	Haikou City/Bo'ai District
Taiyuan	Taiyuan City/Beicheng District	Harbin	Harbin City/Nangang District
Shijiazhuang	Shijiazhuang City/Chang'an District	Guiyang	Guiyang City/Nanming District
Shanghai	Luwan District	Guangzhou	Guangzhou City/Yuexiu District
Nanning	Nanning City	Fuzhou	Fuzhou City/Cangshan District
Nanjing	Nanjing City/Xuanwu District	Chengdu	Chengdu City/Qingyang District
Nanchang	Nanchang City/Donghu District	Changsha	Changsha City/East District
Beijing	Dongcheng District	Changchun	Changchun City/Nanguan District

Source: Ministry of Health.

CHARTS

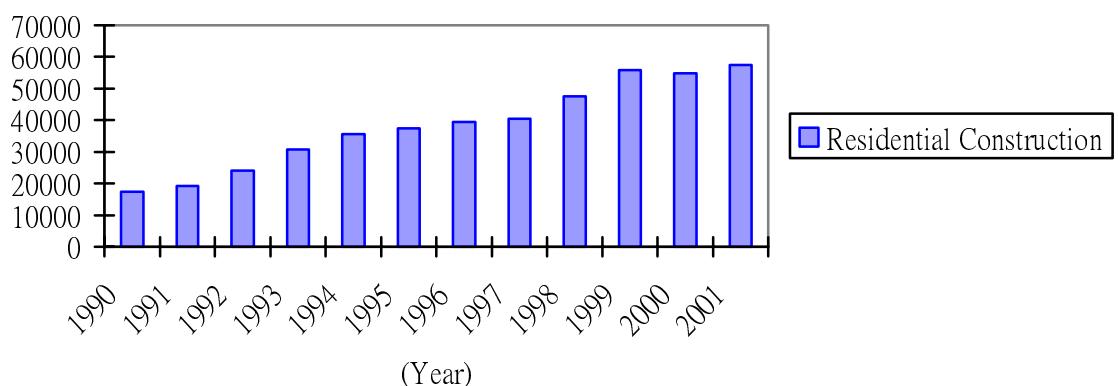


Chart 1. New residential construction in cities and towns nationwide 1990-2001. Left axis data in tens of thousands of square metres. (x 10,000)

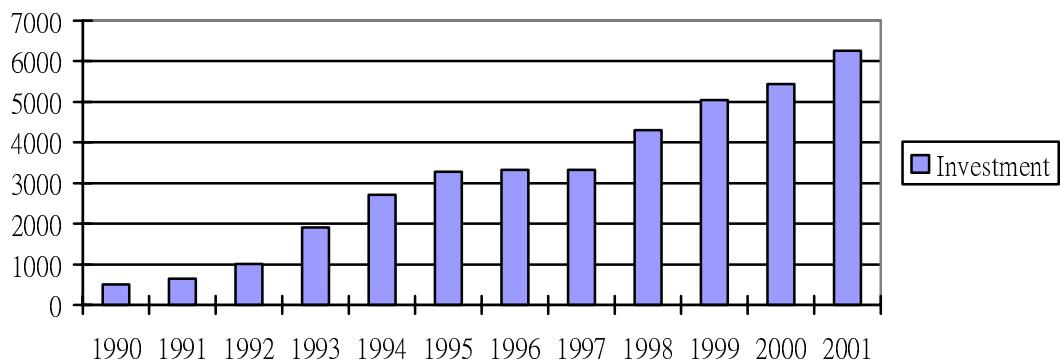


Chart 2. Investment in residential construction in cities and towns nationwide, 1990-2001. Left axis data in hundreds of millions of Yuan.

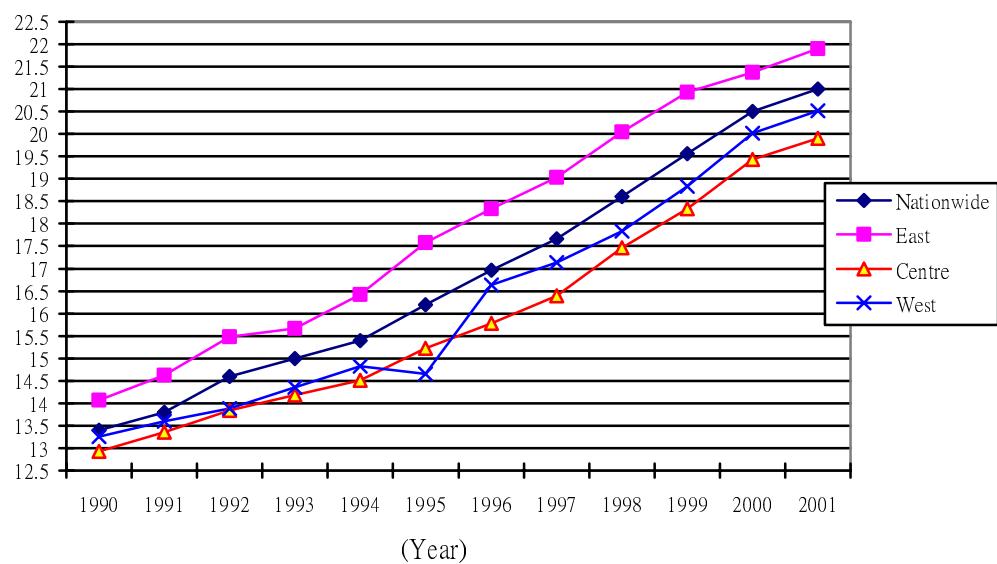


Chart 3. Average per capita floor space for city residents 1990-2001. Left-axis data in square metres.

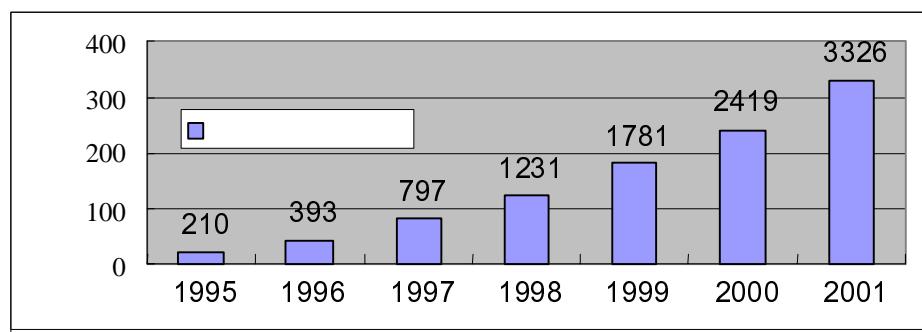


Chart 4. Growth in accumulation funds 1995-2001. Left-axis data in billions of Yuan.

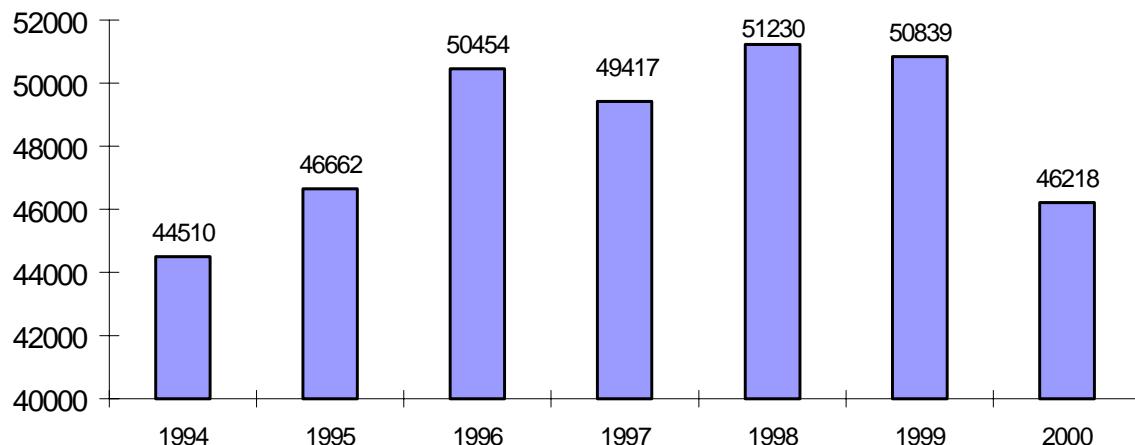


Chart 5. Grain production in China. Left-axis data in tens of thousands of tonnes. (x10,000)

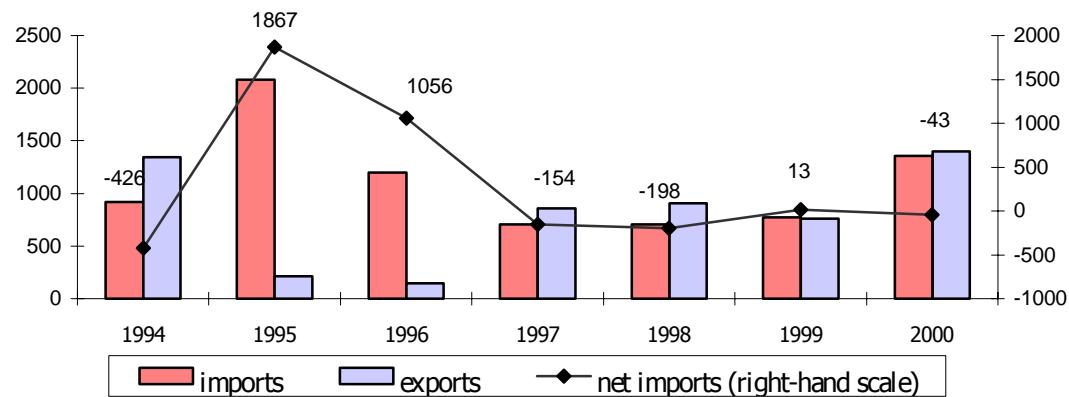


Chart 6. China's grain imports (darker) and exports (lighter). Line shows net imports. Vertical axes data in tens of thousands of tonnes. (x 10,000)

Source: Charts 1-4 from Ministry of Construction; Charts 5 and 6 from Ministry of Agriculture.

Part Two

HONG KONG SPECIAL ADMINISTRATIVE REGION

Introduction

284. In paragraph 48 of its concluding observations of 21 May 2001 on the initial report of the Hong Kong Special Administrative Region (HKSAR) under the Covenant,⁷ the Committee on Economic, Social and Cultural Rights (the Committee) requested HKSAR to submit information on its progress in implementing the Committee's recommendation in paragraph 30 (race discrimination) of the concluding observations by 30 June 2003. The Committee also requested HKSAR to submit its full second periodic report "in accordance with the prescribed dates of submissions".

285. To some extent, those requests have been overtaken by events. The People's Republic of China deposited with the Secretary-General of the United Nations its instrument of ratification of the Covenant on 27 March 2001. The Covenant entered into force in China three months thereafter (27 June 2001). In accordance with Economic and Social Council resolution 1984/88 (which modified article 16 of the Covenant), China was then required to submit its initial report under the Covenant within two years of that date. For that reason, the present report of HKSAR forms part of China's initial report.

286. The initial report contained detailed information on the laws, policies, and practices that are in place to ensure Hong Kong's compliance with the Covenant. Many of those are of long standing and, by nature, tend to remain unchanged - or to change very little - over time. We do not propose repeating descriptions/explanations of such matters in this report and we will frequently state that "there have been no significant changes in regard to [the topic in question] and the situation remains essentially as explained in paragraphs [x to y] of the initial report". We have taken this approach to avoid repetition and excessive length, in keeping with the guidelines in the United Nations Manual on Human Rights Reporting (page 67, last paragraph).

287. For these reasons, this second periodic report is shorter than the initial report. The report focuses on:

- (a) Information about/explanations of significant developments since the consideration of the initial report;
- (b) Updates of any developments that were ongoing at the time of consideration of the initial report in 2001 and in respect of which we undertook to inform the Committee of future progress/outcomes;
- (c) Responses to the concerns and recommendations formulated by the Committee in its concluding observations.

I. LAND AND PEOPLE

288. Below are statistical data on the population of HKSAR as well as selected social and economic indicators.

Population by sex

Sex	Mid 1987 (million)	Mid 1992 (million)	Mid 1999 (million)	Mid 2000 (million)	End 2000 (million)	Mid 2001 (million)	End 2001 (million)	Mid 2002 (million)	End 2002* (million)
Male	2.9	2.9	3.3	3.3	3.3	3.3	3.3	3.3	3.3
Female	2.7	2.9	3.3	3.4	3.4	3.4	3.5	3.5	3.5
Total	5.6	5.8	6.6	6.7	6.7	6.7	6.8	6.8	6.8

* Provisional figures.

Population by age group and sex

Age	Sex	Percentage of total population								
		Mid 1987	Mid 1992	Mid 1999	Mid 2000	End 2000	Mid 2001	End 2001	Mid 2002	End 2002*
Under 15	Male	11.7	10.6	9.1	8.8	8.6	8.5	8.4	8.3	8.2
	Female	10.8	9.9	8.4	8.2	8.0	7.9	7.9	7.8	7.7
15-18	Male	3.3	2.9	2.9	2.9	2.8	2.7	2.7	2.6	2.6
	Female	3.0	2.7	2.7	2.7	2.6	2.6	2.5	2.5	2.5
(0-18)	Male	15.0	13.5	11.9	11.6	11.4	11.2	11.1	11.0	10.8
	Female	13.8	12.6	11.1	10.8	10.6	10.5	10.4	10.3	10.2
19-64	Male	33.1	33.3	32.5	32.5	32.5	32.5	32.5	32.4	32.3
	Female	30.2	31.6	33.6	34.1	34.4	34.6	34.8	34.9	35.0
65 and over	Male	3.4	4.0	4.9	5.0	5.1	5.2	5.2	5.3	5.4
	Female	4.5	5.0	5.8	5.9	6.0	6.0	6.1	6.2	6.3
All age groups	Male	51.4	50.8	49.4	49.2	49.0	48.9	48.8	48.6	48.5**
	Female	48.6	49.2	50.6	50.8	51.0	51.1	51.2	51.4	51.5

* Provisional figures.

** Since August 2000, population estimates have been compiled based on "resident population". Formerly, they were based on the "extended de facto" approach, which counted all Hong Kong Permanent and Non-Permanent Residents and visitors at a reference time-point. We have revised the population and related statistics for 1996 onwards on this basis.

Educational attainment (population aged 15 and above)*

Educational attainment	Percentage									
	1986		1991		1996		2001		2002	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
No. schooling/ kindergarten	7.0	21.6	7.1	18.5	5.1	13.8	4.6	12.0	3.4	10.2
	30.8	27.7	26.1	24.3	22.7	22.6	20.4	20.6	20.7	21.3
	62.2	50.7	66.8	57.2	72.2	63.6	75.0	67.4	75.9	68.5
	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

* The figures for 1991 and 2001 derive from the population census taken in those years; those for 1986 and 1996 derive from the respective by-censuses. Those for 2002 are from the General Household Survey.

Literacy rate*

1984	1996	2000	2001	2002
85.7%	90.4%	92.4%	92.7%	93.0%

* The literacy rate refers to the proportion of persons aged 15 and above with educational attainment at primary or above. The figures derive from the General Household Survey.

Percentage of population (excluding mutes) aged 5 and over by usual language/dialect

Usual language/dialect	Percentage		
	1991	1996	2001*
Cantonese	88.7	88.7	89.2
Putonghua	1.1	1.1	0.9
Other Chinese dialects	7.1	5.8	5.5
English	2.2	3.1	3.2
Others	1.0	1.3	1.2
	100.0	100.0	100.0

* The figures for 2002 are not available.

Crude birth and mortality rates

	1987	1992	1998	1999	2000	2001	2002*
Crude birth rate (per 1 000 population)	12.6	12.3	8.1	7.8	8.1	7.2	7.1
Crude mortality rate (per 1 000 population)	4.8	5.3	5.0	5.0	5.1	5.0	5.0

* Provisional figures.

Life expectancy at birth (number of years)

Sex	1987	1992	1998	1999	2000	2001	2002*
Male	74.2	74.8	77.4	77.7	78.0	78.4	78.7
Female	79.7	80.7	83.0	83.2	83.9	84.6	84.7

* Provisional figures.

Infant mortality rate (per 1,000 live births)

1987	1992	1998	1999	2000	2001	2002*
7.4	4.8	3.2	3.1	3.0	2.6	2.4

* Provisional figures.

Maternal mortality rate (number of deaths per 100,000 registered live births)

1987	1992	1998	1999	2000*	2001	2002**
4.3	5.5	1.9	2.0	5.6	2.0	4.2

* The apparently drastic increase in 2000 is a function of very low numbers. In 1999, there were 50,513 registered births and one death. In 2000, there were 53,720 registered births and three deaths. In 2001, there were 49,144 registered births and one death. In 2002, there were 48,119 registered births and two deaths.

** Provisional figures.

Fertility rate

	1987	1992	1998	1999	2000	2001*
General fertility rate (per 1 000 women -excluding foreign domestic helpers - aged 15-49)	47.9	46.3	29.3	28.1	29.5	26.2

* The drop in general fertility rate over the period 1987 to 2001 was associated with a number of factors like marriage postponement, postponement of low-order live births, curtailment of high-order births and unfavourable economic climate. The figure for 2002 is not available.

Percentage of household heads by sex

Sex	1986	1991	1996	2001*
Male	73.0	74.3	72.8	71.2
Female	27.0	25.7	27.2	28.8

* The figures for 2002 are not available.

Unemployment rate (%)*

1987	1992	1998	1999	2000	2001	2002
1.7	2.0	4.7	6.2	4.9	5.1	7.3

* Averages of the estimates obtained from the quarterly General Household Surveys for the four quarters of the year.

Rate of inflation

Composite Consumer Price Index (CPI)*	
Year	Annual rate of change in CPI (%)
1990	10.2
1991	11.6
1992	9.6
1993	8.8
1994	8.8
1995	9.1
1996	6.3
1997	5.8
1998	2.8
1999	-4.0
2000	-3.8
2001	-1.6
2002	-3.0

* The Composite CPI is compiled on the basis of the expenditure patterns of about 90 per cent of Hong Kong households with an average monthly expenditure of HK\$ 4,500 to HK\$ 65,999 in the base period of October 1999 to September 2000. This approximately corresponds to a monthly expenditure range of HK\$ 4,300 to HK\$ 62,700 at 2002 prices.

Implicit price deflators of gross domestic product (GDP)		
Deflator year	(2000 = 100)	Annual rate of change (%)
1990	71.0	7.4
1991	77.5	9.2
1992	84.9	9.5
1993	92.1	8.5
1994	98.5	6.9
1995	101.0	2.5
1996	106.9	5.8
1997	113.0	5.7
1998	113.2	0.2
1999	106.6	-5.8
2000	100.0	-6.2
2001	98.6	-1.4
2002	95.9	-2.7

Gross domestic product, 1990-2002

Year	At current market prices (US\$ million)*	At constant (2000) market prices (US\$ million)**
1990	75 442	106 236
1991	87 151	112 486
1992	102 224	120 358
1993	117 995	128 081
1994	133 252	135 242
1995	141 709	140 352
1996	156 572	146 434
1997	173 669	153 703
1998	165 249	146 009
1999	160 626	150 744
2000	165 362	165 362
2001	163 995	166 241
2002	162 980	169 982

* An exercise conducted in August 2002 resulted in major revision to the GDP series. The base year of the constant price GDP was also updated to year 2000 from 1990.

** Using the exchange rate of the respective year to convert GDP at constant (2000) market prices for 1990-2002.

Per capita income

Per capita GDP for 1990-2002		
Year	At current market prices (US\$)	At constant (2000) market prices (US\$)
1990	13 225	18 623
1991	15 151	19 556
1992	17 623	20 750
1993	19 996	21 705
1994	22 078	22 408
1995	23 019	22 799
1996	24 329	22 754
1997	26 762	23 686
1998	25 253	22 313
1999	24 313	22 818
2000	24 811	24 811
2001	24 386	24 720
2002	24 014	25 045

External debt: the HKSAR Government does not incur external debts.

Ethnic composition of the Hong Kong population

Population by ethnicity in 2001

Ethnicity	Males (‘000)	Females (‘000)	Both sexes (‘000)	% share in total (%)
Chinese	3 202	3 163	6 364	94.9
Non-Chinese	83	261	344	5.1
Of which:				
Filipino	7	135	143	2.1
Indonesian	1	49	50	0.8
British	12	7	19	0.3
Indian	9	9	19	0.3
Thai	1	13	14	0.2
Japanese	8	7	14	0.2
Nepalese	7	5	13	0.2
Pakistani	7	4	11	0.2
Others	31	31	61	0.9
Total	3 285	3 423	6 708	100.0

II. GENERAL POLITICAL STRUCTURE

Constitutional document

289. In accordance with the provisions of articles 31 and 62, subparagraph 13, of the Constitution of the People’s Republic of China, and the relevant decisions of the National People’s Congress (NPC) adopted at the third session of the Seventh NPC on 4 April 1990, the Hong Kong Special Administrative Region of the People’s Republic of China (HKSAR) was established on 1 July 1997. The Basic Law of HKSAR came into effect on 1 July 1997. Under the principle of “One Country, Two Systems”, the socialist system and policies are not practised in HKSAR, and Hong Kong’s previous capitalist system and way of life will remain unchanged for 50 years. A copy of the Basic Law is provided in annex 1.

290. To fully realize the principle of “One Country, Two Systems”, the Basic Law sets out the broad framework of the relationship between the central authorities and HKSAR (chap. II); the fundamental rights and duties of Hong Kong residents (chap. III); the political structure (chap. IV); economic, financial and social systems of HKSAR (chaps. V and VI); its conduct of external affairs (chap. VII); and the interpretation and amendment of the Basic Law (chap. VIII).

291. Among other matters, the Basic Law provides that:

(a) HKSAR shall exercise a high degree of autonomy except in defence and foreign affairs and enjoy executive, legislative and independent judicial power, including that of final adjudication. The power of final adjudication of HKSAR shall be vested in the Court of Final Appeal established in the Region;

(b) The executive authorities and legislature of HKSAR shall be composed of permanent residents of Hong Kong;

(c) The laws previously in force in Hong Kong, that is, the common law, rules of equity, ordinances, subordinate legislation and customary law shall be maintained, except for any that contravenes the Basic Law, and subject to any amendment by the legislature of HKSAR;

(d) National laws shall not be applied in HKSAR except for those listed in annex III to the Basic Law and that the laws listed therein shall be applied locally by way of promulgation or legislation by the Region. The Standing Committee of the National People's Congress may add to or delete from the list of laws in annex III after consulting the Committee for the Basic Law of HKSAR and the Government of HKSAR;

(e) HKSAR is authorized to conduct relevant external affairs on its own. HKSAR may on its own, using the name "Hong Kong, China", maintain and develop relations and conclude and implement agreements with foreign States and regions and relevant international organizations in the appropriate fields, including the economic, trade, financial and monetary, shipping, communications, tourism, cultural and sports fields;

(f) HKSAR remains a free port, a separate customs territory and an international financial centre. There shall be free flow of capital. HKSAR issues and manages its own currency;

(g) HKSAR formulates its own policies on the development of education, science, culture, sports, labour and social services, and Hong Kong residents have the freedom of religious belief;

(h) Hong Kong residents enjoy a wide range of freedoms and rights (this will be further dealt with under section III below entitled "General Legal Framework within which Human Rights are Protected");

(i) The provisions of the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Labour Organization conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of HKSAR.

System of government

Constitutional development

292. The Basic Law prescribes a 10-year blueprint for HKSAR's constitutional development between 1997 and 2007. It provides that the ultimate aim is the election of the Chief Executive and members of the Legislative Council by universal suffrage.

293. The Chief Executive of HKSAR is the head of the Region. The Executive Council assists him in policy-making. The Legislative Council of HKSAR is the legislature of the Region - it enacts, amends or repeals laws, approves taxation and public expenditure, and raises questions on the work of the Government. District Councils, established in accordance with articles 97 and 98 of the Basic Law, are consulted on district administration and other affairs. There is an independent judiciary.

Chief Executive

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

295. The Chief Executive was elected for a second term by the 800-member Election Committee, in accordance with the Basic Law and the Chief Executive Election Ordinance of July 2001. The majority of the members on this Committee were elected by various community and functional groups representing, *inter alia*, labour, social services, grass roots, religious, professional, commercial and political sectors, and were broadly representative of the different sectors of the community.

296. Annex I to the Basic Law further provides that amendments to the method for selecting the Chief Executive for the terms subsequent to the year 2007 may be made with the endorsement of a two-thirds majority of all members of the Legislative Council and the consent of the Chief Executive. Any such amendments are to be reported to the Standing Committee of NPC for approval.

Executive Council

297. The Executive Council assists the Chief Executive in policy-making. Under article 56 of the Basic Law, except for the appointment, removal and disciplining of officials and the adoption of measures in emergencies, the Chief Executive shall consult the Executive Council before making important policy decisions, introducing bills to the Legislative Council, making subordinate legislation, or dissolving the Legislative Council. The Chief Executive in Council also determines appeals, petitions and objections under those ordinances that confer a statutory right of appeal. If the Chief Executive does not accept a majority opinion of the Executive Council, he shall put the specific reasons on record.

298. The Executive Council normally meets once a week, and its proceedings are confidential, although many of its decisions are made public. It is presided over by the Chief Executive. It has 19 members. As provided for in article 55 of the Basic Law, members of the Executive Council are appointed by the Chief Executive from among the principal officials of the executive authorities, members of the Legislative Council and public figures. They are Chinese citizens who are permanent residents of HKSAR with no right of abode in any foreign country. Their appointment or removal is decided by the Chief Executive. Their term of office may not extend beyond the expiry of the term of office of the Chief Executive who appoints them.

Legislative Council

299. Article 68 of the Basic Law provides that the Legislative Council of HKSAR shall be constituted by election. The method for its formation shall be specified in the light of the actual situation in HKSAR and in accordance with the principle of gradual and orderly progress.

The ultimate aim is the election of all members of the Legislative Council by universal suffrage. Annex II to the Basic Law prescribes the composition of the Legislative Council during its first three terms as follows:

Membership	First term 1998-2000 (two years)	Second term 2000-2004 (four years)	Third term 2004-2008 (four years)
Elected by geographical constituencies through direct elections	20	24	30
Elected by functional constituencies	30	30	30
Elected by an election committee	10	6	-
Total	60	60	60

300. The second Legislative Council election was held on 10 September 2000. The turnout rates for the geographical constituency, functional constituency and Election Committee elections were 43.57 per cent, 56.5 per cent and 95.53 per cent respectively. The present (second term) Legislative Council assumed office on 1 October 2000.

301. Annex II to the Basic Law provides that amendments to the method for forming the Legislative Council after 2007 may be made with the endorsement of a two-thirds majority of all members of the Council and the consent of the Chief Executive. Any such amendments are to be reported to the Standing Committee of NPC for the record.

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

District Councils

303. The first District Councils election was held on 28 November 1999. The total turnout rate for this election was 35.82 per cent. The 18 District Councils came into being on 1 January 2000 by virtue of the District Councils Ordinance. The Councils advise the Government of HKSAR on district affairs and promote recreational and cultural activities, and environmental improvements within their respective districts. District Councils comprise both elected members and appointed members. Additionally, in the case of District Councils in rural areas, the local Rural Committee Chairmen serve as ex-officio members. HKSAR is divided into 390 constituencies, each returning one elected member. There are 102 appointed members and 27 ex-officio members.

304. Consequent to the District Councils review conducted in 2001, the Administration has implemented recommendations to enhance both the role and functions of the District Councils as Government's key advisers on district affairs and their ability to influence the provision, delivery and management of district services and facilities. This helps to ensure that the Government remains accountable and responsive to the changing needs of the community

Abolition of the Municipal Councils

305. The two Provisional Municipal Councils were dissolved after the terms of office of the members expired on 31 December 1999, pursuant to the Provision of Municipal Services (Reorganization) Ordinance, which was passed by the Legislative Council in December 1999. With a view to improving coordination and efficiency, the Government set up new dedicated agencies to be responsible for food safety, environmental hygiene and leisure and cultural services with effect from January 2000.

306. In a judicial review of the Ordinance, the High Court ruled that the Provision of Municipal Services (Reorganization) Ordinance was consistent with the Basic Law and ICCPR as applied to HKSAR.

Structure of the Administration

307. The Chief Executive is the head of the Government of HKSAR. If the Chief Executive is not able to discharge his duties for a short period, such duties shall temporarily be assumed by the three Secretaries of Department, namely the Chief Secretary for Administration, the Financial Secretary, or the Secretary for Justice, in that order of precedence. The Government of HKSAR comprises a Department of Administration, a Department of Finance, a Department of Justice and various bureaux, divisions and commissions.

308. There are currently 11 bureaux, each headed by a Director of Bureau, which collectively form the Government Secretariat. With certain exceptions, the heads of government departments are responsible to the Secretaries of Department and Directors of Bureau. The exceptions are the Commissioner of the Independent Commission against Corruption and the Director of Audit, who function independently and are accountable to the Chief Executive.

309. Following the implementation of a new accountability system for principal officials, the Chief Secretary for Administration, the Financial Secretary, the Secretary for Justice and the 11 Directors of Bureau are no longer civil servants. They are directly responsible to the Chief Executive and are accountable to him for the success or failure of matters falling within the portfolios as assigned to them. They are appointed to the Executive Council. Together with five non-official members of the Executive Council, they assist the Chief Executive in policy-making. Under the new accountability system, the civil service continues to remain permanent, meritocratic, professional and politically neutral.

Judicial system of HKSAR

310. The legal system is firmly based on the rule of law and a judiciary, which is independent of the executive authorities and the legislature.

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

312. The courts of justice comprise the Court of Final Appeal, the High Court (which consists of the Court of Appeal and the Court of First Instance), the District Court, the Magistrates' Court, the Lands Tribunal, the Labour Tribunal, the Small Claims Tribunal, the Obscene Articles Tribunal and the Coroner's Court. The courts hear and determine all criminal trials and civil disputes, whether between individuals or between individuals and Government of the Region.

313. Article 82 of the Basic Law provides that the power of final adjudication of HKSAR shall be vested in the Court of Final Appeal of the Region, which may, as required, invite judges from other common law jurisdictions to sit on the Court of Final Appeal. Article 83 further provides that the structure, powers and functions of the courts of HKSAR at all levels shall be prescribed by law.

314. All judges and judicial officers must have qualified as legal practitioners in Hong Kong or in a common law jurisdiction and have substantial professional experience. Article 88 of the Basic Law provides that "judges of the courts of HKSAR shall be appointed by the Chief Executive on the recommendation of an independent commission composed of local judges, persons from the legal profession and eminent persons from other sectors".

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

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

Rule of law

316. The fundamental basis for the protection of human rights is the rule of law maintained by an independent judiciary (see paragraphs 311-315 above). The principles that inform the rule of law are:

(a) **Supremacy of the law.** No individual is punishable or can lawfully be made to suffer personally or financially except for a breach of law established before the independent courts. Where, under the law, an official or an authority has discretion to make a decision, that discretion must be exercised legally, fairly and reasonably. Where it does not do so, the decision must be capable of successful challenge before the courts. The Basic Law guarantees the right of Hong Kong residents to institute legal proceedings in the courts against the acts of the executive authorities and their personnel;

(b) **Equality before the law.** Article 25 of the Basic Law provides that all Hong Kong residents shall be equal before the law. Article 22 provides that all offices set up in HKSAR by departments of the Central Government, or by provinces, autonomous regions, or municipalities directly under the Central Government and personnel of these offices shall abide by the laws of the Region. Article 14 provides that members of the garrison shall, in addition to abiding by national laws of the People's Republic of China, abide by the laws of HKSAR. Article 35 also provides that Hong Kong residents shall have the right to institute legal proceedings in the courts against the acts of the executive authorities and their personnel. No government authority or official, and no individual, is above the law. All persons, regardless of race, rank, politics, religion or sex, are equal before the law and subject to the same law. Individuals and Government of HKSAR have the same access to the courts to enforce legal rights or defend an action.

317. Some commentators have argued that the principle of equality before the law was compromised by an amendment (in 1997) to the Interpretation and General Clauses Ordinance (chapter 1 of the Laws of HKSAR). The amendment in question was an adaptation of the reference to the "Crown" by the "State" in section 66 of the Ordinance. Before 1 July 1997, section 66 used to provide that no ordinance was binding on the Crown unless it expressly stated, or necessarily implied, that the Crown was bound. After 1 July 1997, the reference to the "Crown" in section 66 had to be amended. The amendment to section 66 of chapter 1 was simply made in order to preserve the substance of the law before 1 July 1997 and reflect the change of sovereignty.

Human rights guarantees in the Basic Law

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

- (a) Equality before the law;
- (b) Freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike;
- (c) Freedom of the person; freedom from torture; freedom from arbitrary or unlawful arrest, detention or imprisonment; freedom from arbitrary or unlawful search of the body; and right against arbitrary or unlawful deprivation of life;

- (d) Freedom from arbitrary or unlawful search of, or intrusion into, one's home or other premises;
- (e) Freedom and privacy of communication;
- (f) Freedom of movement within HKSAR and freedom of emigration to other countries and regions and freedom to travel and to enter or leave the Region;
- (g) Freedom of conscience, freedom of religious belief and freedom to preach and to conduct and participate in religious activities in public;
- (h) Freedom of choice of occupation;
- (i) Freedom to engage in academic research, literary and artistic creation, and other cultural activities;
- (j) Right to confidential legal advice, access to the courts, choice of lawyers for timely protection of lawful rights and interests or for representation in the courts, and to judicial remedies; right to institute legal proceedings in the courts against the acts of the executive authorities and their personnel;
- (k) Right to social welfare in accordance with law;
- (l) Freedom of marriage and right to raise a family freely.

Persons in Hong Kong other than Hong Kong residents shall, in accordance with law, enjoy the rights and freedoms of Hong Kong residents prescribed by chapter III of the Basic Law. In addition, permanent residents of HKSAR enjoy the rights to vote and to stand for election in accordance with the law.

Effect of other human rights instruments in HKSAR law

319. According to article 39 of the Basic Law:

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

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

320. In general, and as is usual in common law systems, treaties that apply to Hong Kong (including human rights treaties) do not themselves have the force of law in the domestic legal system of Hong Kong. They cannot directly be invoked before the courts as the source of individual rights. However, the courts will, when possible, construe domestic legislation in such a way as to avoid incompatibility with international treaties that apply to Hong Kong. The usual method of giving effect in local law to treaty obligations (when these require some change in

existing laws or practice) is to enact specific new legislation.⁸ Where this results in the creation or definition of specific legal rights and where these rights are denied or interfered with (or there is the threat of such action), a remedy will be available in the courts through the ordinary procedures of civil litigation; or the law may provide criminal sanctions.

Bill of Rights Ordinance

321. The Hong Kong Bill of Rights Ordinance (BORO) (chapter 383 of the Laws of HKSAR) was enacted in June 1991 specifically to give effect in local law to the provisions of ICCPR as applied to Hong Kong. It achieves this by setting out a detailed Bill of Rights, the terms of which are almost identical to those of ICCPR.

Adoption of laws: effect on the BORO

322. Article 160 of the Basic Law provides that the laws previously in force in Hong Kong shall be adopted as laws of the Region except for those which the Standing Committee of NPC declares to be in contravention of the Basic Law. In February 1997, the Standing Committee considered that three sections of BORO (relating to the interpretation and application of the Ordinance)⁹ had an overriding effect over other laws, including the Basic Law. As such, they contravened the Basic Law and could not be adopted.

323. The non-adoption of these sections has no effect on the protection of human rights in HKSAR in view of the constitutional guarantee in article 39 of the Basic Law. The substantive protections in Part II of the Ordinance (almost identical to the provisions of ICCPR) are unchanged. So too are the remedies provided under section 6 for contravention of the Ordinance and the binding effect on the Government and all public authorities under section 7. (The full text of BORO as it now stands is contained in annex 2).

Legal aid

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

Legal Aid Department

325. The Legal Aid Department provides legal representation to eligible persons in both civil and criminal cases heard in the Court of Final Appeal, the Court of Appeal, the Court of First Instance, the District Court and the Magistrates' Court (for committal proceedings). Civil legal aid is available to proceedings covering major areas of livelihood of the community ranging from family disputes to immigration matters and coroner's inquests. Applicants must satisfy the Director of Legal Aid of their financial eligibility (the means test) and of the justification for legal action (the merits test). The grant of legal aid is not subject to a residence requirement. In criminal cases, the Director has discretion to waive the upper limits of the means test if he

considers it in the interest of justice to do so. He also has the same discretion in meritorious applications where a breach of BORO or ICCPR as applied to Hong Kong is an issue. Subject to the means test, it is mandatory to grant legal aid to an applicant charged with murder, treason or piracy with violence.

The Duty Lawyer Service

326. This Service complements the legal aid services provided by the Legal Aid Department. It operates three schemes that respectively provide legal representation (the Duty Lawyer Scheme), legal advice (the Legal Advice Scheme) and legal information (the Tel Law Scheme). The Duty Lawyer Scheme offers legal representation to virtually all defendants (juvenile and adult) charged in the Magistracies who cannot afford private representation. It also provides legal representation to persons who are at risk of criminal prosecution as a result of giving incriminating evidence in coroner's inquests. Applicants are subject to a means test and merits test, based on the "interest of justice" principle in accordance with article 14 of ICCPR and article 11 of BORO. The Legal Advice Scheme and the Tel Law Scheme respectively provide members of the public with free legal advice through individual appointments and taped information on the legal aspects of everyday problems.

Legal Aid Services Council

327. The Legal Aid Services Council, an independent statutory body, was established in 1996. Its role is to oversee the provision of legal aid services by the Legal Aid Department and advise the Chief Executive on legal aid policy.

Office of the Ombudsman

328. The Ombudsman - formerly known as the Commissioner for Administrative Complaints (COMAC) - is an independent authority, established under the Ombudsman Ordinance (chap. 397).¹⁰ The Ombudsman investigates and reports on grievances arising from maladministration. "Maladministration" includes such things as inefficient, bad or improper administrative decisions, acts, recommendations or omissions. Members of the public can complain directly to the Ombudsman, who can also initiate investigations on her own volition and may publish investigation reports of public interest. Additionally, the Ombudsman is empowered to investigate complaints of non-compliance with the Code on Access to Information.

329. The enactment of the Ombudsman (Amendment) Ordinance 2001 enables the Ombudsman to carry out her functions more effectively. The Ordinance establishes the Ombudsman as a corporation sole, with full statutory powers to conduct its own administrative and financial business. The Ombudsman is empowered to appoint her own staff and technical or professional advisers to assist in carrying out her duties. The Ordinance also enhanced the independent status of the Ombudsman by making it clear that the Ombudsman was not a servant or agent of the Government.

330. Subject to the Ombudsman Ordinance, the Ombudsman may obtain any information and documents from such persons as she thinks fit. She may summon any person to provide information relating to her investigations and may enter any premises of the organizations under her jurisdiction to conduct investigations. She also has sufficient means with which to ensure that her recommendations are heard and acted upon.

331. After investigating a complaint, the Ombudsman is empowered to report her opinion and reasons, together with a statement of any remedy and recommendation that is considered necessary, to the head of the organization affected. If the recommendation is not acted upon within a reasonable time frame, the Ombudsman may report the matter to the Chief Executive. She may also do so if she believes that there has been a serious irregularity or injustice done. Such reports are bound by law to be laid before the Legislative Council.

332. With two exceptions, the Ombudsman has jurisdiction over all government departments of HKSAR and major statutory bodies. The exceptions are the Police and the Independent Commission Against Corruption (ICAC). Complaints against these departments are handled by discrete, dedicated bodies (see paragraphs 336 and 337 below).

Equal Opportunities Commission

333. The Equal Opportunities Commission (EOC) was established under the Sex Discrimination Ordinance (SDO) in May 1996 and started full operation in September that year. The Commission is responsible for conducting formal investigations, handling complaints, encouraging conciliation between parties in dispute, providing assistance to aggrieved persons in accordance with SDO, the Disability Discrimination Ordinance (DDO) and the Family Status Discrimination Ordinance (FSDO). It undertakes research programmes and public education to promote equal opportunities in the community. The Commission is also empowered to issue codes of practice to provide practical guidelines to facilitate public compliance with the laws on equal opportunities. Accordingly, it issued Codes of Practice on Employment in relation to SDO and DDO in December 1996. It issued a similar code in relation to FSDO in March 1998. The Code of Practice on Education under DDO was issued in July 2001 to assist educational establishments in fulfilling the requirements of DDO.

Privacy Commissioner for Personal Data

334. The Personal Data (Privacy) Ordinance (PDPO) provides for statutory control of the collection, holding and use of personal data in both the public and private sectors. Its provisions are based on internationally accepted data protection principles. It applies to personal data to which access is reasonably practicable whether they are in computerized, manual (for example, paper file), or audio-visual form. To promote and enforce compliance with its provisions, the Ordinance provides for an independent statutory authority - the Privacy Commissioner for Personal Data - with appropriate powers of investigation and enforcement. His responsibilities also include promoting awareness and understanding of the Ordinance, publishing codes of practice on how to comply with the Ordinance, and examining proposed legislation that may affect the privacy of individuals in relation to personal data.

Complaints and investigations

The Police

335. The Complaints Against Police Office (CAPO) investigates all complaints about the conduct and behaviour of members of the police force. The investigations carried out by CAPO are monitored and reviewed by the Independent Police Complaints Council (IPCC). IPCC is an independent civilian body comprising non-official members appointed by the Chief Executive from a wide spectrum of the community and include members of the Legislative Council and the Ombudsman or her representative.

ICAC

336. The ICAC Complaints Committee, established in 1977, monitors and reviews the handling by ICAC of non-criminal complaints against ICAC and officers of ICAC. Again, this is an independent committee appointed by the Chief Executive. The Committee comprises mainly members of the Executive and Legislative Councils and a representative of the Ombudsman. Complaints against ICAC or its officers can be made direct to the Committee as well as ICAC at any of its offices. The investigation of such complaints is handled by a special unit of the Operations Department of ICAC. When the unit has completed its investigation of a complaint, its conclusions and recommendations are submitted to the Committee for consideration.

Other disciplined services

337. Other disciplined services departments maintain clear guidelines and procedures for handling complaints. For example, the Correctional Services Department (CSD), which runs HKSAR prisons, has a Complaints Investigation Unit to manage its internal grievance redress system for staff and prisoners. CSD staff and prisoners may also direct their complaints to the Ombudsman. The existing complaint channels are considered effective in view of the number and the nature of complaints handled.

338. The Immigration Department applies complaints procedures set out in the Immigration Service Standing Orders made by the Director of Immigration under the authority of the Immigration Service Ordinance. Complaints about abuse of authority or maltreatment by service members can be made to the Director of Immigration and are investigated promptly in accordance with the procedures in the Standing Orders. To ensure that all complaints are properly handled, a Complaints Review Working Party examines the results of investigations, conduct reviews and recommends follow-up action whenever necessary. Persons who consider that they have been improperly treated or that their cases have been mismanaged also have access to the Ombudsman. If there is *prima facie* evidence that a member of the Immigration Service has committed a criminal offence, the Immigration Service will immediately report the matter to the police for further investigation. Disciplinary procedures against Immigration Service staff are also governed by the Immigration Service Ordinance and the Immigration Service Standing Orders. Under section 8 of the Immigration Service Ordinance (chap. 115), unlawful or unnecessary exercise of authority resulting in loss or injury to any person is a disciplinary offence.

IV. INFORMATION AND PUBLICITY

Promotion of public awareness of human rights treaties

339. The Home Affairs Bureau of the Government of HKSAR is responsible for promoting public awareness of the rights and obligations stipulated in the human rights treaties applicable to Hong Kong. Following the enactment of BORO in 1991, the Committee on the Promotion of Civic Education (CPCE) under the Home Affairs Bureau established a Human Rights Education Sub-Committee to promote public understanding of BORO and respect for human rights as set out in the various treaties. Human rights have been one of the major emphases of the CPCE work. Recently, CPCE has increased its efforts to promote a public understanding of the Basic Law, which provides the constitutional guarantees for human rights protection in the Region. A Basic Law Promotion Steering Committee, chaired by the Chief Secretary for Administration, was established in January 1998 to guide promotional strategy.

340. In 2002, the Bureau established a joint NGO/Government forum, the Committee on the Promotion of Racial Harmony, to advise the Government on the promotion of interracial respect and tolerance and matters relating to the International Convention on the Elimination of All Forms of Racial discrimination. The Committee is serviced by the Race Relations Unit, also established in 2002 under the auspices of the Home Affairs Bureau.

Government publications

341. The Central Government of the People's Republic of China is obliged to submit reports in respect of HKSAR under various human rights treaties (but see paragraph 342 below in relation to ICCPR). Draft reports are prepared by the Home Affairs Bureau and the Health, Welfare and Food Bureau of the Government of HKSAR. The two Bureaux consult the Legislative Council and non-governmental organizations on the state of the implementation of these treaties in Hong Kong. They address their views in the reports, which they table before the Legislative Council, and publish in bound, bilingual format - after the Central Government has submitted them to the relevant bodies of the United Nations. Copies are deposited in public libraries and posted on the Internet for public inspection.

Reports of HKSAR in respect of ICCPR

342. In November 1997, the Central Government of the People's Republic of China announced that, in line with the Joint Declaration and the Basic Law, and considering that China was not yet a signatory to the International Covenants on Human Rights, it would make reference to the provisions of the international Covenants as applied to Hong Kong and transmit reports on their implementation in HKSAR to the relevant treaty bodies. China ratified ICESCR in 2001 and HKSAR report now forms part of China's report. The Government of HKSAR is responsible for preparing the report on the Region in respect of ICCPR for transmission to the relevant treaty body.

V. IMPLEMENTATION OF ARTICLES 1-16 OF THE COVENANT

A. Article 1

Progress and development of democracy

343. In paragraph 13 of its concluding observations of May 2001, the Committee noted that, “while the ‘ultimate aim’ is the election of all the members of the Legislative Council by universal suffrage (art. 68, Basic Law), … the current arrangements for the election of the Legislative Council include some undemocratic features which impede the full enjoyment of economic, social and cultural rights in HKSAR”.

344. We note the Committee’s concerns and will continue to develop Hong Kong’s democratic institutions in accordance with the blueprint prescribed in the Basic Law. The Basic Law provides for a steady increase in the proportion of directly elected seats in the Legislative Council, from one third in the first term to 40 per cent in the second term. The portion will increase to 50 per cent in the third term, which will start in 2004.

345. Election of part of the Legislative Council by the Election Committee is a transitional step in the development of a representative Government in Hong Kong. After the Legislative Council’s second term of office, the Election Committee will no longer be responsible for returning members to the Council.

346. Commentators have proposed that we include under this article a paragraph on the implementation of the accountability system explained in section II of this report (para. 309). This is a topic that we will address more fully in our second periodic report under ICCPR, which is due for submission by 31 October 2003. Essentially, however, in January 2003, we issued a report on the new system to the Legislative Council. The report gave an account of the implementation of the new system six months after its introduction. The system is designed to ensure that the Government is more attuned to the needs of the community. It also strengthens the foundations of a permanent, professional, meritocratic, honest and politically neutral civil service. Since its implementation, principal officials have worked closely and effectively with civil servants, who assist them in the formulation, explanation and defence of policies. Civil servants remain responsible for implementing those policies and for the delivery of services to the public. We will submit a further report to the Legislative Council in July 2003.

B. Article 2

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

Human rights provisions in the Basic Law and the Hong Kong Bill of Rights Ordinance

347. In paragraph 15 of its concluding observations of May 2001, the Committee regretted that “HKSAR has not implemented a number of the recommendations in its concluding observations of 1996, despite the delegation’s assurance that these must be given effect.” And, in paragraph 28, the Committee again urged HKSAR “to implement the Committee’s suggestions and recommendations contained in its concluding observations of 1996, as well as the current ones, and to undertake whatever relevant concrete measures may be necessary

towards their implementation”. The recommendations of particular concern were identified in paragraph 15, subparagraphs (a) to (g). The concerns in subparagraphs (a) to (d) are within the scope of article 2 of the Covenant and we will address them *seriatim* in the paragraphs that follow. Those in subparagraphs (e) and (f) concern labour issues and, as such, pertain to article 7. We will therefore address them in that section of the report. Similarly, we will address the concerns in subparagraph (g), which relates to child protection, in the section dealing with article 10.

Concluding observations: legal status of the Covenant

348. In paragraph 15 (a) of its concluding observations, the Committee reiterated its particular concern that the Covenant’s status in the HKSAR domestic legal order continues to be different from that of ICCPR, the provisions of which have been incorporated into domestic legislation.

349. It is true that there is no single law corresponding to the Hong Kong Bill of Rights Ordinance in relation to ICCPR that incorporates ICESCR into Hong Kong’s domestic legal order. However, ICESCR provisions are incorporated into our domestic law through several articles of the Basic Law (for example, articles 27, 36, 37, 137, 144 and 149), and through provisions in over 50 ordinances. Those laws were listed in annex 3 to the initial report, and are updated at annex 2A of the present report. We consider that specific measures of this kind more effectively protect Covenant rights than would the mere reiteration in domestic law of the Covenant provisions themselves.

Legislation against racial discrimination

350. In paragraph 15 (b) of its concluding observations of 2001, the Committee expressed particular concern about “the failure of HKSAR to extend the prohibition of race discrimination to the private sector”. And, in paragraph 30, the Committee expressed the view that “the failure by HKSAR to prohibit race discrimination in the private sector constitutes a breach of its obligations under article 2 of the Covenant. The Committee calls upon HKSAR to extend its prohibition of race discrimination to the private sector”.

351. At the time of preparing this report, we were revisiting the question of legislation against racial discrimination in the private sector with a view to reaching a conclusion on the way forward. In 2000 and early 2001, we sought views from interested parties as to whether they agreed in principle to the Government introducing legislation against racial discrimination in the private sector and their concerns should we introduce such legislation. At the time of finalizing this report we had completed an analysis of the responses we received and were examining the balance of considerations. We will further update the Committee, as necessary, at the time when the report is considered.

352. Meanwhile, we have continued to develop the measures described in paragraphs 13 to 17 of the initial report to combat discriminatory attitudes and to extend practical assistance to the ethnic minorities. Among others, those measures include language courses and a special information service to assist non-Chinese immigrants on first arrival at the airport. Recent developments, initiated in 2002, include, *inter alia*, the establishment of a Committee on the Promotion of Racial Harmony. This is a joint NGO/government committee that advises the

Government on educational and outreach strategy. A dedicated Race Relations Unit, which is part of the Home Affairs Bureau, serves as the Committee's secretariat and puts the Committee's programmes into effect (see annex 2B). The Unit operates a hotline to receive, monitor and act on complaints about racial discrimination (see annex 2C).

Discrimination on the grounds of sexual orientation and age

353. In paragraph 15 (c) of its concluding observations of 2001, the Committee expressed particular concern about "the failure of HKSAR to prohibit discrimination on the basis of sexual orientation and age". And, in paragraph 31, the Committee urged HKSAR "to prohibit discrimination on the basis of sexual orientation and age".

354. Our position in this regard is as follows:

(a) **Age:** legislation in this area has potentially far-reaching implications for both private and public institutions. We investigated the issue and consulted the public on it in 1996. The survey revealed divergent views on legislation. Since then, we have addressed the issue through public education. In December 2001, we commissioned a public opinion survey on age discrimination in recruitment. Most employers and household respondents considered education to be a sufficiently effective approach to the problem. There was no consensus on the effectiveness of, or the need for, legislation. We will continue to promote equal employment opportunities through public education programmes and will continue our efforts at training and re-training workers of all ages to enhance their employability;

(b) **Sexual orientation:** this is a sensitive issue that impinges on deeply ingrained values and notions of morality. Our considered view is that, at this stage, self-regulation and education, rather than legislation, are the most appropriate means of addressing discrimination in this area. For this reason, we have sought to address discriminatory attitudes through public education and administrative means, with a view to fostering in the community a culture of greater objectivity, tolerance and mutual respect. Inevitably, these measures will need time to take effect as we cannot expect public attitudes to change overnight.

355. In paragraph 15 (d) of its concluding observations of 2001, the Committee expressed particular concern about "the failure of HKSAR to establish a national human rights institution with a broad mandate and its failure to establish adequate alternative arrangements for the promotion of economic, social and cultural rights". In this respect, in paragraph 32, the Committee urged HKSAR "to establish a national human rights institution consistent with the Paris Principles (1991) and the Committee's general comment No. 10. Until such an institution is established, the Committee urges HKSAR to enhance its measures for the promotion of economic, social and cultural rights".

356. We note the Committee's concerns with the utmost respect and are keeping the matter closely in view. For the time being, however, our position remains essentially as explained in paragraphs 33 and 34 of the initial report. That is, given the existence of numerous and effective safeguards in Hong Kong, we remain uncertain as to the need for such an institution. But our minds are open and, in the light of the concerns expressed by the Committee, we shall keep in view any changes of circumstance that may indicate a need to reconsider our position.

Legal status of the Covenant

357. In paragraph 16 of its concluding observations of 2001, the Committee greatly regretted that “some judgements of the High Court in HKSAR express the opinion that the Covenant is ‘promotional’ (*Mok Chi Hung v. Director of Immigration*, judgement of 5 January 2001) or ‘aspirational’ (*Chan To Foon v. Director of Immigration*, judgement of 11 April 2001) in nature. As the Committee has confirmed on numerous occasions, such opinions are based on a mistaken understanding of the legal obligations arising from the Covenant”. In paragraph 27, the Committee reminded HKSAR that “the provisions of the Covenant constitute a legal obligation on the part of the States parties. Thus, the Committee urges HKSAR not to argue in court proceedings that the Covenant is only ‘promotional’ or ‘aspirational’ in nature”.

358. We note the Committee’s observation that the Covenant is not merely “promotional” or “aspirational” in nature and accept that it creates binding obligations at the international level.

Protection for disabled persons

Education and employment

359. Education for people with disabilities (which we covered in paragraph 19 of the initial report) is discussed in paragraphs 728 to 734 below, in regard to article 13. The position regarding employment opportunities for disabled people remains as explained in paragraphs 20 and 22 of the initial report.

Access to premises: review of the Design Manual: Barrier Free Access 1997

360. The position remains as explained in paragraphs 22 to 24 of the initial report. But in the light of international developments in design and technology, and the changing needs of persons with disabilities, the Government’s Buildings Department is now reviewing the relevant building regulations and the *Design Manual: Barrier Free Access 1997*. The review will be completed in 2004.

Discrimination against the mentally ill

361. The case of *K and Others v. the Secretary for Justice* illustrates the protection afforded to persons claiming that the Government has discriminated against them in employment on the ground of mental disability. The plaintiffs were denied employment in the public service because they each had a parent who was schizophrenic. Details of the case are provided in annex 2D.

362. The case of *Ma Bik Yung v. Ko Chuen* affirms the existence of the power to order an apology in a discrimination case involving two individuals. A taxi driver was reluctant to provide service to a disabled passenger. He also subjected the passenger to verbal abuse during the taxi ride. Details of the case are provided in annex 2E.

Establishment of the Guardianship Board under the Mental Health Ordinance (chap. 136)

363. The Guardianship Board was established on 1 February 1999 under Part IVB of the Mental Health Ordinance (Cap 136). Its purpose is to provide improved legal safeguards for mentally disordered and mentally handicapped persons (collectively known as mentally incapacitated persons) aged 18 and above. The Board's main functions and powers are:

- (a) To consider and determine applications for the appointment of guardians;
- (b) To make guardianship orders;
- (c) To review guardianship orders;
- (d) To give directions to guardians as to the nature and extent of guardianship orders.

364. The Board has legal jurisdiction over adults who are unable, through mental incapacity, to take care of their personal, medical or financial affairs. It has a full-time Chairperson and over 50 non-official members. They comprise lawyers, medical practitioners, social workers, and persons with experience of looking after mentally incapacitated persons. The Chief Executive appoints the Chairperson and members. As at 31 December 2002, the Board had received over 450 applications for guardianship and issued over 400 guardianship orders.

Review of the Equal Opportunities Commission

365. The role of the Equal Opportunities Commission remains as explained in paragraph 4 of the initial report. In 2002, we reviewed the remuneration packages of the senior executives of 22 government-funded bodies, including the Commission. The purpose was to ascertain whether those packages remained appropriate in the present circumstances. We found that the arrangements for staff of the second and third tiers were in order. But the Chairperson's remuneration arrangements will be subject to further review in the light of the outcome of the proposal to legislate against racial discrimination (paragraph 351 above), which may have significant implications for the Commission's work.

Discretion to waive financial eligibility limit for legal aid

366. Legal aid is available for proceedings under the anti-discrimination laws. As explained in section III of this report (paras. 324-327), in cases involving a breach of the Bill of Rights Ordinance or an inconsistency with ICCPR as applied to Hong Kong, the Director of Legal Aid may waive the upper limit on an applicant's financial resources when conducting a means test, though not the test itself.¹¹ Commentators have asked the Government to consider extending this waiver to actions under the anti-discrimination laws and to cases involving breaches of the Covenant.

367. Our legal aid policy is to ensure that no one with reasonable grounds for taking legal action in a Hong Kong court is prevented from doing so because of a lack of means. But legal aid is funded from the public purse, which is not unlimited. So the priority for publicly funded

legal aid must be to assist those who cannot afford the costs of conducting litigation from their own resources. Extending the scope of the existing waiver could result in public money being diverted from those who cannot afford the costs of litigation to those who can, purely on the basis of the type of legal actions being undertaken.

368. At the time of finalising this report, we were completing a series of reviews of the financial eligibility limits and the criteria for assessing the financial eligibility of legal aid applicants. We were preparing to consult the Legal Aid Services Council on our findings and were considering a list of legal aid-related issues that we had received from the Legislative Council's Panel on Administration of Justice and Legal Services. The issues included those raised by our interlocutors. We intend to consult the Panel on the findings of these reviews later in 2003.

C. Article 3

Equal rights of men and women

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

369. At the time of finalizing this report, we were simultaneously preparing our second report under the Convention on the Elimination of All Forms of Discrimination against Women. This will form part of China's current report under that Convention. We will provide the Committee with copies before consideration of the present report.

Women's Commission

370. In January 2001, we established a dedicated Women's Commission as a high-level central mechanism to promote the well-being and interests of women in Hong Kong. The Commission receives annual funding of about HK\$ 20 million (US\$ 2.56 million) and is supported by the Women's Division of the Health, Welfare and Food Bureau.

371. The Commission's mission is "to enable women in Hong Kong to fully realize their due status, rights and opportunities in all aspects of life". Its remit is to identify women's needs and to address their concerns holistically and systematically. To those ends, it has developed a long-term vision and strategy for the development and advancement of women in Hong Kong. The strategy focuses on three priority areas for action: gender mainstreaming, empowerment of women, and public education. Special task forces are taking forward work in these areas.

Gender mainstreaming

372. The aim is to ensure that women's needs and perspectives are taken into account in legislation, policies or programmes, so that women and men have equitable access to, and benefit from, society's resources and opportunities. To that end and drawing on overseas experience, the Commission has developed a checklist to facilitate gender sensitive analyses and to evaluate

the possible gender impact of policies and programmes. An information kit has also been prepared to familiarize government officials with the concept of gender mainstreaming. The checklist has been pilot-tested in five public policy areas and is being fine-tuned. It will be introduced into several new policy areas in 2003 and will be extended to others incrementally. Additionally, civil servants of different grades receive gender-sensitivity training to facilitate the consideration of women's perspectives in the policy-making process.

Empowerment of women

373. An important step towards the empowerment of women is to engage women in community decision-making processes. The Women's Commission believes that there is a need and potential for women more actively to participate in the Government's advisory and statutory bodies, which are an important part of Hong Kong's policy and decision-making structure. Currently, there are over 600 such boards advising the Government on issues that are relevant to the everyday life of everyone in Hong Kong. Women's participation in these bodies has been relatively low. The Commission has urged the Government more proactively to cultivate potential female candidates. In response, the Government has invited women members of NGOs, chambers of commerce and professional bodies formally to register their interest in contributing to the work of the boards, so as to enlarge the pool of potential female candidates. Gender composition is now a factor that must be taken into consideration in appointments. Additionally, and drawing on the experience of NGOs, the Commission is compiling a booklet on good empowerment practices developed by the non-governmental sector. The aim is to promote and publicize new service models and good practices, and to facilitate the possible replication and adaptation of those models by others.

Public education

374. The Commission seeks to raise public awareness of gender issues and to reduce gender stereotyping. To that end, it has conducted a large-scale public education campaign comprising different activities, including, *inter alia*, a radio programme and a television drama series on the themes of empowerment and capacity-building, seminars, conferences and public forums.

Capacity-building

375. Capacity-building will be the theme of the Commission's work in 2003. With that in view, the Commission is exploring a framework to enable women from different sectors, including homemakers and those with dual roles, to acquire skills and gain recognition for the courses they take. We discuss this and other aspects of the Commission's work in greater detail in our second report under the Convention on the Elimination of All Forms of Discrimination against Women.

376. In paragraph 17 of its concluding observations of 2001, the Committee expressed the concern that the Women's Commission might not have appropriate resources and powers to ensure that a gender perspective was integrated into the formulation of policy. In paragraph 33,

the Committee urged HKSAR “to provide the Women’s Commission with sufficient powers and resources to improve the status of women in Hong Kong, and to integrate gender in its policy-making and to ensure wider participation of women in all spheres of public life”.

377. We believe that the ongoing work of the Commission harmonizes well with the goals envisaged in the Committee’s recommendation contained in paragraph 33. The strategic vision that the Commission has developed - and the energy with which it is putting that vision into effect - amply demonstrate that the Commission is adequately resourced and equipped to fulfil those objectives.

Review of the Sex Discrimination Ordinance (chap. 480) (new topic)

378. In January 2001, we informed the Committee that EOC had completed its review of SDO (in 1999) and had submitted a report to the Government.¹² The report proposed 14 amendments:

- (a) To clarify the application of certain provisions;
- (b) To extend the provisions against sexual harassment to additional areas. These include, for example, sexual harassment of tenants/subtenants by other tenants/subtenants, and harassment of providers of goods, services and facilities by customers;
- (c) To remove certain exceptions;
- (d) To provide EOC with additional powers and means to handle discrimination;
- (e) To amend certain headings and some parts of the Chinese text.

We have accepted many of the Commission’s proposals for the amendment of the Ordinance and are actively considering how to take them forward. We will update the Committee, as necessary, when this report is considered.

The “Small House Policy”

379. The position remains as explained in our response of January 2001 to question 6 in the Committee’s list of issues that it sent to us before consideration of the report. That is, the review foreshadowed in the initial report is still in progress.

D. Article 4

Permissible limitation of Covenant rights

380. The position remains as reported in paragraph 39 of the initial report. That is, the Government of HKSAR 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.

E. Article 5

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

381. The position remains as reported in paragraph 40 of the initial report. That is, the Government of HKSAR imposes no restrictions on 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.

F. Article 6

Choice of occupation and labour rights

382. The relevant constitutional protections, statutes and policies remain as explained in paragraphs 41 and 42 of the initial report.

International labour conventions (ILCs)

383. Information relating to article 6 was provided in the following reports to the International Labour Organization (ILO):

- (a) Article 22 report¹³ on the Human Resources Development Convention (No. 142) for the period 1 June 1998 to 31 May 2001;
- (b) Article 22 report on the Unemployment Convention (No. 2) for the period 1 June 1998 to 31 May 2001;
- (c) Article 22 reports on the Forced Labour Convention (No. 29) for the periods 1 June 1998 to 31 May 2000 and 1 June 2000 to 31 May 2002;
- (d) Article 22 reports on the Employment Policy Convention (No. 122) for the periods 1 June 1998 to 31 May 2000 and 1 June 2000 to 31 May 2002;
- (e) Article 22 reports on the Abolition of Forced Labour Convention (No. 105) for the periods 1 January 1997 to 31 May 1999 and 1 June 1999 to 31 May 2001.

Employment statistics

384. Statistics on employment, unemployment and underemployment in the years 1987, 1992, 1997, 2002 are provided in annex 6A.

Employment services

385. The Labour Department provides free and diversified employment services to cater for the needs of different categories of people. Those services are currently provided through a Telephone Employment Service Centre and a network of 11 district-based job centres, including

two employment and guidance centres for new arrivals.¹⁴ Three of the services - the job referral service (formerly the “semi self-help employment service”), the Job Matching Programme and the Outreaching Placement Service - remain as described in paragraphs 50 (a) and (c) of the initial report. Other services in the range are:

- (a) **Telephone Employment Service.** This enables job-seekers to obtain job referrals over the telephone without the need to visit a job centre;
- (b) **Interactive Employment Service.** This is a 24-hour Internet service that enables job-seekers to access the Labour Department’s vacancy databank and allows employers to select suitable candidates. By registering as members, job-seekers can receive regular information about openings that meet their criteria. The Service also gives them access to other local employment web sites.

Vacancy orders registered with the Department are vetted to ensure that they do not carry any discriminatory requirements.

386. Other recent initiatives include:

- (a) An Employment Information and Promotion Programme;
- (b) Group counselling and workshops to complement the existing individual counselling provided under the Job Matching Programme;
- (c) Facilitating the dissemination of employment and vacancy information;
- (d) Promoting the employment of particular job opportunities, such as openings for local domestic helpers.

Protection of employees against unreasonable dismissal

387. The Employment Ordinance (chap. 57) was amended in 2000 to clarify that the taking part by an employee in a strike is not a lawful ground of termination under section 9 of the Ordinance. The position of other measures remains as explained in paragraphs 53 to 55 of the initial report.

Employees retraining

388. In paragraph 58 of the initial report, we explained how the Employees Retraining Board retrained workers who had lost their jobs to acquire new skills and to seek re-employment. Between late 1992 (when it was first established) and end of 2002, the Board provided retraining for about 623,000 graduates. The average placement rate is about 79 per cent.

New arrivals from mainland China

389. The position remains essentially as explained in paragraph 56 of the initial report. The Labour Department established a second Employment and Guidance Centre for New Arrivals in 1999. Ex-mainlanders also have access to the nine district-based job centres. In 2002, some 11,117 such persons registered with the Labour Department for employment assistance,

with 1,936 obtaining placements. The “Job search skills course for new arrivals” programme of the Employees Retraining Board (whose functions we explained in paragraph 59 of the initial report), has attained an average placement rate of about 79 per cent. By 30 November 2002, some 33,120 new arrivals had completed retraining.

Ethnic minorities (including non-Chinese new arrivals)

390. Many members of Hong Kong’s ethnic minorities seek employment in artisanal trades, most commonly in the construction industry. Some have acquired skills overseas, but often these are either not recognized in Hong Kong, or have been acquired without structured training. Others have no qualifications at all. But all need to acquire qualifications that local employers will recognize. An obstacle to that process is that training at the trade/craft level has been taught entirely in Chinese, that being the language of 95 per cent of the population and 100 per cent of those who have traditionally sought it. While some minority trainees speak some Cantonese, none have been able to read the written language. This has impeded their ability to undergo the necessary training.

391. These concerns were brought to our attention in the course of our regular meetings with the Nepalese community¹⁵ and through the work of the Steering Committee on New Arrival Services. Accordingly, in September 2002, the Vocational Training Council (VTC) - Hong Kong’s largest provider of craft and technical training - organized some vocational courses specifically for the Nepalese community. The courses were conducted in English. VTC will continue these courses subject to demand. But it must be appreciated that these arrangements are resource-intensive and it is not practical to offer a wider range of courses in the absence of a given level of demand (normally 20 trainees per course).

Youth unemployment

392. As in many other economies, young people, particularly those who leave school without qualifications, find it difficult to secure employment in the current economic downturn. In September 1999, we launched a new initiative - the Youth Pre-employment Training Programme (YPTP) - to address this problem. The Programme provides employment-related training to school-leavers aged 15 to 19. It comprises a maximum of about 300 hours of training in the following four modules:

- (a) “Leadership, discipline and team-building training”;
- (b) “Job search and interpersonal skills training”;
- (c) “Computer application training”;
- (d) “Job-specific skills training”.

Since the launch of the Programme in 1999, over 35,000 young people have completed training under the Programme.

393. In July 2002, we introduced the Youth Work Experience and Training Scheme to provide work experience and job-related training for young people aged between 15 and 24, whose educational attainment was below degree level. NGOs provide trainees with a 40-hour induction

course on communication and interpersonal skills. They also receive 50 hours' counselling and case management services from registered social workers, and on-the-job training of 6 to 12 months from employers.¹⁶ By the end of 2002, over 6,000 trainees had successfully secured employment.

Ethnic minority youth

394. Because the YPTP target group predominantly comprises native Cantonese speakers, the Programme has been delivered in Cantonese. But, recognizing that training of this kind would also benefit non-Chinese-speaking school-leavers, the Labour Department commissioned an NGO - the Yang Memorial Methodist Social Service Centre - to offer them a training package on a pilot basis under "YPTP 2001/02". The course comprised four modules on the lines of the package for Chinese speakers. Twenty places were offered but only nine applicants reported for training. Most did well, with seven recording an attendance rate of 80 per cent or above. All trainees considered that the course had boosted their self-confidence and improved their overall employability.

395. On the basis of the experience gained through the pilot project, the Labour Department - which appreciates that training opportunities are of major concern to the minorities - is planning a similar training package under the 2002/03 YPTP. The number of courses actually conducted will be subject to the availability of funds, the level of demand and available teaching capacity.

The way forward

396. We have established a Manpower Development Committee to advise on the provision, coordination and regulation of vocational education and training so as to meet the changing needs of the community. The Committee will also re-examine the scope, funding arrangements and modus operandi of the existing Employees Retraining Scheme.

Action against illegal workers

397. To protect the employment opportunities of local workers, the Government of HKSAR has increased action against illegal employment through more vigorous enforcement action, including territory-wide inspections of workplaces, trade-targeted operations and extensive public education programmes. The Labour Department, the Immigration Department and the Police have also staged frequent joint operations. These measures have resulted in increased arrests of illegal workers. The statistics are as follows:

	1998	1999	2000	2001	2002
Operations	2 178	1 377	2 080	2 896	3 580
Illegal workers arrested	5 949	4 314 (-27.5%)	5 715 (+32.5%)	7 841 (+37.2%)	11 990 (+52.9%)
Employers arrested	1 139	758 (-33.5%)	712 (-6.1%)	968 (+36.0%)	918 (-5.2%)

Prohibition of employment of children

398. The position remains as explained in paragraph 64 of the initial report.

Importation of labour

399. In paragraph 65 of the initial report, we explained that there were two schemes for this purpose. Since then, one has been discontinued. The position as at 31 December 2002 was as follows:

- (a) **Special Labour Importation Scheme for the New Airport and Related Projects:** discontinued in March 1999, with the completion of the new airport and related works contracts;
- (b) **Supplementary Labour Scheme:** the position remains as explained in paragraph 65 (a) of the initial report;
- (c) **Admission of talents:** we admit talented people from outside Hong Kong to increase our competitiveness. As at end-2002, a total of 256 applications had been approved;
- (d) **Admission of mainland professionals:** we seek to attract qualified professionals from mainland China to work in Hong Kong, in order to meet local manpower needs and to increase our competitiveness in the global market. Professionals so admitted must possess skills and knowledge not readily available - or in shortage - locally. And they must be able to contribute to the operation of the firms and sectors concerned. As at 31 December 2002, a total of 141 applications had been approved.

Task Force on Employment

400. In October 2002, we expanded the membership of the Task Force on Employment - whose role we explained in paragraph 67 of the initial report - to include the political parties and members of the Legislative Council. The Task Force will continue to explore ways of facilitating job creation in the private sector.

Right to work: concerns about discrimination

401. The position with respect to discrimination on the grounds of race and sexual orientation is addressed in paragraphs 350, 351 and 353 above.

402. In paragraphs 68 to 77 of the initial report, we addressed concerns¹⁷ that women over the age of 30 suffered discrimination in employment, explaining that those concerns were without statistical foundation. That remains the position. In 2002, the Labour Department's Employment Services Division registered a total of 208,895 job-seekers, of whom 109,030 (52.2 per cent) were female, of whom in turn 47.2 per cent were aged 30 or above. In the same period, the Employment Services Division secured 28,734 placements, including 16,188 for female job-seekers and 10,589 for women aged 30 or over. The placement rates for female job-seekers and for female job-seekers aged 30 or over were respectively 14.8 per cent and 20.6 per cent. The respective rates for the corresponding groups of male job-seekers were 12.6 per cent and 14.6 per cent.

Reservations on article 6

403. In paragraph 29 of its concluding observations of 2001, the Committee recommended that “HKSAR withdraw its reservation on article 6 and the interpretative declaration replacing its former reservation on article 8”.

404. The declaration reserves the right to interpret article 6 as not precluding the imposition of restrictions, based on place of birth or residence qualifications, on the taking of employment in HKSAR for the purpose of safeguarding the employment opportunities of workers in HKSAR. We have carefully considered the Committee’s recommendation. However, we have concluded that the declaration remains necessary because it affords flexibility in the formulation of measures to protect the interests and employment opportunities of local workers. We therefore respectfully advise that we propose to retain it.

G. Article 7

Right to enjoy just and favourable conditions of work

List of reports under relevant ILCs

405. Information relating to this article was provided in the following reports to ILO:

(a) Article 22 reports on Working Environment (Air Pollution, Noise and Vibration) Convention (No. 148) for the periods 1 July 1993 to 31 May 1999 and 1 June 1999 to 31 May 2001;

(b) Article 22 reports on Weekly Rest (Industry) Convention (No. 14) for the periods 1 July 1994 to 31 May 2000 and 1 June 2000 to 31 May 2002;

(c) Article 22 reports on Radiation Protection Convention (No. 115) for the periods 1 July 1994 to 31 May 2000 and 1 June 2000 to 31 May 2002;

(d) Article 22 reports on Holidays with Pay (Agriculture) Convention (No. 101) for the periods 1 January 1996 to 31 May 2000 and 1 June 2000 to 31 May 2002;

(e) Article 22 reports on Labour Inspection Convention (No. 81) for the periods 1 January 1997 to 31 May 1999 and 1 June 1999 to 31 May 2001.

Safe and healthy working conditions

406. The position remains as explained in paragraphs 98 to 101 of the initial report.

Prevention of accidents and diseases in the workplace: legal protections

407. The Factories and Industrial Undertakings Ordinance (chap. 59) was amended in 1999 to provide for mandatory safety training courses for persons employed in the construction and container handling industries. The amendment also expands the regulation-making power of the Commissioner for Labour to require proprietors or contractors to develop management systems that relate to the safety of personnel in their relevant industrial undertakings.

408. Otherwise, the position remains as explained in paragraphs 104 to 111 of the initial report.

Employment protection: employees' rights and benefits

409. In paragraph 15 (e) of its concluding observations of 2001, the Committee expressed particular concern at "the absence of protection against unfair dismissal and the lack of adequate regulation on statutory minimum wage, working hours, paid weekly rest, rest breaks and compulsory overtime pay". In paragraph 34, the Committee reiterated its recommendation that "HKSAR review its policy in relation to unfair dismissal, minimum wages, paid weekly rest time, rest breaks, maximum hours of work and overtime pay rates, with a view to bringing such policy into line with the HKSAR obligations as set forth in the Covenant". And, in paragraph 35, the Committee urged HKSAR "to enact legislation on equal pay for work of equal value as provided for in the Covenant". Local commentators have made similar calls, calling also for protections for workers employed by government contractors.

410. As regards paragraphs 15 (e) and 34 of the concluding observations, we respectfully point out to the Committee that the Employment Ordinance does protect employees against unreasonable dismissal. Remedies include orders for reinstatement/re-engagement subject to the mutual consent of the parties, or awards of terminal payment. Minimum wages, pay for weekly rest day, rest breaks, number of hours of work and overtime pay rates are terms and conditions of employment. As such, they are matters for negotiation between employers and employees in the context of market conditions. Hong Kong is a small, open, externally oriented and market-driven economy that must retain the flexibility to adjust to changes in economic circumstances. Excessive constraints on the labour market - such as maximum working hours and statutory overtime pay - would reduce that flexibility and increase labour costs. For these reasons, we do not intend to legislate in these areas. But we will progressively improve employees' rights and benefits in ways that are commensurate with the pace of Hong Kong's economic and social development and that strike a reasonable balance between the interests of employers and those of employees. The protections currently in place for unreasonable dismissal and for the workers employed by government contractors are summarized in annex 7A.

411. Our position regarding paragraph 35 of the concluding observations is that the Sex Discrimination Ordinance already addresses the question of equal pay for work of equal value, though it defers adjudication on particular cases to the courts. The Equal Opportunities Commission is planning a promotional drive to persuade employers on the merits of equal pay for work of equal value. In October 2001, with that aim in view, the Commission held a conference on the subject with a panel of experts from Australia, Canada, and the United Kingdom. The panel shared international good practices on pay equity with local employers, human resource practitioners, policy makers, and labour/human rights activists. Also in 2001, EOC commissioned a study to discover whether gender-based pay inequities existed and, if so, to recommend ways of ensuring that employees received equal pay for work of equal value.

412. The application of the concept of equal pay for work of equal value presents practical difficulties in the context of Hong Kong, where most business operations are small and medium-sized enterprises. Employers would need to develop objective job classification and

wage-fixing systems, and employ qualified personnel to administer them. These and other possible implications for employers, particularly small and medium-sized enterprises, require critical examination.

413. Commentators have suggested that some employers force their employees to become self-employed in order to evade Mandatory Provident Fund payments¹⁸ and other employment benefits. But employers cannot unilaterally vary their employees' employment terms without the employees' prior consent. Part VIA on Employment Protection of the Employment Ordinance provides that employees who are employed under a continuous contract may claim remedies for unreasonable variation of employment terms made unilaterally by the employer. Such remedies include reinstatement/re-engagement order (subject to mutual consent of the parties), or an award of terminal payments.

414. Forcing employees to change their status to self-employed without their prior consent may also amount to constructive dismissal under the common law if it constitutes substantial and fundamental breach of contract to the disadvantage of the employee. Under the circumstance, employees can claim termination and compensation under both the Employment Ordinance and their contracts of employment.

415. In examining such claims, the court will apply tests in order to determine the genuine nature of the employment relationship. If, following a (forced) change to self-employed status, the employer-employee relationship remains essentially unchanged, employers must still fulfil their responsibilities as employers under the Employment Ordinance and other labour legislation.

416. The Labour Department will actively investigate any complaints of forced conversion to self-employed status and provide conciliation service to help resolve disputes arising therefrom. Unsettled claims can be submitted to the Labour Tribunal or the Minor Employment Claims Adjudication Board (depending on the amount of the claim) for adjudication. Where a breach of the Employment Ordinance is discovered, the Department will prosecute, provided that there is sufficient evidence and aggrieved employees are willing to be prosecution witnesses.

417. Some commentators have said that the Employment Ordinance affords insufficient protection to part-time employees. The actual position is that all employees, irrespective of the number of hours they work and their pattern of employment, are entitled to the basic protections and benefits that the Ordinance affords. These protections and benefits include, *inter alia*, payment of wages, restrictions on deductions from wages, statutory holidays, protection against anti-union discrimination, protection against unreasonable and unlawful dismissal, and, for pregnant employees, the prohibition of assignment of heavy, hazardous or harmful work.

418. Persons employed under a continuous contract¹⁹ are entitled to the remaining statutory benefits that are provided for under the Ordinance, subject to their fulfilling the length of service requirement and other eligibility criteria. We note that some of our interlocutors consider this distinction to be unfair but our considered view is that it strikes a reasonable balance between the interests of employers and those of employees. In the third quarter of 2001, we conducted a survey to collect more information on employees who did not attain a continuous contract. The survey found no evidence that the number of employees working less than 18 hours per week was increasing. Nor were there indications that the statutory protection afforded to persons not employed under a continuous contract was inadequate.

Imported workers and foreign domestic helpers

419. In paragraph 15 (f) of its concluding observations, the Committee expressed particular concern that the two-week rule imposed upon foreign domestic helpers upon expiration of their contract denied their right to freely seek employment and to protection from discrimination.

420. Our position is that the two-week rule does not conflict with the right of helpers to seek redress under the law. They have access to the free conciliation service provided by the Labour Department for claims of unpaid wages and other employment-related entitlements. They may also lodge claims with local judicial bodies such as the Labour Tribunal and the Minor Employment Claims Adjudication Board. The Labour Department investigates breaches of the labour laws, with a view to prosecuting employers found to have committed offences. Helpers seeking redress may apply for extension of stay. The policy does not preclude helpers whose contracts are terminated prematurely from working in Hong Kong again after returning to their place of domicile. Depending on the circumstances of their case, helpers may be allowed to change employment without returning to their place of domicile.

421. Commentators have expressed concern about the non-payment and underpayment of wages. The position is that employers who wilfully and without reasonable excuse fail to pay employees their wages when they are due are liable to prosecution and, upon conviction, to a fine of HK\$ 200,000 and to imprisonment for one year. And they must pay their employees interest on the amount outstanding.²⁰ The Government takes a serious view of these matters and the Labour Department makes frequent inspection visits to workplaces such as construction sites and catering establishments to detect wage offences. The Department will immediately investigate suspected infringements of the law and take prosecution action when it has sufficient evidence.

422. That said, it is vital that employees who are owed wages lodge complaints with the Department and are prepared to serve as prosecution witnesses. With that in view, the Department's ongoing publicity programmes both remind employers of their obligation to pay wages on time and urge employees to pursue claims promptly and to come forward as witnesses. Those that do are protected under section 72B of the Employment Ordinance, which prohibits employers from dismissing or in any way discriminating against their employees for giving evidence or information in any proceeding or inquiry in relation to the enforcement of the Ordinance.

423. In 2002, the Department increased enforcement action and the number of summonses heard in respect of wage offences rose to 198, up 108 per cent on the 95 in 2001. Convictions in 2002 totalled 139, up 85 per cent on the 75 in 2001. In September 2002, the Department established the Employment Claims Investigation Unit to conduct prompt and in-depth investigations of suspected breaches of the Employment Ordinance with a view to early prosecution.

424. Commentators have also expressed concern about potential abuses of the Protection of Wages on Insolvency Fund, which is established under the Protection of Wages on Insolvency Ordinance (chap. 380) and which we discussed in paragraph 115 of the initial report.

425. The concerns appear to arise from the significant rise in applications under the Fund in 2002 totalling 23,023, up 27.6 per cent on 2001. The increase was due mainly to the insolvency of a large restaurant group in July 2002, which alone accounted for some 2,100 applications. If one discounts this case, the increase would be around 16 per cent. There is a high correlation between the number of applications under the Fund and the state of the economy and, indeed, the increase in 2002 reflects the difficult business environment rather than increased abuse of the Fund. That said, the Labour Department takes a serious view of such abuse and stringent procedures are in place to vet all applications. Additionally, a special task force comprising the Commercial Crime Bureau of the Police, the Official Receiver's Office, the Legal Aid Department and the Labour Department has recently been formed to prevent any abuse.

426. Commentators have called for psychological counselling for injured employees and their families. Such counselling is, in fact, available from the Medical Social Services Units in public hospitals and Family Services Centres. Persons seeking counselling can, of course, seek it direct. Additionally, however, Labour Department staff maintains close contact with the injured employees and the families of deceased employees and will refer them for counselling if they are in need of such services.

H. Article 8

Right to trade union membership

ILCs

427. Information relating to this article was provided in the following reports to ILO:

- (a) Article 22 reports on Right of Association (Agriculture) Convention (No. 11) for the periods 1 July 1994 to 31 May 1999 and 1 June 1999 to 31 May 2001;
- (b) Article 22 reports on Right to Organise and Collective Bargaining Convention (No. 98) for the periods 1 January 1997 to 31 May 1999 and 1 June 1999 to 31 May 2001;
- (c) Article 22 reports on Rural Workers' Organisations Convention (No. 141) for the period 1 January 1997 to 31 May 2002;
- (d) Article 22 reports on Labour Relations (Public Service) Convention (No. 151) for the periods 1 January 1996 to 31 May 1999 and 1 June 1999 to 31 May 2001;
- (e) Article 22 reports on Freedom of Association and Protection of the Right to Organise Convention (No. 87) for the periods 1 June 1998 to 31 May 2000 and 1 June 2000 to 31 May 2002.

Trade Unions Ordinance

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

Number and membership of trade unions

429. As at 31 December 2001, the number and declared membership of employees' unions in Hong Kong were:

Economic sector	2001	
	No. of unions	Declared membership
Agriculture and fishing	0	0
Mining and quarrying	0	0
Manufacturing	90	66 559
Electricity, gas and water	4	2 353
Construction	27	33 013
Wholesale, retail and import/export trades, restaurants and hotels	45	53 168
Transport, storage and communication	99	102 360
Finance, insurance, real estate and business services	23	48 853
Community, social and personal services	322	364 770
Total	610	671 076
Union participation rate in terms of salaried employees and wage earners		22.10%*

* In 2000, the Census and Statistics Department adopted a new approach to statistical enumeration that has resulted in a slight decrease in the number of salaried employees and wage earners. For this reason, the trade union participation rates for 2000 and 2001 are not strictly comparable with those of the previous years.

Legislative protection against anti-union discrimination under the Employment Ordinance (chap. 57)

430. The position remains as explained in paragraphs 128 to 130 of the initial report.

Right to strike

431. Among other things, article 27 of the Basic Law guarantees the right to strike.²¹ When it came into effect on 1 July 1997, the common law doctrine that strikes constituted a breach of contract justifying summary dismissal under the Employment Ordinance became obsolete. In July 2000, we added a new subsection 9 (2) to the Employment Ordinance (chap. 57), making it clear that the taking part by an employee in a strike was not a lawful ground for summary dismissal without notice or payment in lieu. Consequential to this amendment, some provisions dealing with certain employees' rights became redundant and were repealed.²²

Public Order Ordinance (chap. 245)

432. In paragraph 26 of its concluding observations, the Committee expressed concern that “the Public Order Ordinance may be used to restrict trade union activities, such as peaceful campaigns to promote labour rights, which are protected by article 8 (c) of the Covenant”. In paragraph 37, the Committee recommended that “the Public Order Ordinance be reviewed with a view to amending its provisions to ensure freedom of trade union activities as provided for under article 8 (c) of the Covenant”. Local commentators have echoed these concerns.

433. We note the Committee’s concerns but must respectfully differ as to its assessment of the potential impact of the Public Order Ordinance. The Ordinance provides adequate safeguards against arbitrary interference with the rights guaranteed in article 27 of the Basic Law Ordinance and in ICCPR. Its provisions reflect a proper balance between the individual’s right to freedom of expression and peaceful assembly, and the broader interests of the community. For example, the Commissioner of Police may only impose conditions on, or disallow the holding of, public meetings and processions on grounds of national security, public safety, public order and protection of the rights and freedoms of others, if he reasonably considers it necessary. Organizers who are aggrieved by a police decision have recourse to an independent appeal board. The board is chaired by a retired judge and its members are not public officers.

434. Between 1 July 1997 and 30 September 2002, Hong Kong witnessed some 11,300 public meetings and processions. Only 18 events have been disallowed because of concerns for public safety, public order and protection of the rights and freedoms of others. Seven of the 18 subsequently took place after the organizers revised their routing, venues, or the scale of the events. Clearly, therefore, there is no evidence to suggest that the Ordinance has impeded lawful trade union activities.

435. For these reasons, and with the utmost respect to the Committee’s recommendation, we do not consider that the Ordinance requires amending in order to meet the objectives in paragraph 37 of the concluding observations.

Interpretative declaration

436. In paragraph 29 of its concluding observations of 2001, the Committee recommended that “HKSAR withdraw its reservation on article 6 and the interpretative declaration replacing its former reservation on article 8”. Our response to the recommendation in regard to the interpretative declaration is provided in paragraph 437 below. That in regard to the reservation on article 6 is contained in paragraphs 403 and 404 above.

437. Article 8.1 (b) provides for the right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade union organizations. The declaration makes clear that we interpret “national federations or confederations” to mean federations or confederations of HKSAR. And we do not construe the article to imply the right of trade union federations or confederations to form and join political (as opposed to trade union) organizations or bodies established outside HKSAR. The declaration is necessary to ensure conformity with article 148 of the Basic Law, which reflects our constitutional position vis-à-vis mainland China. For these reasons, we do not intend to withdraw it.

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

438. Since the submission of the initial report, the Labour Department has established a Workplace Consultation Promotion Unit. The Unit's purpose is to promote voluntary and direct negotiation between employers and employees at both the enterprise and industry levels. At the enterprise level, the Unit has:

- (a) Formed 18 Human Resources Managers' Clubs for over 1,800 human resources practitioners from different trades and industries to share experience and to promote good people management practices;
- (b) Organized seminars, training courses, workshops, exhibitions and talks to promote effective communication and good human resource management practices;
- (c) Introduced a special award scheme to encourage the implementation of those practices.

439. Additionally, the Unit promotes direct dialogue between representatives of employers and employees through tripartite committees at the industry level. So far, nine such committees have been formed. Among other things, they have:

- (a) Deliberated on issues of concern to employers and employees;
- (b) Produced sample employment contracts for the catering, cargo transport and construction industries;
- (c) Compiled a guide on employment-related issues in the hotel and travel industry;
- (d) Devised a training opportunities manual for printing employees.

440. Notwithstanding these initiatives, commentators continue to call for the reinstatement of the Employees' Right to Representation, Consultation and Collective Bargaining Ordinance, which was repealed in October 1997 for the reasons mentioned in paragraph 123 (c) of the initial report. We further explained our position on collective bargaining in our response of January 2001 to question 15 on the Committee's list of issues.²³

441. As we indicated there, we are committed to promoting collective bargaining on a voluntary basis and actively promote voluntary collective bargaining in the ways explained in our response to question 15 and in paragraphs 438 and 439 above. But we remain of the view that the existing system works well. This is evidenced by the fact that the average number of working days lost through labour disputes per 1,000 salaried employees is among the lowest in the world. It is true that legislation would force the parties to go through the process of collective bargaining. But there is no guarantee that it would result in agreement. And we consider that compulsory collective bargaining:

- (a) Could result in a more confrontational and rigid system of labour relations. Rigidities in the labour market would weaken Hong Kong's attractiveness to overseas investors, leading to reduced employment opportunities in the long run, to the disadvantage of employees;

(b) Would reduce the role of market forces in wage settlements, thereby distorting the labour market and undermining the responsiveness of the economy to market changes.

For these reasons, we have no plans to reinstate the Employees' Right to Representation, Consultation and Collective Bargaining Ordinance.

I. Article 9

Right to social security

ILCs

442. Information on maternity benefits was provided in the article 22 report on the Maternity Protection Convention (No. 3) for the period 1 January 1997 to 31 May 2002.

443. Information on the compensation schemes for employees injured at work or suffering from occupational diseases was provided in the following reports to ILO:

(a) Article 22 reports on Workmen's Compensation (Agriculture) Convention (No. 12) for the periods 1 July 1993 to 31 May 1999 and 1 June 1999 to 31 May 2001;

(b) Article 22 reports on Workmen's Compensation (Accidents) Convention (No. 17) for the periods 1 July 1993 to 31 May 1999 and 1 June 1999 to 31 May 2001;

(c) Article 22 reports on Workmen's Compensation (Occupational Diseases) Convention (Revised) (No. 42) for the periods 1 July 1993 to 31 May 1999 and 1 June 1999 to 31 May 2001.

Overall Objective

444. The position remains essentially as explained in paragraph 134 of the previous report.

Government expenditure on social security

445. In the 2001/02 financial year, the Government spent HK\$ 19.8 billion on social security, equivalent to 10 per cent of total recurrent government expenditure and 1.6 per cent of the gross domestic product (GDP) for the year. By way of comparison, the corresponding figures for the 1991/92 financial year were HK\$ 3.746 billion, 5.3 per cent of the total recurrent government expenditure and 0.5 per cent of GDP.

446. In the 2002/03 financial year, the Government will spend an estimated total of HK\$ 21.8 billion on social security - equivalent to about 10.6 per cent of total estimated recurrent government expenditure and 1.7 per cent of the forecast GDP for the year. The corresponding figures for the 1992/93 financial year were HK\$ 4.463 billion - 5.5 per cent of total recurrent government expenditure and 0.5 per cent of GDP.

Comprehensive Social Security Assistance (CSSA) Scheme

447. With the exception of the post-review schemes described in paragraphs 448 to 451 below, the position remains as explained in paragraphs 134 to 155 of the initial report. The CSSA Scheme remains our safety net for individuals and families who cannot support themselves financially for reasons such as old age, illness, disability, single parenthood, unemployment and low earnings. As at the end of December 2002, about 267,000 households (467,000 persons) were receiving assistance under the Scheme. In the financial year 2001/02, CSSA payments averaged HK\$ 3,778 a month for single persons and HK\$ 10,015 for families of four: respectively 36.4 per cent and 96.6 per cent of the median wage.

Policy review

448. In June 1999, after extensive public consultations, we introduced a package of policy measures. This included the Support for Self-reliance (SFS) Scheme, which was designed to encourage and help unemployed, able-bodied recipients to return to work. Other new measures include strengthened controls to prevent fraud and abuse, and rationalization of benefit levels for larger households to take account of economies of scale. These measures were taken in response to public concern about the rapid growth in the CSSA caseload and expenditure and the need to guard against the emergence of a dependency culture.

The SFS Scheme and eligibility for CSSA

449. The criteria described in paragraph 141 of the initial report continue to apply. Additionally, however, able-bodied adults who are unemployed - or working part-time but available for full-time work - must actively seek paid employment and participate in the SFS Scheme as a condition of receiving assistance.

450. The SFS Scheme consists of two programmes:

(a) **The Active Employment Assistance Programme:** participants receive personalized assistance to access current employment-related information, training/retraining opportunities and other support services or employment assistance programmes;

(b) **The Community Work Programme:** under this Programme, unemployed CSSA recipients participate in unpaid community work. This helps them to develop the work habit, improve social skills and increase their self-esteem and confidence.

Additionally, as an incentive for CSSA recipients to find work and continue working, a part of their earnings is disregarded for calculating CSSA rates.

The Special Job Attachment Programme and the Intensive Employment Assistance Fund

451. The Social Welfare Department initiated these schemes in early 2001. The purpose was to offer more intensive support to CSSA recipients who had been unemployed for longer periods or who had particular barriers to achieve self-reliance. The Department commissioned NGOs to run these programmes on its behalf.

The “Ending Exclusion” project

452. This project was launched in March 2002 to help single-parent CSSA recipients with young children to become more self-reliant and to integrate into society. It comprises a voluntary employment assistance programme and more focused, coordinated services, including childcare arrangements, family education, supportive programmes and outreach services. The project provides single parents with young children with a higher level of monthly disregarded earnings under the CSSA Scheme. As with the SFS Scheme (paragraph 450 above) this is an incentive for CSSA recipients to seek paid employment.

Social Security Assistance (SSA) Scheme

453. The main features of the SSA Scheme remain essentially as explained in paragraphs 156 to 160 of the initial report. As at the end of December 2002, some 561,000 persons were receiving allowances under the SSA Scheme, of whom 456,000 persons were receiving the Old Age Allowance (OAA) and 105,000 the Disability Allowance (DA).

Social security rates

454. The standard rates under the CSSA and the SSA Schemes are adjusted with reference to the movements of the Social Security Assistance Index of Prices (SSAIP).²⁴ Despite continuous deflation since 1999, the CSSA and SSA standard rates have remained frozen. To take into account abated inflation and subsequent persistent deflation in the past few years, we saw room for a downward adjustment of the standard rates by 11.1 per cent without affecting the buying power of the beneficiaries to meet basic and essential needs as originally intended.

455. For this reason, we have decided to reduce both the standard rates under the CSSA and the DA rates under the SSA Scheme by 11.1 per cent, in accordance with the established mechanism. Other standard payment rates under CSSA will also be adjusted downwards. But the OAA rates under the SSA Scheme will remain frozen until inflation catches up.

456. We have provided a “cushioning period” in order to help recipients to adjust their spending pattern. The adjustment for able-bodied CSSA and DA recipients will take effect in June 2003. Those for non-able-bodied CSSA recipients (the elderly, the disabled and those certified to be in ill health) will take effect in two phases: in October 2003 and October 2004.

457. The rate adjustment is necessary because in a period of economic downturn and high unemployment the number of families and individuals requiring public financial support is bound to increase. To sustain the existing safety net, we have to ensure that our limited public resources go further to meet the increasing demand for social security. The adjustment is not - and should not be viewed as - welfare cuts. We remain committed to providing a reliable and financially sustainable safety net to protect the elderly, the disabled and disadvantaged groups.

Entitlement to sickness days and sickness allowance

458. The position remains as explained in paragraphs 162 to 164 of the initial report. In April 2001, we amended section 33 of the Employment Ordinance to make it clear that an employer may not terminate the employment of an employee during paid sick leave except in circumstances where summary dismissal is justified under the Ordinance, and that an employer who does so shall be subject to prosecution.

Entitlement to long service payment

459. The position remains as explained in paragraphs 165 to 167 of the initial report.

Protection of wage payments

460. The position remains as explained in paragraphs 168 and 169 of the initial report.

Employees' compensation and compensation for pneumoconiosis

461. The general position remains as explained in paragraphs 172 and 173 of the initial report.

462. The levels of compensation in respect of the Employees Compensation Ordinance (chap. 282) and the Pneumoconiosis (Compensation) Ordinance (chap. 360) have been adjusted. Details are provided in annexes 9A and 9B respectively.

The Occupational Deafness Compensation Scheme

463. The Occupational Deafness (Compensation) Amendment Bill 2002 was introduced into the Legislative Council in April 2002. The Bill's purpose is to improve employee benefits. It is currently under scrutiny by legislators.

Retirement benefits and protection

464. In paragraph 21 of its concluding observations of 2001, the Committee expressed concern that "many individuals, including women who are homemakers, persons with disabilities and older persons, are excluded from the Mandatory Provident Fund Scheme". And, in paragraph 36, the Committee urged HKSAR "to adopt a comprehensive pension system that provides adequate retirement protection for the entire population, in particular for housewives, self-employed persons, older persons and persons with disabilities". Local commentators have echoed these concerns, calling additionally for the scheme to be extended to domestic helpers.

465. In paragraphs 183 to 187 of the initial report, we explained the background to the present Mandatory Provident Fund (MPF) Scheme. We explained that much of the thinking behind the Fund was grounded in the 1994 report of the International Bank for Reconstruction and Development (the World Bank) entitled *Averting Old Age Crisis: Policies to Protect the Old and to Promote Growth*.²⁵ In paragraph 187 in particular, we cited the World Bank's view that a sound system of post-retirement security must stand on three "pillars", namely:

(a) A tax-funded safety net with the limited objective of alleviating old age poverty and insuring against various life risks. In Hong Kong, that need was met by CSSA and OAA;

(b) Voluntary occupational or personal savings plans for people who wanted more income and insurance in their old age. Such plans are well established in Hong Kong;

(c) A privately managed, fully funded contribution scheme for the working population (now realized in the form of MPF).

466. Thus MPF is just one of the World Bank's pillars, and residents who are not covered by the Scheme can meet their future needs by investing in savings schemes or similar forms of investment that are readily available in the market. CSSA and SSA provide a safety net for those who cannot avail themselves of those options.

467. The rationale for exempting domestic employees from the MPF System is that compliance and enforcement would be extremely difficult. And we do not wish to inconvenience families in their homes, which we would have to do in order to investigate suspected cases of non-compliance and to collect evidence for prosecution. A further consideration is that employers are required to maintain records of such things as contribution payments. Clearly, these measures are necessary to ensure compliance. But they would impose a considerable burden on families were the scheme extended to domestic employees. For these reasons, we do not propose extending the Scheme to domestic employees.

468. Commentators have expressed concern that some employers may seek to avoid paying MPF by compelling their employees to work on consultancy terms: that is, to become officially self-employed. This subject is addressed in paragraph 413 above in relation to article 7.

J. Article 10

Protection of the family

ILCs

469. In April 1999, China notified ILO that the Minimum Age Convention (No. 138) would apply to HKSAR. The Convention came into force in HKSAR on 28 April 2000. The Worst Forms of Child Labour Convention (No. 182) was applied to HKSAR with effect from 8 August 2002. The Convention will come into force in HKSAR on 8 August 2003. Information relating to the minimum age of employment was provided to ILO in the article 22 reports on the Minimum Age Convention (No. 138) for the periods 28 April 2000 to 31 May 2001 and 1 June 2001 to 31 May 2002.

The family

470. The position remains as explained in paragraph 198 of the initial report.

Definition of “family”

471. We continue to define the term “family” as explained in paragraph 199 of the initial report.

Unextended nuclear family households

472. The 2001 Hong Kong Population Census indicates that the percentage of unextended nuclear family households has increased from the 63.6 per cent advised in paragraph 200 of the initial report to 66.2 per cent. But the average number of persons in those families has decreased from 3.5 to 3.4.

Single parent families and split families

473. The position is as follows:

Year	Single mothers	Single fathers	Total
2001	45 072 (77.1%)	13 388 (22.9%)	58 460 (100%)
1996	30 402 (71.9%)	11 907 (28.1%)	42 309 (100%)
1991	23 059 (66.8%)	11 479 (33.2%)	34 538 (100%)

474. The percentage of single parents in paid employment has decreased from the 66.3 per cent advised in paragraph 202 of the initial report to 57 per cent. Closely related to this is the rising divorce rate, with the number of divorce petitions increasing from the 14,482 advised in paragraph 203 of the initial report to 15,380 in 2001. The reasons for this continuing trend remain as explained in that paragraph.

475. Services are available to single parent and split families through the network of 66 family services centres/integrated family service centres operated by the Social Welfare Department and NGOs. As at 31 December 2002, a total of 3,976 single parent and 375 split families were receiving such services. Single parent families have access to government-aided childcare facilities and to other assistance, such as housing and financial support. Single parents who have divorced or are undergoing divorce may be recommended for compassionate rehousing or conditional tenancy respectively, if they have genuine housing problems and social/medical grounds.

476. In February 2001, we opened five single parent centres to provide dedicated support services and to help single parent families become self-reliant and resilient. Among others, the services include counselling, family education/parent education programmes, group work/networking programmes, employment-related training, referral services, and so forth. Additionally, in early 2002, we established 14 Family Support Networking Teams to identify vulnerable families, including single parent families in need of early intervention. Up to December 2002, the five single parent centres had served a total of 6,325 single parent families.

477. In paragraph 12 of its concluding observations of 2001, the Committee noted that:

“issues regarding the right of abode in relation to permanent residence and split families impede the enjoyment of economic, social and cultural rights by the families affected by the reinterpretation on 26 June 1999 by the National People’s Congress Standing Committee of article 24 of the Basic Law”.

In paragraph 22, the Committee expressed deep concern about the hardship arising from HKSAR policies on permanent residence and split families. In paragraph 40, the Committee urged HKSAR when formulating and implementing its policies on permanent residence and split families to give the most careful attention to all the human rights dimensions of the issue, including articles 2 (2), 3 and 10. The Committee reminded HKSAR that any limitations in relation to article 10 must be justified in relation to each element set out in article 4. The Committee also urged HKSAR to reconsider extending the “concession” made by HKSAR following the reinterpretation of 26 June 1999. And, in paragraph 41, the Committee urged HKSAR:

“to enhance the transparency of all relevant processes concerning permanent residence and split families. For example, the Committee recommends that all data, appropriately disaggregated (e.g. by origin of applicant), be made publicly available and tabled in the Legislative Council every six months”.

478. Family separation is not unique to Hong Kong. Few, if any, Governments will unquestionably admit all persons claiming to be family members of their residents without some form of regulation and control. Given the large number of mainlanders wishing to settle in Hong Kong, our policy recognizes the need for them to take their place in the queue to ensure fairness among different applicants. Furthermore, with close to 7 million residents living in an area of just 1,100 square kilometres, Hong Kong must facilitate family reunion in an orderly manner within the constraint of our social economic infrastructure. This is in the best interest of all Hong Kong residents, including those coming to settle here. Since July 1997, over 296,000 mainlanders have settled in Hong Kong under the One-way Permit Scheme.

479. There are numerous channels for mainlanders to visit Hong Kong while awaiting approval to enter for settlement. Through these channels, mainlanders may visit Hong Kong for different purposes such as sightseeing, conducting businesses, taking care of personal affairs and visiting relatives. For those coming to visit relatives in particular, some may stay in Hong Kong as visitors for over six months in a year.

480. When formulating and implementing policies and measures that have a bearing on the right of abode, we give the most careful attention to all human rights dimensions, including articles 2 (2), 3 and 10 of the Covenant. When imposing restrictions on entry into and stay in Hong Kong, and as regards entitlement to the right of abode, we take great care to ensure that all restrictions that may bear on the implementation of article 10 are fully justified in relation to each element of article 4. No restriction is imposed unless it is firmly based on our laws, is compatible with the nature of the rights in question, and is solely for the purpose of promoting the general welfare of the Hong Kong community as that article requires.

481. As regards the recommendation in paragraph 41 of the concluding observations, the One-way Permit Scheme is administered by the mainland authorities, which have taken steps to increase the transparency of the Scheme. Those steps include the formulation, in 1997, of a points system to determine the order of applicants in the queue, the introduction in 2000 of a complaints hotline and the regular publication of lists of successful applicants. The lists include the name, place of application in the mainland, sex, date of birth, number of points attained and, where appropriate, date of marriage, period of separation and name of parents. This is public information that is readily available to anyone who is interested.

Certificate of Entitlement Scheme

482. We explained the purpose and operation of this Scheme in paragraph 216 of the initial report. Under the Scheme, the verification of right of abode claims is conducted whilst the person making the claim remains outside Hong Kong. As at 31 December 2002, the Scheme had ensured the speedy and orderly admission for settlement of about 133,000 children whose right of abode in Hong Kong had been verified.

Comprehensive child protection policy

483. In paragraph 15 (g) of its concluding observations of 2001, the Committee expressed particular concern about the lack of a comprehensive policy for the protection of children from all forms of abuse. In paragraph 42, the Committee called upon HKSAR "to adopt urgent measures to address the problems leading to youth suicide and all forms of child abuse".

484. We are committed to a comprehensive policy for the protection of children from all forms of abuse. As stated in the 1991 White Paper "Social Welfare into the 1990s and Beyond", a key objective of our child welfare programme is "to protect children from all forms of maltreatment and to provide services for the prevention and treatment of abuse". With that in view, the Committee on Child Abuse, comprising representatives from concerned bureaux/departments, professionals and NGOs, exists to formulate strategies and coordinate action. Its approach is multidisciplinary and holistic.

485. We provide a continuum of preventive, supportive and specialized services at the primary, secondary and tertiary levels to prevent family problems such as child abuse, and to deal with them when they arise. Further information on this approach is provided in paragraphs 508 to 514 below.

Youth suicide

486. We - and indeed many local commentators - share the Committee's concerns about youth suicide and are determined to tackle the problem at its roots. We seek to do so through multidisciplinary, cross-sectoral measures, including those described in paragraphs 487 to 495 below.

Youth welfare services

487. To address the changing and complex needs of young people, welfare services units provide developmental, supportive and remedial services through several channels. These include children and youth centres, the school social work service, outreach work and integrated children and youth services centres. One of the major focuses is to develop young people's life skills and resilience, thus fostering their ability to cope with problems and face crises.

Understanding the Adolescent Project

488. We commissioned this project - actually an umbrella title for a series of pilot studies - in response to the increasing number of suicides among young people. The studies have enabled us to develop a screening tool for the early identification of the developmental needs of young people and primary preventive programmes for early intervention. As with the youth welfare

services (paragraph 487 above), our objective is to develop young people's competence, optimism and sense of belonging. In this way, we hope to foster their resilience in the face of life's challenges.

489. In the 2001/02 school year, we initiated the three-year phased introduction of the Project into all secondary schools and, on a pilot basis, into primary schools.²⁶ At the time of finalizing this report (the 2002/03 school year), some 255 secondary schools were involved in the Project. Eighteen pilot schools have tested a series of preventive programmes and have taken part in the longitudinal validation of a screening tool for the early identification of primary students' developmental needs.²⁷ Fifty-four other primary schools in Hong Kong have since participated in the cross validation of the "tool". We expect the Programme to be fully operational in 300 primary schools in the 2004/05 school year and up to 400 in 2005/06.

Cross-sectoral collaboration

490. Responsibility for addressing the problem of suicide is shared across the community and requires the active participation of individuals, NGOs, professional groups, the media, the community and the Government. The Government is working towards the reduction and prevention of suicide through multidisciplinary, cross-sectoral measures and with a community-wide network of support. In concrete terms, an interdepartmental working group on suicide formulates strategies and coordinates government action. The working group consists of representatives from key departments. NGOs and universities are invited to meetings to provide input and to facilitate cooperation.

491. We work with NGOs and professionals:

- (a) To improve our understanding of suicide through better data collection and research, both locally and overseas;
- (b) To provide preventive, supportive and remedial services, with a view to mitigating the risk factors strengthening the protective factors and providing timely intervention and assistance;
- (c) To raise public awareness of suicide through more intensive public education;
- (d) To develop the knowledge and skills of frontline professionals through training.

492. The working group has supported the establishment of a Centre for Suicide Research and Prevention at the University of Hong Kong.²⁸ The Centre aims to contribute towards suicide prevention through training, education and research. It is developing a monitoring and surveillance system to examine the trend of suicide in Hong Kong, and trains professionals in the handling of suicide risks. The Centre plans to conduct an evaluation of existing intervention strategies.

493. In 2002, the Working Group introduced a centralized suicide information system for successful and attempted suicides reported by government departments, schools, hospitals and other agencies. The Working Group is preparing a protocol for multidisciplinary collaboration on suicide prevention and intervention for application by frontline professionals.

494. At the central policy level, the Committee on Services for Youth at Risk examines youth issues, including youth suicide, and recommends strategies and measures to address the changing needs of young people. The Director of Social Welfare chairs the Committee. Its membership is multidisciplinary, comprising representatives from key government bureaux and departments, and professionals from the welfare, education, and health sectors.

495. At the district level, multidisciplinary Local Committees on Services for Young People coordinate district efforts to serve the needs of local youth. Youth suicide is one of their prime focuses of attention.

Other measures

496. We have provided funding to the Samaritan Befrienders Hong Kong to operate a Suicide Crisis Intervention Centre on a three-year pilot basis. The project began in March 2002. The Centre provides round-the-clock outreach and crisis intervention services and intensive counselling to those in crisis and at high risk of suicide. Up to 31 December 2002, the Centre had handled 205 cases with high/moderate suicidal risk and conducted 253 outreach or on-site visits. In May 2002, the Befrienders also opened a Life Education Centre on a three-year pilot basis. The Centre promotes life education for all but particularly for young people in schools. It also trains community gatekeepers to provide an effective suicide watch in the community.

New arrivals from the mainland

497. Between 1 July 1998 (the cut-off date for the initial report) and 30 June 2002, nearly 226,000 people from the mainland settled in Hong Kong.

498. The Government continues to attach 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 also have access to eight post-migration centres that provide preventive and supportive programmes for new arrivals, focusing on providing early intervention and strengthening the support network. The services include orientation, language classes, family and parent education, counselling and referral, employment guidance, job-related training courses and so forth. The aim is to reduce adjustment problems and to encourage self-reliance. In addition to the subvented programmes, NGOs operate complementary projects, funded from such sources as the Hong Kong Jockey Club Charities Trust and Community Chest. *Inter alia*, these initiatives include community education, employment programmes and volunteer services.

Welfare services to families

499. The Social Welfare Department subvents various organizations - social welfare agencies, church bodies, women's associations and so forth - to run Mutual Help Childcare Centres on a self-financing, non-profit basis. Each centre provides occasional childcare and supervision to a maximum of 14 children under the age of 6 at one time. The service is delivered by parents and volunteers. As at December 2002, some 24 centres were in operation (9 operated by NGOs and 15 by the Department). Fourteen more are on stream.

500. The provision of various support services described in paragraph 224 of the previous report and the extended hours childcare units is listed below:

	Provision in 1997-1998	Provision in 2002-2003
Government and aided day nurseries	25 941 places	29 314
Aided day crèches	1 479 places	1 113 places
Occasional childcare units (three places per unit)	230 units (690 places)	243 units (729 places)
Extended hours childcare units (14 places per unit)	5 units (70 places)	115 units (1 610 places)
Home help teams	126	139 (with an additional 25 home-care teams)
Family aide workers	52 workers	44 workers

The fall in the number of day crèche places reflects the decline in the population of children aged under 6: from 412,180 in 1996 to 355,197 in 2001. For this reason, the total level of childcare service provision is more than adequate to meet demand and we expect to meet in full the demand for family aide workers in 2002-2003.

Services for families in serious difficulty

501. In paragraph 226 of the initial report, we described the services then available to families in serious difficulty. Those services remain in operation. In April 2002, we initiated 15 integrated family service centres on a pilot basis in 66 family service centres. The centres operate under a new service delivery model designed to make the services more accessible and to facilitate the early identification of needy families. Each centre comprises a family resource unit, a family support unit and a family counselling unit. Their goal is to integrate family welfare services with community-based services to provide a continuum of preventive, supportive and remedial services to meet the changing needs of the families in a holistic manner.

502. The Social Welfare Department operates a hotline service to facilitate access to welfare services. In April 2000, the Department started a family helpline to provide immediate counselling and assistance to families and persons in need.

503. Residential care, which includes foster care, small group homes, residential nurseries/crèches and residential homes, remains available to children who cannot live with their parents for various reasons, including being abused and witnessing domestic violence. In 1997-1998, there were 600 foster-care places provided to children in need. In 2002-2003, we increased the number of foster-care places to 670, in order to provide a home-like environment for children in need of out-of-home care. We will provide an additional 60 places in 2003-2004, making a total provision of 730 places. The overall provision of residential care places has continued to increase from 3,309 in 1997-1998 to 3,355 in April 2003.

504. Details of the services provided are as follows:

	Provision in 1997-1998	Provision in 2002-2003
Family caseworkers	706	744
Family and child protective workers	29	105
Clinical psychologists	59	69
School social workers	286	466
Medical social workers	372	361
Foster care places	600	670
Small group home	113	119

Mainland children adopted by Hong Kong residents

505. In paragraphs 220 to 222 of the initial report, we informed the Committee of the then ongoing judicial review of the removal orders of the Director of Immigration against children who had been adopted in the mainland and had illegally entered and remained in Hong Kong. The applicants argued that, as well as conferring right of abode by natural birth, article 24 (2) (3) of the Basic Law was wide enough to confer the right of abode through adoption, irrespective of where the adoption took place. Both the Court of Appeal and the Court of Final Appeal ruled in favour of the Government. The Court of Final Appeal ruled that it was plain that the phrase “born outside Hong Kong” referred only to natural children and was incapable of sustaining an interpretation that adopted children were included.

Age of criminal responsibility

506. In paragraph 24 of its concluding observations of 2001, the Committee expressed concern that “the age of criminal responsibility is set at the young age of 7 years”. In paragraph 43, the Committee called upon HKSAR “to amend its laws to raise the age of criminal responsibility so as to ensure the rights of the child under article 10 of the Covenant”.

507. The Law Reform Commission published its report entitled “The Age of Criminal Responsibility in Hong Kong” in May 2000. Inter alia, the Commission recommended that the minimum age of criminal responsibility in Hong Kong be raised from 7 to 10 years. We have accepted that recommendation and, to put it into effect, introduced the Juvenile Offenders (Amendment) Bill 2001 into the Legislative Council in November 2001. At the time of drafting this report, a Legislative Council Bills Committee was examining the Bill. We will update the Committee as necessary at the time when this report is considered.

After-school Care Programme

508. Under this Programme, 136 After-School Care Service Units look after children aged 6 to 12 whose parents cannot take care of them outside school hours. Since September 2000, we have given NGOs an annual subsidy of HK\$ 21 million to improve service quality. As at end December 2002, the service units had over 5,584 children in their care.

509. The services units operate on a fee-charging, self-financing, but non-profit-making, basis. The fees vary according to the actual running costs of the individual centres and depend on the size and location. As at December 2002, the average charge was about HK\$ 917 a month. Depending on their circumstances, families with special needs may be granted either full-fee waivers or half-fee reductions. As at 31 December 2002, about 1,064 children were so benefiting.

Domestic violence

510. In paragraphs 234 to 237 of the initial report, we advised the Committee of the measures taken to deal with domestic violence and its consequences. The multidisciplinary approach explained there remains in operation. As regards the structure, the well-established mechanisms, including the Committee on Child Abuse (formerly known as Working Group on Child Abuse) and the Working Group on Combating Violence (an amalgamation of the former Working Group on Battered Spouses and Working Group on Sexual Violence), which are chaired by the Social Welfare Department and attended by representatives of the Government, NGOs, and professionals, such as clinical psychologists, are responsible for devising strategies and measures to address the problem of child abuse, spouse battering and sexual violence. Apart from these, the 13 District Coordinating Committees on Family and Child Welfare coordinate services relating to family violence at the district level.

511. The Social Welfare Department provides multidisciplinary training programmes to foster a common understanding of family violence among various professionals. We have also issued guidelines on handling cases of child abuse, spouse battering and sexual violence²⁹ in order to facilitate cooperation among professionals.

512. In January 2003, the Social Welfare Department and the Police initiated a new referral mechanism designed to expedite professional intervention in cases of domestic violence for the benefit of the victims and their families. Under the new system, incidents of domestic violence satisfying certain conditions are referred to the Department for follow-up even if neither victims nor the alleged offenders have given their consent.

Conditional tenancy under the Compassionate Rehousing Scheme

513. We originally introduced this arrangement in order to assist battered spouses with dependent children undergoing divorce proceedings. Essentially, the Housing Department will provide accommodation for such persons on referral by the Social Welfare Department. In November 2001, we extended the arrangement to victims of domestic violence or divorce who either have no offspring, or who do not bring dependent children along with them when they leave their matrimonial home.

Strategy

514. Our strategy is to provide a continuum of preventive, supportive and specialized services at the primary, secondary and tertiary levels to prevent family problems and to deal with them when they arise. Such problems include child abuse and spouse battering - the most common forms of domestic violence. Specific measures include:

- **Preventive services:** public education, publicity campaign and outreaching programmes for early identification of families in need of assistance;
- **Supportive services to provide information/resources/support to needy families:** family support resource centres, family services centres/integrated family service centres, residential care for children, and so forth;
- **Specialized services for crisis intervention:** refuge centres for battered women and their dependent children, family crisis support centre, and specialized units (Family and Child Protective Services Units) of the Social Welfare Department;
- **Legislation:** is in place to protect children from abuse and to deal with offences as they arise. The law is regularly reviewed and updated where necessary.

Child abuse as crime: the legal framework

515. The situation remains essentially as explained in paragraphs 259 to 260 of the initial report. Cases recorded in the last five years were as follows:

	1998	1999	2000	2001	2002
No. of child sexual abuse cases* reported to the police	757	696	664	576	599
No. of child physical abuse cases** reported to the police	389	473	507	502	445

* “Child sexual abuse” refers to sexual crimes with victims under the age of 17.

** “Child physical abuse” refers to offences against the person under the age of 14.

Maternity protection

516. The position remains as explained in paragraphs 239 to 247 of the initial report.

Protection of children and juveniles

Convention on the Rights of the Child

517. The initial report of HKSAR is to be submitted to the Committee on the Rights of the Child as part of China’s second periodic report under the Convention.

Child pornography and child sex tourism

518. We introduced the Prevention of Child Pornography Bill into the Legislative Council in January 2002. The Bill seeks to offer children better protection against sexual exploitation in the forms of child pornography, pornographic performance and child sex tourism. It is now being scrutinized by a Bills Committee of the Legislative Council. With the enactment of the Bill - and some minor legislation in other areas - Hong Kong will be able fully to comply with the

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It will also ensure compliance with International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

Protection of Children and Juveniles Ordinance (chap. 213)

519. As at 31 December 2002, a total of 1,533 children or juveniles were under statutory care or protection.

Hague Convention on the Civil Aspects of International Child Abduction

520. The position is as explained in paragraph 265 of the initial report.

Legal Representation Scheme

521. This is a new initiative to provide legal representation to children and juveniles involved in care or protection proceedings under the Protection of Children and Juveniles Ordinance. Action is being taken to bring the Scheme into operation.

Commission on Youth

522. The position remains as explained in paragraphs 271 and 272 of the initial report. As at February 2003, some 430 organizations and 2,400 individuals had subscribed to the "Charter of Youth". The implementation of the Charter's provisions is reviewed regularly, most recently in December 2002.

Employment of children and young persons

523. The position remains as explained in paragraph 278 of the previous report. Annex 10A to the present report updates the information contained in annex 21 to the initial report.

Drug abuse

524. The downward trend in the incidence of drug abuse among young people, which we noted in paragraph 279 of the initial report, continued until 1999, from 3.02 per thousand among 11- to 17-year-olds in 1995 to 1.54 in 1999. Newly reported cases dropped from 1,151 in 1995 to 701 in 1999. However, this trend was reversed in 2000, followed by a decline in 2001 and 2002 - 3.33 per thousand in 2000, 3.18 in 2001 and 2.48 in 2002.³⁰ Similarly, the number of newly reported cases increased from 701 in 1999 to 1,580 in 2000, and receded to 1,428 in 2001 and 1,161 in 2002.

Profile of young drug abusers

525. Some 1,501 young abusers were reported in 2002. Their average age was 16. Most were abusing psychotropic substances: some 75.8 per cent had taken ketamine, 40.7 per cent had taken MDMA (ecstasy) and 26.8 per cent had taken cannabis. Some 62.9 per cent were male. About 32.2 per cent had previous convictions, 21.7 per cent were employed and 39.9 per cent were studying.

526. New cases remained much in line with the general trend. The average age was 15.7. Ketamine was the most popular drug at 76.5 per cent, followed by MDMA (ecstasy) (39.6 per cent) and cannabis (26.5 per cent). Some 60.6 per cent were male. Some 33.4 per cent had previous convictions and 20.8 per cent were employed. Over 97 per cent had received at least secondary education.

The Government's response

527. We continue to combat drug abuse on a broad front, combining external cooperation with legislation and law enforcement, treatment and rehabilitation, preventive education and publicity, and research. In April 2000, we formed a cross-sectoral task force to tackle the problem of psychotropic substance abuse. Its objective was to devise a comprehensive strategy to address psychotropic substance abuse, particularly among young people. In July 2002, the task force published its recommendations, which we were pursuing at the time of finalizing this report.

Legislation and law enforcement

528. Statutory measures remain essentially as explained in paragraph 283 of the initial report and we continue to keep the laws under regular review. In 2000 and 2001, we amended the Dangerous Drugs Ordinance (chap. 134) to tighten control of ketamine, gamma-hydroxybutyric acid (GHB) and 4-methylthioamphetamine (4-MTA). The police, customs and the Department of Health continue to take vigorous action against those who supply illicit drugs.

529. In April 2002, the Drug Dependent Person Treatment and Rehabilitation (Licensing) Ordinance (chap. 566) came into effect. Its purpose is to ensure that drug dependent persons undergo treatment and rehabilitation in a properly managed and physically secure environment. Accordingly, the Ordinance requires all treatment centres commencing operation on or after 1 April 2002 to be licensed.

International cooperation

530. Our participation in the relevant international organizations remains essentially as explained in paragraph 285 of the initial report. In November 2000, the Government of the United States of America removed Hong Kong from the list of major drug transit countries/territories in recognition of our efforts and achievements in this area in recent years.

Preventive education and publicity

531. Our work in this area continues on the lines explained in paragraph 286 of the initial report. In 2002-2003, we committed some HK\$ 4 million for such programmes as, among others, an anti-drug volunteer scheme, seminars and workshops for social workers, community involvement projects, and so forth. New initiatives included the commissioning in 2000 of the Drug InfoCentre Phase I, which comprises a library and a multi-purpose room. Phase II, which will include a purpose-built exhibition hall, is due for completion in 2003.

The schools

532. Drug education remains an integral part of the school curriculum and our programmes in this area continue on the lines explained in paragraphs 287 to 289 of the initial report. In 2001, having hitherto concentrated on the Chinese-speaking schools, we extended our programmes to schools catering mainly to non-Chinese speakers. We have also organized sharing sessions between rehabilitated young people and senior students. In 2002, we provided about 1,910 drug education programmes for over 150,000 students.

533. We regularly organize drug education talks for teachers and, in 2002, distributed a new drug education kit for secondary school teachers to update their knowledge of the subject and for use in the classroom. We also continued to target parents, delivering talks to about 2,790 of them in 2002 on the lines described in paragraph 289 of the initial report.

Research

534. Drug-related research is coordinated by a subcommittee of the Action Committee Against Narcotics (paragraph 286 of the initial report). Its findings provide valuable guidance for the formulation of anti-drug policies. The computerized Central Registry of Drug Abuse monitors major changes in trends and characteristics of drug abuse and abusers and maintains useful statistics. It also publishes half-yearly reports on these matters.

The “Beat Drugs Fund”

535. The position is as explained in paragraph 290 of the initial report. Sponsorship under the Fund has increased with 238 projects receiving a total of HK\$ 113.7 million between 1996 and 2002.

Services for young drug and substance abusers

536. The position remains essentially as explained in paragraphs 291 and 292 of the initial report. However, in October 2002, we opened two new counselling centres to tackle the problem of psychotropic substance abuse, particularly among under-21-year-olds. This brought the total number of such centres to five. The centres provide treatment and rehabilitation for psychotropic substance abusers, preventive education for young people and training for allied professionals, such as teachers. In July 2002, the centres took over the school-based education programmes formerly provided by the Against Substance Abuse Scheme of the Social Welfare Department. The purpose was to provide a “one-stop service” for young drug abusers.

Educational services for young drug abusers

537. The position is as explained in paragraph 293 of the initial report.

Treatment and rehabilitation

538. Government-funded programmes in this area remain essentially as described in paragraphs 294 and 295 of the initial report, though we now subvent an NGO to run social centres for ex-drug abusers. In 2001-2002, expenditure totalled HK\$ 341 million. In 2002-2003, we provided funding totalling HK\$ 4.6 million for:

- (a) The two new counselling centres discussed in paragraph 536 above;
- (b) Improved facilities at methadone clinics and better services for their patients;
- (c) Development of a protocol for the screening and assessment of poly-drug abusers;
- (d) The establishment of a database on traditional Chinese treatments for drug addiction.

539. The position of drug-dependent prisoners is as explained in paragraphs 295 to 297 of the initial report.

Care for the elderly

Elderly Commission

540. The role of the Elderly Commission remains as explained in paragraphs 299 to 301 of the initial report. It now has 12 non-official members. Recently, the Commission has focused on developing strategies to meet the challenges and opportunities of an ageing population, and promoting awareness of the socio-economic implications of population ageing.

Supporting family carers

541. The Government's policy is to assist the elderly to age in the community as far as possible and to enable families to take care of them at home.

542. Our long-term care programme for elderly persons in frail health comprises community and residential care programmes. These offer older people and their families services and support in accordance with their needs and circumstances.

543. In paragraphs 302 to 306 of the initial report, we explained the planned and existing support for family members who were taking care of elderly relatives. Carer services include dissemination of information, training, emotional support and respite services. In 2001-2002, newly established day-care and residential elderly service units began providing such services as part of the standard "package".

544. Training is available to both formal and family carers from government departments and other institutions. These include the Social Welfare Department, the Department of Health, the Hospital Authority and the University of Hong Kong.

Juvenile homes

545. The Government runs seven residential homes that provide education and pre-vocational training for children and juveniles with behavioural or family problems. The homes also serve the needs of young offenders. Commentators have expressed concern about the treatment of children in these homes.

546. We are conscious of the need for service improvements in the homes. On the basis of major studies completed in 1997,³¹ the Government:

- (a) Organizes seminars on human rights-related issues for the residents and staff of the homes; residents are also made aware of their right to lodge complaints;
- (b) Ensures that, upon admission, residents and their parents receive a full explanation of their rights, including the rights to complain, to access to information and to freedom from any forms of abuse;
- (c) Has upgraded and strengthened the teaching staff in the homes with the addition of graduate teachers;
- (d) Introduced improvements to the physical environment, training programmes, home management and operational procedures.

Services for elderly people living in the community

Re-engineering of community support services

547. In 2001-2002, all newly commissioned elderly service centres began operating as District Elderly Community Centres and Neighbourhood Elderly Centres. These respectively provide, at a much superior level, the services offered by the Multi-service Centres for the Elderly and the Social Centres for the Elderly, whose functions we explained in paragraph 307 of the initial report.³² We will upgrade all existing centres from 2003-2004 onwards.

548. In April 2001, we introduced the Enhanced Home and Community Care Services programme to provide tailor-made home and centre-based services to suit individual care needs of the frail elderly. The aim is to enable such persons, as far as possible, to age at home. From April 2003 onwards, the existing home help teams (whose role was explained in paragraph 304 of the initial report) will be upgraded to “integrated home-care services teams”. As such, they will provide better levels of support to enable elderly persons - with higher levels of frailty than has previously been possible - to live at home.

Supporting vulnerable elderly people

549. Initiatives in this area include:

- (a) **Two pilot projects on the prevention and handling of abuse of elderly persons (commissioned in 2001):** inter alia, the projects will provide elderly persons with community education, a hotline service, volunteer visits and health promotion programmes. They will last for three years;
- (b) **Research and protocol (commissioned in 2002):** this project will provide research on the phenomenon of the abuse of elderly people in Hong Kong. It will also formulate a multi-professional protocol for dealing with suspected cases, develop a registry and organize training for frontline workers. It will take two years to complete;

(c) **Joint project on the prevention of elderly suicide (mid-2001):** this is a three-year joint undertaking between the Social Welfare Department, the Hong Kong Council of Social Service and the Hong Kong Psychogeriatric Association. The project is being conducted in two pilot districts. Its aims are to raise awareness of the issue and to provide a hotline service, volunteer visits, professional counselling and treatment services;

(d) **The Hospital Authority's elderly suicide prevention programme (October 2002):** this is a territory-wide initiative to provide early detection at the community level, and specialist treatment by psychogeriatricians at fast track clinics.

Health-care services for the elderly living in the community

550. This section advises the Committee of developments further to those mentioned in paragraphs 308 to 310 of the initial report. These are:

(a) **Elderly health centres (para. 308 (a)):** in the periods 1998-1999 and 1999-2000, we opened 11 new centres, bringing the total to 18;

(b) **Visiting health teams (para. 309):** 18 teams came into operation in the periods 1998-1999 and 1999-2000. They operate within the community and residential care setting. There, they disseminate information on healthy ageing, offer professional advice to service providers, provide support and training to carers and provide vaccinations for elderly people living in residential care homes.

Enabling the elderly to lead an active and productive life

551. We are committed to promoting active and healthy ageing to enable older persons to remain active participants in both the family and the community. Major initiatives include:

(a) **The Healthy Ageing Campaign:** we initiated this three-year campaign in 2000-2001, in collaboration with the Elderly Commission. The object is to promote the physical and psychosocial well-being of older people by promoting personal responsibility, strengthening community action, creating a supportive environment and improving the image of the ageing process. We have pursued these goals through public education and community partnership projects. To complement the campaign, the Social Welfare Department's Opportunities for the Elderly Project supports community projects aimed at helping elderly people to develop a sense of health and self-esteem;

(b) **Symposium to examine the challenges and opportunities of an ageing population (June 2002):** this was also a joint initiative of the Elderly Commission and the Government to raise community awareness of the positive aspects of ageing;

(c) **Education courses for the elderly:** government-subvented NGOs offer elderly people opportunities to pursue lifelong learning and to remain active. Additionally, the Social Welfare Department provides free computer/Internet training at elderly services centres;

(d) **Community support services:** this is a major government initiative to provide holistic care and support to elderly people living in the community, and, among other things, to encourage elderly people to form self-help and mutual support groups and to continue to contribute to society;

(e) **Senior volunteerism:** the Social Welfare Department subvents “Support Teams for the Elderly” to encourage elderly people to participate in voluntary work. As at December 2002, over 9,500 elderly people had taken up the challenge.

Financial support for older persons

552. Elderly persons in need of financial assistance can apply for CSSA (see paragraph 447 above, in relation to article 9). Alternatively, they can apply for OAA, which we explained in paragraphs 157 and 158 of the initial report. At the end of December 2002, about 170,000 CSSA recipients (about 36.5 per cent of all recipients) aged 60 or above and about 456,000 persons aged 65 or above were receiving OAA. Altogether, about 626,000 persons aged 60 or over (about 61 per cent of the age group³³) were receiving payments under CSSA and OAA. In the financial year 2002/03, we will spend an estimated total of HK\$ 11.8 billion on financial assistance for the elderly under the two schemes.

553. We have been reviewing the existing social security schemes for the elderly in the light of the ageing population and changing circumstances of elderly people in Hong Kong. Our long-term aim is to develop a sustainable system of financial support for elderly people, drawing on the World Bank’s three-pillar approach to old age financial protection. The issues are complex and we will need time to examine them in depth.

Residential care services for the elderly

554. At the end of 2002, we were providing over 20,000 subsidized places in subvented homes.³⁴ There were also over 43,000 places in private care homes (of which over 5,800 were government-purchased), and over 2,900 self-financing places in self-care hostels/homes for the aged and care and attention homes. We continue to provide infirmary beds for those who require medical and nursing care.

555. To rationalize the use of community resources, we will gradually phase out self-care hostels and homes for the aged in order to concentrate on looking after elderly persons in need of care. We will meet housing needs through the housing programme and social and psychosocial needs through community support services. This accords with the strategy for encouraging and assisting elderly persons as far as possible to age at home and to remain in the community.

556. We are moving towards integrating the various levels of long-term care traditionally provided by different institutions in order to meet the changing needs of elderly persons who cannot adequately be cared for at home. We are doing so in the light of the experience gained in the pilot project foreshadowed in paragraph 321 of the initial report, and in contracting out premises (see paragraph 557 below). The idea is for a single type of care home to provide a continuum of services, thus minimizing the need for elderly people to change services when their health deteriorates.

557. To foster service improvement, we will continue to encourage NGOs and the private sector to provide a mixed mode of service. We now select operators through open tendering by involving both NGOs and the private sector. Contracts are awarded with a greater emphasis on quality rather than price. Operators will be vigorously monitored to ensure that they comply with their terms of contract and conform to the agreed performance standards.

558. In mid-2002, we commissioned a two-year consultancy study on the establishment of an accreditation system for residential care homes for the elderly. The aim is to raise service quality.

K. Article 11

Right to an adequate standard of living

Economic indicators

559. The Hong Kong economy suffered a distinct setback in 1998 and 1999 as a result of the Asian financial crisis, and also in the latter part of 2001 owing to the synchronized downturn in the global economy. On both occasions, total exports of goods slowed down visibly. Domestic demand also slackened. In particular, consumer spending contracted amidst rising unemployment, wage restraint and protracted weakness in asset prices, while investment spending was held back by the economic downturn and uncertain business outlook.

560. Nevertheless, Hong Kong's economic growth picked up over the course of 2002, underpinned mainly by a robust performance of the external sector. Its GDP went up by 2.3 per cent in real terms in 2002, faster than the 0.6 per cent rise in 2001. Compared with 1992, GDP rose by an annual average of 4 per cent in real terms, exceeding that of 3 per cent for all countries members of the Organisation for Economic Cooperation and Development. Hong Kong's per capita GDP, at HK\$ 187,300 (US\$ 24,010) in 2002, remained one of the highest in Asia.

561. Consumer prices followed a continuous downward trend since late 1998, under the combined influence of subdued demand conditions in the local economy and generally soft import prices. The special relief measures implemented by the Government in the past couple of years also contributed to this situation. In 2002, the composite consumer price index declined by 3.0 per cent.

562. The labour market was slack for most of the time in the past several years. The seasonally adjusted unemployment rate surged to a high of 7.8 per cent in mid-2002. It nevertheless fell back more recently, to 7.2 per cent in the three months ending January 2003. The rise in unemployment, whilst occurring across almost all the major occupational categories, was most apparent amongst the less educated and lower-skilled workers.

563. Labour income remained on a moderating trend. In September 2002, labour wages fell by 1.5 per cent in money terms over a year earlier, following a modest rise of 0.8 per cent in 2001. But, after netting out the decline in consumer prices, labour wages were still up by 2.8 per cent in real terms in September 2002 over a year earlier, although this was smaller than the 3.4 per cent rise in 2001.

564. In the short term, GDP is forecast to grow by 3 per cent in real terms in 2003. The main impetus to growth will continue to come from the export sector, on the back of a weaker United States dollar, as well as sustained robust economic growth in the mainland and further recovery in the other East Asian economies. Domestic demand is also expected to firm up somewhat in 2003, as the income generation effects of the export growth gradually filter through to the domestic sector.

Economic restructuring

565. Hong Kong's economy has become increasingly service-oriented, as manifested by a continued rise in the share of the service sectors in GDP from 67 per cent in 1981 to 77 per cent in 1991 and further to 87 per cent in 2001. The open-door policy and economic reforms in mainland China have provided an enormous production hinterland and market outlet for Hong Kong's manufacturers. This has induced an ongoing relocation of labour-intensive production processes across the boundary but has also created abundant opportunities in a wide range of service activities in Hong Kong. These include freight and passenger transport, travel and tourism, distribution and catering, banking, insurance, real estate, and professional services such as financial, legal and accounting services.

566. Hong Kong's future growth impetus is expected to come increasingly from such sectors as financial services, logistics, tourism and producer and professional services. Other sectors will also continue to grow and, perhaps, move up the value chain. The development of these sectors will create additional employment opportunities for various segments of the local workforce.

Income distribution

567. The Gini coefficient for Hong Kong, as computed from the results of the 2001 population census, rose further to 0.525 in 2001, from 0.476 in 1991 and 0.518 in 1996. The widened income disparity was partly related to profound restructuring of the Hong Kong economy, away from local manufacturing to service-oriented activities over the past two decades and, in more recent years, more towards knowledge-based and higher value-added activities. This led to a shift in the composition of manpower requirement in favour of higher skilled, better educated and more experienced workers. But these macroeconomic trends - compounded by the recent economic setbacks - have adversely affected demand for, and the economic position of, lower skilled workers.

568. Hong Kong is not alone in this. Trends towards increasing income disparities in the transition towards a knowledge-based economy have been observed in many other economies, including Australia, Canada, the United States, the United Kingdom and Singapore.

569. In making international comparisons of the Gini coefficient, it should also be borne in mind that Hong Kong is essentially a single-city economy, with a strong agglomeration of service sector activities. Those activities are highly developed and well diversified, employing people with multifarious experience and skills. This reflects Hong Kong's role as a financial and business services hub serving the mainland and the East Asian region at large. In these circumstances, income disparity in Hong Kong tends ipso facto to be greater than in national economies with a preponderance of manufacturing and agricultural activities.

570. Sustained economic growth is the key to raising the overall standard of living. In principle, Hong Kong's free market allows everyone the opportunity for upward mobility, through the exercise of talent and hard work over time. For this reason, we consider that the most effective means of raising economic growth and thereby reducing poverty and income disparities is to invest in human resources by raising the capability and productivity of the workforce. This is why our strategy has been the sustained improvement of the business environment to facilitate investment and create additional job opportunities. This has been complemented by heavy investment in education, training and retraining to help workers cope with the ongoing structural changes. Those in real financial difficulties have access to the CSSA Scheme, subsidized public housing, medical care and welfare services (see paragraphs 445 to 459 above and 596 to 599 below).

Supply of food

571. The position remains essentially as explained in paragraphs 335 to 343 of the initial report. A recent development was the removal, in January 2002, of the quota and sole-agent system through which the authorities in mainland China removed pre-existing controls over the export of chilled meat and poultry to Hong Kong. Now, the Hong Kong and mainland authorities work closely to ensure a hygienic chain of supply from farms, processors, importers, distributors and retailers. This development should help to reduce Hong Kong's composite consumer price index by an estimated 0.6-0.7 per cent.

572. In paragraph 14 of its concluding observations of 2001, the Committee stated that:

“the economic policies of HKSAR, based essentially on the philosophy of ‘positive non-interventionism’, i.e. keeping taxes low and limiting government expenditure to the provision of essential services, in accordance with article 5 of the Basic Law, which guarantees a free trade, free enterprise and low tax regime for at least 50 years, have had a negative impact on the realization and enjoyment of the economic, social and cultural rights of Hong Kong’s inhabitants, which has been exacerbated by globalization”.

The Committee cited this as a “factor and difficulty impeding the implementation of the Covenant”.

573. As regards paragraph 14 of the concluding observations, the Committee's general comment No. 3 states:

“Thus, in terms of political and economic systems the Covenant is neutral and its principles cannot accurately be described as being predicated exclusively upon the need for, or the desirability of, a socialist or a capitalist system, or a mixed, centrally planned, or laissez-faire economy, or upon any other particular approach.”

We do not agree that the economic policies of HKSAR have had a negative impact on the realization and enjoyment of the economic, social and cultural rights of Hong Kong's inhabitants. Hong Kong's economic policies are based on the principles of free enterprise, free trade and minimum government intervention. These principles have been among the cornerstones of Hong Kong's economic success, which has played an important role in enabling Hong Kong to become an equitable and caring society. It should be recognized that Hong Kong

has gone a long way towards a more equitable social framework as is abundantly demonstrated by our achievements in housing, medical care, social security and other areas. We recognize that there are areas where we need to improve, and that globalization and economic restructuring bring about new challenges. We will rise to those challenges and will continue working to ensure that Hong Kong's people continue to enjoy their economic, social and cultural rights.

Housing

Housing need

574. As at the first quarter of 1997, an estimated 179,000 households (460,000 persons) were inadequately housed. By the first quarter of 2002, that number had fallen to about 100,000 households (274,000 persons). The term "inadequately housed" refers to persons living in squatter areas on government land, in temporary housing, in cottage areas, in non-self-contained flats, in rooftop structure, or in shared accommodation in the private sector.

Housing policy: the Government's commitment

575. Providing subsidized rental housing for families in need continues to be the key objective of the Government's housing strategy. Our housing policy is guided by three major principles:

- (a) The thrust of our subsidized housing policy is to assist low-income families who cannot afford private rental housing;
- (b) Our role principally focuses on land supply for public housing;
- (c) The Government maintains a fair and stable operating environment to enable a sustained and healthy development of the private property market. It ensures an adequate supply of land together with the necessary supporting infrastructure to meet market demand. The quantum of private housing production is entirely a matter for the market to decide.

576. In November 2002, in response to widespread public concern over the state of the property market, the Government announced a set of clear and comprehensive housing policies (see annex 11A). In parallel, we introduced exceptional but highly focused measures to redress the imbalance of supply and demand in the property market. The measures are also summarized in annex 11A.

Provision of assisted rental housing

577. As a result of continuous government investment, HKSAR has done much to reduce the number of households on the waiting list for public rental housing: from 150,000 in 1997 to around 90,000 at the end of 2002. The average waiting time is now less than three years, down from over six in 1997. The Government will continue to provide subsidized rental accommodation to low-income families who cannot afford private rental housing. And we will endeavour to maintain the average waiting time at three years.

Housing legislation

578. The position remains essentially as outlined in annex 23 to the initial report, reproduced and updated for ease of reference as annex 11B.

Groups in special need

579. Households applying for any form of public housing assistance are subject to the basic principle of affordability. To ensure the equitable and efficient use of limited resources, households applying for public rental assistance are allocated flats or allowances in the same order that they apply. We do not encourage queue jumping or the proliferation of "special interest" groups requiring high priority. The elderly are a major exception and are accorded a separate and high priority under various schemes.

580. With the clearance of old Temporary Housing Areas and Cottage Areas, and the reduction in the level of inadequate housing generally, we have been generally successful in resolving the housing problems of groups that historically required special treatment. Nevertheless, we are conscious of the housing needs of the decreasing number of households living in inadequate accommodation, particularly in the older urban areas. With that in view, we:

- (a) Encourage and assist eligible households to register on the waiting list for public rental housing;
- (b) Provide immediate rehousing on compassionate grounds;
- (c) Enforce minimum standards of safety and management in the private sector;
- (d) Are implementing an extensive programme of urban renewal and redevelopment.

Street sleepers

581. The Social Welfare Department's Street Sleepers Registry receives statistical and other information from frontline staff who have contact with street sleepers. Its records indicate that the number of street sleepers decreased from 1,320 in December 2001 to 785 in December 2002.

582. The Department's family service centres/integrated family service centres and outreach teams, and those operated by NGOs, provide services for the welfare of street sleepers. Among others, these include counselling, financial and accommodation assistance, referral for medical/drug treatment, and other support services. The hope is to help them abandon street sleeping and reintegrate into the community. Starting in April 2001, we have provided additional resources to three NGOs to operate a "Three-year Action Plan to help Street Sleepers". The Plan comprises a package of integrated services, such as midnight outreach visits, immediate shelter/hostel placement, counselling, employment assistance, emergency funding, and long-term accommodation. It principally targets young unemployed persons who have turned to street sleeping because of financial hardship. Some 473 street sleepers and another 348 were provided with accommodation in 2001-2002 and 2002-2003 respectively.

Urban renewal

583. The objectives of the Government's urban renewal policy are to arrest the problem of urban decay, to improve the living conditions of the residents in older urban areas and to upgrade the urban outlook. In May 2001, we established the Urban Renewal Authority - under the Urban Renewal Authority Ordinance (chap. 563) - to undertake those objectives. Under the Ordinance, "urban renewal" includes redevelopment, rehabilitation and heritage preservation. In undertaking any project within the scope of its mandate, the Authority will consider all relevant factors, including the age and state of dilapidation of the buildings concerned, their general condition as regards fire safety and sanitary facilities, and whether the buildings can be rehabilitated. As at the time of finalizing this report, the Authority had initiated six projects.

584. Owners affected by redevelopment projects will receive fair compensation. Article 105 of the Basic Law provides that the compensation for lawful deprivation of any person's property shall be based on the real value of the property and shall be paid without undue delay. The lawful rights of affected property owners and tenants are protected under the Land Resumption Ordinance (chap. 124) and the Landlord and Tenant (Consolidation) Ordinance (chap. 7). Details of the compensation offered to owners and tenants concerned are provided in annex 11C.

585. To safeguard the lawful interests of property owners and tenants, disputes over the amount of statutory compensation can be referred to the Lands Tribunal.

Town planning

586. In 1996, recognizing the need for new planning legislation, we published a White Bill³⁵ for public consultation. Taking account of the comments received, we introduced the Town Planning (Amendment) Bill 2000 into the Legislative Council. However, the amendments entailed complex issues and the Bills Committee was unable to complete consideration of the Bill within the 2000 legislative term. To take forward the proposals that are supported by general consensus and that would produce immediate benefits to the community, we aim to introduce an amendment bill in 2003, which will focus on streamlining and shortening the town planning process, enhancing public involvement and strengthening enforcement control on unauthorized developments in the rural areas.

New towns

587. The position remains as explained in paragraphs 404 and 405 of the initial report.

Hong Kong 2030: Planning Vision and Strategy (HK 2030 Study)

588. In paragraphs 406 to 407 of the previous report, we explained that a Territorial Development Strategy Review had been carried out between 1991 and 1998 with a view to formulating an integrated development framework up to 2011. We are now conducting a further review - the HK 2030 Study - with a view to formulating an up-to-date integrated development land use, transport and environmental strategy to guide Hong Kong's development to 2030. The aim is to achieve sustainable development by balancing Hong Kong's long-term economic, social, housing and environmental needs. Accordingly, we will seek to improve our

infrastructural links with mainland China, for example by providing a cross-boundary connection to the western part of the Pearl River Delta and additional port facilities. We will also reserve adequate land for long-term housing provision and economic activities.

589. In early 2001, we consulted the public on the planning objectives that should guide the HK 2030 Study and the key subjects that should be covered. In early 2002, we consulted the population on the key planning issues that were critical to the formulation of development options and the evaluation criteria. Currently, we are preparing the development scenarios, initial options and broad technical assessment of the transport, environmental and the economic/financial aspects of these options. In 2003, we will consult the public on the proposed scenarios and initial options.

Protection of the Harbour Ordinance 1997

590. The position remains as explained in paragraphs 408 and 409 of the initial report.

Squatters, rooftop structures and bed-space apartments or cage homes

591. In paragraph 25 of its concluding observations of 2001, while acknowledging that HKSAR had made progress in relation to housing, the Committee said that it remained deeply concerned that:

“The right to housing of many people in Hong Kong remains unfulfilled. In the Committee’s view, bed-space apartments, or cage homes, are an affront to human dignity and rooftop structures constitute a grave risk to the life and health of their inhabitants.”

In paragraph 44, the Committee called on HKSAR:

“To give urgent attention to the housing rights of all Hong Kong residents, including squatters and those living in rooftop structures and bed-space apartments or cage homes. In its next periodic report, HKSAR is requested to give special attention to the impact of current policies on squatters, rooftop structures and bed-space apartments or cage homes. In particular, the Committee would like HKSAR to comment on the operation and efficacy of the Bed-space Apartments Ordinance (chap. 447).”

592. Taking the Committee’s observations seriatim,

(a) **Rooftop structures:** the Buildings Department is conducting a phased programme to clear illegal rooftop structures in some 4,500 single-staircase buildings. The Housing Department is helping to rehouse occupants of illegal rooftop structures affected by these clearances and has taken proactive measures to encourage them to register on the waiting list for public rental housing;

(b) **Squatters:** our policy is to clear and rehouse squatters if their structures are exposed to immediate and obvious landslip dangers, or they are occupying land required for public development, and if there is a need to improve the environment or living standards of the clearees;

(c) **Bed-space apartments:** we appreciate the Committee's concerns but we believe that our approach is the right one. The people who live in bed-space apartments do so largely out of choice for convenience, economic and other personal reasons. There is ample provision in government hostels - which are clean, safe and well managed - to accommodate the relatively small numbers involved. Yet they remain underutilized, probably because their targeted occupants place a higher value on location and convenience than on the standard of their living environment. It would not be practical to plan the provision of hostels or other forms of public accommodation on the basis of where individuals prefer to live, particularly as such preference is invariably for the urban areas where space is already at a premium. We cannot force people to accept public accommodation if they do not want to. Nor do we think it reasonable to abolish a form of private sector accommodation for which there is a small but persistent demand. Thus, our policy has been to enforce an amelioration of conditions within the premises that provide bed-space apartments. Now, all bed-space apartments are regulated under a statutory licensing regime³⁶ that enforces fire and building safety standards. Meeting those standards has obliged the operators of such premises to reduce the number of bed-spaces per unit, so that the apartments are not as cramped as they used to be. In this way, we have respected the personal choice of those who live in such accommodation, whilst achieving substantive improvements in the standard of their living environment and offering them genuine public sector alternatives.

593. Our policy is that no one will be rendered homeless as a result of government clearance actions.

Poverty

594. In paragraph 18 of its concluding observations of 2001, the Committee expressed grave concern about "the widespread and unacceptable incidence of poverty in HKSAR". It was especially concerned that "a large number of older persons continue to live in poverty without effective access to social services". In paragraph 19, the Committee expressed deep concern that "HKSAR lacks adequate institutional arrangements to ensure the formulation and implementation of comprehensive, integrated, consistent and effective anti-poverty strategies." In paragraph 38, the Committee strongly recommended that "HKSAR establish either an interdepartmental anti-poverty unit or an independent anti-poverty commission, to conduct relevant research, formulate anti-poverty strategies and monitor all policies for their impact on poverty." And, in paragraph 39, the Committee urged HKSAR "to ensure that Comprehensive Social Security Assistance levels permit recipients a reasonable standard of living consistent with articles 9 and 11 of the Covenant". Local commentators have echoed these concerns with some calling on the Government to establish an official poverty line.

595. Our approach to poverty is that outlined in paragraphs 567 to 570 above in relation to income distribution. That is, we see the issues of income disparities and poverty as related and our strategy in regard to both focuses on:

- (a) Economic growth;
- (b) Human development;
- (c) Social investment.

Thus, our first priority is to help the socially vulnerable to improve their position, particularly persons whose capacity to achieve upward mobility is limited. To that end, we are actively pursuing initiatives to increase employment opportunities, develop opportunities for education, training and retraining, and help unemployed persons to find jobs.³⁷

An official poverty line?

596. We do not consider that setting an official poverty line would improve the position of the disadvantaged. There are no universally agreed definitions or measurements of poverty and any attempt to define poverty inevitably involves subjective value judgements. The definition of poverty that each society adopts is based on the norms and values of that society and is often subject to such variables as time, place and prevailing social conditions. In general, the common goal is to provide assistance to the disadvantaged.

597. We are aware that some NGOs define poverty in relative terms, setting the poverty line at, say, half the median wage, or half of the median household income, or some other similar benchmark. But this approach ensures that even the most affluent societies will always contain a group of people regarded as "poor" and we therefore consider it unsound. Others have defined poverty in terms of income distribution. But such analyses take no account of intangible income derived from government spending on housing, health and education, so understating the economic effectiveness of welfare services in improving household income and its distribution.

598. In Hong Kong, the eligibility criteria for CSSA define the disadvantaged members of society whom we consider should receive support and assistance to meet their basic and essential needs. The needy also receive assistance in the form of welfare services, free or low-cost education, subsidized housing and health care. Each programme is governed by prescribed criteria that define who qualifies for the services it offers, having regard to relevant policy considerations and specific circumstances. An official poverty line would not affect those criteria. Expressed differently, those who are eligible for such assistance now would continue to be eligible, regardless of whether or not a poverty line were in place.

A dedicated poverty body?

599. We address poverty as a cross-sectoral issue through various internal forums and through coordination at different levels within the Government, which is accountable to the legislature. In response to the specific question of establishing a coordinating body to deal with poverty, we respectfully note the Committee's concerns and recommendations. But we remain firmly of the view that the existing arrangements provide the necessary degree of coordination and community input and that there is therefore no advantage in establishing a dedicated coordinating body.

L. Article 12

Right to health

Health and health care

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

Policy

601. The Government's policy is as explained in paragraph 413 of the initial report. In 2002-2003, public expenditure on health care amounted to HK\$ 32.5 billion (US\$ 4.2 billion), or 14.8 per cent of total recurrent public expenditure. By comparison, the corresponding figure for 1997-1998 was 14.7 per cent.

602. The public and private sectors complement each other in the provision of health services. In 2000-2001, the total expenditure on the private health-care sector was estimated at HK\$ 37.5 billion (US\$ 4.8 billion).

General health of Hong Kong's population

603. Hong Kong's health indices continue to compare favourably with those of developed countries:

	Infant mortality rate (per 1,000 live births)	Maternal mortality rate (per 100,000 total births)	Life expectancy	
			Male	Female
Hong Kong (2002*)	2.4	4.2	78.7	84.7
USA (2000)	6.9	9.8	73.9	79.5
UK (2000)	5.6	7.0	74.8	79.9
Japan (2000)	3.2	6.6	77.6	84.6

* Provisional figures.

604. The position is essentially as explained in paragraph 415 of the initial report, though immunization against measles, mumps and rubella has risen to over 86 per cent from 82 per cent in 1997. These levels remain similar to those in developed countries.

Control of communicable diseases

605. Communicable diseases were once the leading causes of death and morbidity in Hong Kong. With improvements in socio-economic conditions, education, housing, sanitation and nutrition, and the introduction of the childhood immunization programme, the major communicable diseases are largely under control.

606. Our system for the surveillance of infectious diseases is well established and effective. The Quarantine and Prevention of Disease Ordinance (chap. 141) requires doctors to notify the Director of Health of cases of diseases specified in its First Schedule. Additionally, through outpatient clinics and general practitioners, the Department of Health maintains a sentinel surveillance system for influenza-like illnesses; hand, foot and mouth disease; acute conjunctivitis; acute diarrhoeal diseases; and antibiotic resistance. The Hospital Authority also works closely with the Department of Health in reporting diseases of public health significance. And the Public Health Laboratory Centre and the Government Virus Unit conduct laboratory surveillance of various infectious diseases.

607. In October 2000, the WHO Regional Commission for the Certification of Poliomyelitis Eradication in the Western Pacific Region declared that transmission of indigenous wild poliovirus in the Western Pacific Region, including Hong Kong, had been interrupted. We will continue to support the work of WHO towards the global eradication of poliomyelitis.

608. The Department of Health works closely with WHO and centres for communicable disease control in neighbouring and overseas countries. Such cooperation includes the prompt sharing of information, transfer of expertise, support and collaboration.

Avian influenza

609. In paragraphs 424 to 428 of the initial report, we informed the Committee of the first outbreak - in 1997 - of the virus H5N1, commonly known as "avian flu" and the measures taken to combat it. Since then (in 2001 and 2002), Hong Kong has experienced further outbreaks. But the H5N1 viruses detected in these outbreaks were not the same as the one found in 1997, which could infect humans. Cooperation between the Government, academics and the live poultry trade enabled us promptly to contain these outbreaks and we subsequently instituted stringent control measures, at various levels, to prevent recurrent H5N1 infection in chickens and to prevent its transmission to humans. We have instituted a comprehensive surveillance system at all levels of the supply chain of live poultry, including import control points, local farms and wholesale and retail markets, to ensure early detection. The surveillance of influenza in the human population has been improved through a network of clinics, hospitals and laboratories in the public and private sectors. In addition, we have introduced measures to minimize the risk of further outbreaks (see annex 12A).

Different forms of specific health/medical care

Primary health care

610. The position remains essentially as explained in paragraphs 422 and 423 of the initial report.

Family health and health care of women of childbearing age and children up to 5 years of age

611. The position remains essentially as explained in paragraph 442 of the initial report.

Expansion of women's health services

612. The position remains essentially as explained in paragraph 446 of the initial report. Women's health services are now provided at 10 maternal and child health centres. Services provided at the five centres added since submission of the initial report are available on a sessional basis.

The Adolescent Health Programme

613. We introduced this programme in the 2002/03 school year as part of the Student Health Service (see paragraph 447 of the initial report). Its purpose is to help adolescents face challenges of growing up by developing their resilience, equipping them with the skills they need

to cope with crises and stress, and fostering a positive attitude to life. Multidisciplinary teams of doctors, nurses, clinical psychologists, social workers and other professionals visit secondary schools to deliver health promotional programmes to students, teachers and parents.

Infirmary beds

614. In 2002-2003, as foreshadowed in paragraph 448 of the initial report, the Hospital Authority increased the number of infirmary beds to 3,051.

Dental care

615. The position remains essentially as explained in paragraphs 449 and 450 of the initial report. In 2001-2002, a total of 438,659 children - about 88.3 per cent of the primary school population - participated in the School Dental Care Service. In 2001, the Department of Health published a report on a territory-wide oral health survey. This was an important surveillance initiative that, in future, will be conducted at 10-year intervals to monitor the status of oral health and oral health awareness in Hong Kong. It will also provide useful information for planning and evaluation purposes.

Health education

616. We explained the role of the Central Health Education Unit in paragraph 451 of the initial report. The Unit now incorporates a multidisciplinary team to ensure a more comprehensive - and therefore more effective - approach to health promotion. Priorities include nutrition, physical activity, injury prevention, mental health and tobacco control.

Mental health

617. EOC considers that our mental health-care services are fragmented and do not always operate to the benefit of persons with mental illness. To remedy this, the Commission has suggested that we introduce an independent Mental Health Council. The position in this regard is as follows:

- (a) The Department of Health is responsible for public education on health matters, including mental health;
- (b) The Hospital Authority is responsible for detecting, diagnosing, and treating mental illness;
- (c) The Health Welfare and Food Bureau is responsible for coordinating policies and programmes regarding mental health.

This division of responsibilities works well in terms of policy formulation, programme delivery and public education. We therefore see no immediate need for a Mental Health Council.

Higher prevalence of mental illness among women

618. EOC has noted that mental illness is more prevalent among women than among men. It is true that there is an imbalance in this regard, the ratio as between women and men being about 55 to 45.³⁸ To some extent, this accords with the *WHO Report 2001*, which observes that women are almost twice as likely than are men to suffer from depressive and anxiety disorders.³⁹ By way of explanation, the Commission cites “the traditional role of women that exposes them to greater stresses and makes them less able to change their stressful environment”. The Commission also cites “the high rate of domestic and sexual violence against women”. But another factor is post-natal depression, which is an important public health problem in Hong Kong, affecting some 10 per cent of Chinese women. About half of all pregnant women and 95 per cent of newborn babies visit the maternal and child health centres of the Department of Health, which offer an ideal setting for:

- (a) Raising community awareness of this condition and ways of addressing it;
- (b) Timely identification of risk factors and early recognition;
- (c) Building the capacity of frontline medical and nursing staff to support clients in need.

The centres’ role and functions are discussed in section VI.A of our initial report under the Convention on the Rights of the Child.⁴⁰ These centres make particular reference to clients’ past history of mental illness, if any, marital relationships and the availability of social support. They refer clients to specialists and social workers, as appropriate.

Provision of hospital services

619. The position remains essentially as explained in paragraphs 452 and 453 of the initial report: the Hospital Authority remains the provider of public hospital services. It now manages 43 public hospitals and institutions, as well as 46 specialist outpatient clinics, providing inpatient, ambulatory and community-based services for the community. At the end of March 2002,⁴¹ the Hospital Authority was employing 4,105 medical staff and providing 29,022 hospital beds.

620. In paragraph 453 of the initial report, we stated that public hospitals were grouped into eight clusters. To achieve further economies of scale, the Hospital Authority now groups its hospitals and institutions into seven clusters. The Authority expects to achieve further efficiencies by reducing the number of clusters to five in the next two years.

Demand and supply of hospital beds

621. In paragraph 454 of the initial report, we noted that demand for public hospital services was increasing. That trend has continued. The number of patient discharges and deaths rose from 970,000 in 1997-1998 to 1,208,000 in 2001-2002, an increase of about 25 per cent. The 29,022 hospital beds provided as at 31 March 2002 represented an average of 4.2 beds per thousand. The target for 31 March 2003 is 29,288 beds, thus maintaining the 4.2 ratio in the face of continued population increase.

622. In line with the global trend away from inpatient care and towards ambulatory services, the Hospital Authority is reviewing the future demand for hospital beds and ambulatory care facilities, taking account of the latest population projections, service needs and changes in service delivery models.

Hospital manpower requirements

623. Since the publication of the initial report, the Hospital Authority has continued to recruit personnel to meet increasing demand. In 2002-2003, the Authority plans to recruit 270 doctors, 270 nurses, 69 allied health professionals and 107 graduate trainees in allied health disciplines.⁴²

Deaths and injuries in hospital

624. In paragraphs 460 to 464 of the initial report, we informed the Committee of a series of mishaps that occurred during the period then under review. In the years since then, the Hospital Authority has established mechanisms to coordinate risk management in all public hospitals. These include early identification and mitigation of significant clinical risks and have served to reduce the occurrence of clinical incidents.

Traditional Chinese medicine

625. As foreshadowed in paragraph 465 of the initial report, we have established a statutory framework to regulate the practice, use, trade in, and manufacture of Chinese medicine. The Chinese Medicine Ordinance (chap. 549) was enacted in July 1999. The Chinese Medicine Council of Hong Kong - a statutory body established under the Ordinance in September 1999 - is responsible for devising and implementing the specific regulatory measures.

626. In the longer term, only registered practitioners will be permitted to practise Chinese medicine in Hong Kong. To become a registered practitioner entails obtaining a recognized degree in Chinese medicine practice and passing the licensing examination. Practitioners must also comply with the Council's code of practice and meet the requirements on continuing education for the purpose of renewing their practising certificates as required under section 82 of the Chinese Medicine Ordinance (chap. 549).

627. Transitional arrangements are provided for existing practitioners in sections 90 to 96 of the Chinese Medicine Ordinance (chap. 549). In August 2002, the Council completed an exercise to assess whether existing practitioners were eligible for direct registration under the transitional arrangement or whether they needed to pass a registration assessment or a licensing examination prior to registration. Some 2,543 practitioners were deemed eligible for direct registration.

628. From 2003, we will introduce regulatory controls on Chinese medicines, including the registration of proprietary Chinese medicines, licensing of Chinese medicine traders and proprietary Chinese medicines manufacturers. These requirements will be introduced in phases. At the same time, we are developing safety and quality standards for Chinese medicinal materials.

629. Major progress has been made in other areas. Before 1998, there was no full-time structured training in Chinese medicine at the tertiary level. Now, two universities provide full-time undergraduate and postgraduate degree courses in Chinese medicine practice and in Chinese medicines pharmacy. In May 2001, the Government's Innovation and Technology Commission established the Hong Kong Jockey Club Institute of Chinese Medicine to formulate strategies and coordinate funding of research and development. We will also provide Chinese medical outpatient services in public clinics.

Regulation of health-care institutions

630. Some commentators have suggested - though not in explicit terms - strengthening the regulation of health-care institutions. We note these views but consider the existing framework for the regulation and monitoring of private health-care services to be adequate. That framework includes both statutory and administrative measures implemented by the Department of Health.⁴³ The framework is regularly reviewed to ensure that the private sector provides a high and consistent standard of service. Improvements are made where necessary: for example, the Department of Health has conducted a consultation exercise with private hospitals on a draft Code of Practice which, when finalized (2003), will institutionalize standards of good practice in private hospitals.

Prevention and control of HIV/AIDS

631. The prevention, care and control of HIV/AIDS remains a high priority. As at 31 December 2002, a total of 2,015 cases of HIV infection - mostly contracted through sexual transmission - had been reported to the Department of Health. Of these, 613 had developed AIDS. In 2002, it is estimated that 2,600 persons aged 15 to 49 were living with HIV/AIDS.⁴⁴

Advisory Council on AIDS

632. The Council's role is as explained in paragraph 420 of the initial report. The 1998 review foreshadowed therein led to new strategy proposals that have since been revised and re-evaluated, most recently in 2002. The 2002 revisions set the strategic programme for the period 2002-2006.

Detection and treatment

633. In 1999, as foreshadowed in paragraph 421 of the initial report, the Department of Health opened the first integrated day treatment centre for HIV and sexually transmitted diseases. In 2002, about 900 HIV/AIDS patients received public service care.

The rights of sufferers

634. The situation remains essentially as explained in paragraph 422 of the initial report.

Community involvement and education

635. The role of the AIDS Trust Fund was explained in paragraph 423 of the initial report. As at the end of 2002, NGOs had received grants totalling over HK\$ 177 million from the Fund. This covered the costs of over 400 projects targeting such groups as youth, commercial sex workers, and cross-border travellers. The Fund also makes ex gratia payments to persons who have contracted HIV through transfusion of contaminated blood products.

636. In 1998, the "Red Ribbon Centre" - whose role was also explained in paragraph 423 of the initial report - became a UNAIDS Collaborating Centre for Technical Support.

Public Health Laboratory Centre

637. This purpose-built laboratory building was completed in August 2001. It houses state-of-the-art facilities and equipment and is the central laboratory of the Department of Health for all specialities other than chemical pathology and haematology. It is also the centre for networking with international health protection institutions, such as WHO, the Public Health Laboratory Service of the United Kingdom and the Centres for Disease Control and Prevention of the United States.

Reforming the health-care system

638. The existing system has served us well for many years. But it needs to evolve and to develop to meet changing societal needs, particularly the rising demand engendered by population ageing and other demographic changes. With that in view, in December 2000, we published a consultation document on health-care reform, entitled *Lifelong Investment in Health*. The document stressed the need for a health-care system promoting health, providing lifelong holistic care, enhancing the quality of life and enabling human development. It also highlighted the importance of individual participation and taking responsibility for one's own health. In July 2001, we announced the results of the consultation and our proposed way forward.

639. The reform initiatives focused on service delivery, quality assurance and long-term financing. Proposals that had the support of the general public have since been implemented or are being taken forward.⁴⁵ The more complex and contentious proposals are now the subject of further study with a view to consulting the public again at a later date. These include, for example, the introduction of a mandatory medical savings account as a supplementary source of finance.

640. In the consultation document, we proposed, *inter alia*, to introduce a "health protection account" as a long-term measure to improve the financial sustainability of our public health-care system. In a nutshell, this would be a mandatory saving scheme designed to help individuals to continue paying for their medical expenditure after retirement. Participants (in principle, all working persons) would contribute a small percentage of their earnings to a personal account and the money saved would be used to cover their and their spouses' future medical needs after retirement. Some commentators have suggested that this would not provide women with equal access to health services. We are now conducting studies on the feasibility of the proposal and

will consult the public again when these studies are completed. That said, if - after the consultations - the proposal is implemented in its present form, it will not detract from the principle that no one should be denied adequate medical care due to lack of means (paragraph 413 of the initial report).

Food safety

Institutional framework

641. Before 1 January 2000, responsibility for food safety assurance was shared among several government departments. With the increasing importance of food safety and the need for greater effectiveness and efficiency, we established the dedicated Food and Environmental Hygiene Department, now under the Health, Welfare and Food Bureau, with responsibility for all aspects of food safety. The Department works closely with other departments in such areas as the prevention and control of food poisoning, the microbiological testing of food samples, and so forth.

Food safety programmes

642. These comprise such things as public education, legislation and enforcement, import control, food surveillance, licensing of food premises, the prevention and control of food poisoning, and so forth. In the formulation of these programmes, the Food and Environmental Hygiene Department uses the "Hazard Analysis Critical Control Point" (HACCP), a risk-analysis model⁴⁶ favoured by such international authorities as the Codex Alimentarius Commission. By identifying the areas of highest risk, the model facilitates the efficient allocation of resources for food safety assurance. To that end, the Department closely monitors both known and emerging food hazards as food varieties and consumption patterns change, assessing risks and developing measures commensurate with the level of risk.

643. Food safety control is the joint responsibility of the Government, the food trade and consumers. In accordance with international practice, we encourage the food trade to adopt food safety plans based on HACCP, thereby improving food hygiene and safety standards. Every year, the Department organizes a food hygiene campaign to disseminate the concept of food risk and to promote the application of the HACCP-based food safety plan as a risk-management tool for protecting food safety. To educate consumers on their role in ensuring food safety, we regularly publicize food surveillance results, risk-assessment reports and food safety tips on what the risks are and how to reduce them.

Legislative initiatives

644. As part of our food control strategy, we intend to introduce legislative changes to our food laws in the light of the recommendations of international food standard authorities. In 2001, we enacted the Public Health (Animals and Birds) (Chemical Residues) Regulation (chap. 139N) and the Harmful Substances in Food (Amendment) Regulation 2001 (chap. 132AF). These pieces of legislation proscribe 10 chemicals and regulate the maximum residue limits of 37 agricultural and veterinary drugs in live food animals and their related food

products from both local or imported sources. We also plan to amend the Food and Drugs (Composition and Labelling) Regulations (chap. 132W) to require the labelling of allergens and food additives. We recently completed a feasibility study on nutrition labelling and are examining the options.

Services and facilities for people with disabilities

645. The Social Welfare Department and subvented NGOs provide rehabilitation and other services for people with disabilities. Those services are essentially as explained in paragraphs 430 to 432 of the initial report but have expanded to meet changing needs. As at 31 March 2002, there were:

- (a) 4,658 pre-school places;
- (b) 13,327 day training and vocational rehabilitation places;
- (c) 8,923 residential places for people with various disabilities.

Promoting self-reliance

646. We consider it important that disabled persons should be encouraged to become self-reliant. To that end, the Social Welfare Department works with NGOs to promote their self-reliance and employment opportunities. As at 31 March 2002, there were 7,527 sheltered workshop places and 1,862 supported employment places provided to people with disabilities.

647. To increase employment opportunities for people with disabilities, the Department's Marketing Consultancy Office, which is staffed by personnel with business and marketing backgrounds, assists in the marketing and business development of sheltered workshops and supported employment. In 2001-2002, the Social Welfare Department initiated:

- (a) A three-year on-the-job training programme benefiting 360 disabled people a year;
- (b) Financial grants for NGOs to operate small businesses that employ mainly people with disabilities.

Strengthening home- and community-based support services

648. To enable families and carers to support people with disabilities living in the community, the Social Welfare Department has:

- (a) Strengthened existing community support services such as parent resource centres, social and recreational centres and gateway clubs;
- (b) Provided funding for self-help groups;
- (c) Funded community-based projects to fill service gaps and to meet the immediate needs of people with disabilities and their families, such as holiday care, home respite and extended day care;

(d) Improved home-based training and support services. In 2002-2003, the Department will expand the number of home training places from 350 to 1,500.

Services and facilities for the ex-mentally ill

649. The Social Welfare Department subvents NGOs to provide residential and day services to discharged mental patients. As at 31 March 2002, there were 1,349 halfway house places, 980 places in long-stay care homes, and 230 training and activity centre places to foster the process of social adjustment. Other services include sheltered workshops, supported employment, after-care services (to look after persons discharged from halfway houses), and casework services such as counselling and compassionate rehousing. In January 2002, halfway houses and training and activity centres introduced additional care and support for discharged mental patients and their families. This includes outreach visits and networking resources under a programme called "Community Mental Health Link".

Services for the severely and moderately mentally handicapped

650. As at 31 March 2002, the Social Welfare Department and subvented NGOs provided 4,903 residential places and 3,708 places in day activity centres. Other services provided for this group are sheltered workshop and supported employment.

Implementation of the Disability Discrimination Ordinance (DDO)

Enquiries and complaints

651. From January 2000 to December 2002, the Equal Opportunities Commission (EOC) received 5,324 specific enquiries and 1,096 complaints relating to DDO:

	2000	2001	2002
Specific enquiries	1 541	1 881	1 902
Complaints			
Disability discrimination	290	341	288
Disability harassment	40	34	45
Disability vilification	5	35	2
Victimization	4	6	6
Total	339	416	341

652. Some 67.2 per cent (736) of complaints related to employment. Of the remaining 32.8 per cent (360), complaints relating to the provision of goods, services and facilities and access to premises featured most prominently, together accounting for 77.8 per cent (280) of all non-employment-related complaints. Where conciliation was attempted, the success rate was 57.8 per cent.

Legal Assistance

653. EOC provides support for litigation where:

- (a) A case raises questions of principle;
- (b) A case relates to a matter of public interest;
- (c) A precedent or a clarification of the law through court interpretation is required; or
- (d) The case is complex.

The number of cases considered between 2000 and 2002 were:

Year	Granted	Not granted	Under consideration	Total applicants
2000	10	5	0	15
2001	5	13	0	18
2002	8	27	3	38
Total	23	45	3	71

Code of Practice on Education under DDO

654. Access to education is of key importance in enabling people with disabilities to integrate fully into society. In 2001, with that in view, EOC published the Code of Practice after substantial consultation with educators and disability community and the general public. The Code came into operation in July that year, before the commencement of the 2001/02 academic year. So far, some 33,500 copies of the Code have been distributed.⁴⁷

655. Since then, EOC has collaborated with the Education and Manpower Bureau, concern groups and professionals to ensure that adequate support is provided to the schools, to children with disabilities and to their parents. Regular working group meetings address issues of concern and coordinate action to ensure the implementation of the Code. This collaboration has resulted in the establishment of the Bureau's mediation mechanism for disputes between parents/students and the schools and the publication of information material for schools and parents in relation to the Code. The Commission and the Bureau are now producing training materials on equal opportunities and the Code for school principals and teachers.

Specific services and facilities for persons with mental illness

656. The position is essentially as explained in paragraph 434 of the initial report, though there have been developments. In accordance with international trends, the Hospital Authority is moving away from institutional care and focusing on the development of community psychiatric services and on strengthening outreach support for discharged patients. In 2001-2002, in collaboration with other primary care providers and education and welfare agencies, the Authority initiated a pilot programme for the early detection and treatment of young persons with psychotic problems. In 2002-2003, it will initiate a further pilot scheme to provide intensive rehabilitation and treatment programme for psychiatric patients in a home-like setting, with a view to facilitating their early re-integration within the community.

657. In paragraph 20 of its concluding observations of 2001, the Committee expressed its regret that:

“In relation to the care of persons with mental illness, HKSAR is reluctant to authorize the prescription of new drugs that are more costly but more effective and have been shown to produce fewer side effects for the mentally ill.”

658. The position is that new anti-psychiatric drugs are prescribed to individual patients according to established clinical protocols. It is not true that patients with clinical needs have been denied access to the new anti-psychiatric drugs. Indeed, the Hospital Authority has secured additional government funding in order to meet the increasing demand for such drugs, the numbers receiving them having increased from 3,000 in 2000-2001 to more than 5,000 in 2001-2002.

Public education

659. In paragraph 20 of its concluding observations of 2001, the Committee noted with concern “the apparent lack of initiative on the part of HKSAR to undertake public education to combat discrimination against those with mental disabilities”. In paragraph 45 of its concluding observations, the Committee also urged HKSAR “to provide public education to combat discrimination against persons with mental illness”.

660. Since July 1997, the Government of HKSAR has spent over HK\$ 23 million on public education and publicity campaigns to promote the integration of people with disabilities and their acceptance by the community. Nearly half of the amount has been spent on fostering public acceptance of the mentally handicapped and of people who have recovered, or are suffering, from mental illness.

661. The annual public education programme includes television and radio campaigns,⁴⁸ complemented by poster campaigns, television dramas, radio talks, seminars, awards to good employers of disabled persons and so forth. In October each year, we collaborate with statutory bodies and NGOs to organize a territory-wide “Mental Health Month” to promote public awareness of mental health and the integration of ex-mental patients. We also sponsor district-based annual celebrations of the International Day of Disabled Persons.

662. In 2002-2003, we spent HK\$ 1.5 million on programmes to commemorate the conclusion of the Asian and Pacific Decade of Disabled Persons (1993-2002) and to mark the beginning of the second decade. The programmes promoted the goal of an inclusive society and public acceptance of people with disabilities, including those with mental illness.

663. Our most recent tracking survey on public attitudes towards disabled persons found Hong Kong people are increasingly accepting people with disabilities. We will continue to monitor changes in public attitudes and behaviour, particularly as regards the mentally ill.

Environment and industrial hygiene

Environmental protection strategy

664. The Chief Executive's 1999 policy address identified air pollution, water pollution and solid waste as Hong Kong's most serious environmental problems and proposed plans for dealing with them. The address also committed the Government to the principle of sustainable development.

Establishment of the Sustainable Development Unit

665. The Sustainability Development Unit was established in April 2001. It coordinates initiatives to promote sustainable development both within and outside the Administration. Since April 2002, the Unit introduced a sustainability assessment system for the integration of sustainability principles into the Government's decision-making process. The Unit also promotes sustainable development in the community. In 2002, it issued publications and reports, organized roving exhibitions and participated in various forums and seminars to explain and explore issues relating to sustainability.

Implementation of the sustainability assessment system

666. Since April 2002, all government bureaux and departments have been required to assess the sustainability implications of their major initiatives and programmes and to explain their findings in their submissions to the Policy Committee⁴⁹ or the Executive Council. The sustainability assessment system requires bureaux and departments to identify and evaluate the potential impact of any new initiatives on the sustainable development of Hong Kong.

Control of water pollution

Harbour Area Treatment Scheme

667. Stage One of this Scheme was commissioned in December 2001 to provide early improvement to the water quality of Victoria Harbour. The Stage One system treats 70 per cent of the sewage collected from the urban areas around Victoria Harbour (about 1.3 million m³) and prevents 600 tonnes of sludge from entering our Harbour every day. In November 2000, an International Review Panel made recommendations for the remaining stages of the Scheme and we are conducting trials and studies to assess them. The trials and studies will last until late 2003 and we will consult the public on the way forward having regard to our findings.

Water quality at beaches

668. The water quality in many beaches has been improving due to the progressive provision and improvement of local sewage treatment. In 2002, the water quality at 33 out of 41 (81 per cent) gazetted beaches met the objectives for bathing water, with 23 ranking good, 10 fair, 2 poor and 6 very poor. There remains eight that ranked poor or very poor because they were still subject to pollutants discharged from the hinterland and the discharge of untreated sewage from the Harbour areas that not yet covered by Stage Two of the Harbour Area Treatment Scheme. Work to improve the sewerage and sewage treatment works will continue.

Water quality in marine waters

669. The water quality in Deep Bay remains as explained in paragraph 472 of the initial report. For the reasons given in paragraph 667 above, the central and eastern parts of Victoria Harbour has shown significant improvement: dissolved oxygen has increased by 20-30 per cent, ammonia has decreased by 20-50 per cent and bacteria levels have decreased by some 90 per cent. But the western part of the Harbour is still subject to the discharge of untreated sewage from areas not yet covered by the Stage One of the Harbour Area Treatment Scheme and we have achieved only modest improvements there (small increases and decreases respectively in dissolved oxygen and in ammonia). Further improvement of the Harbour water quality is dependent on the implementation of the remaining stages of the Scheme.

Disposal of special wastes

670. New legal controls over the handling, collection and disposal of clinical waste will take effect in 2004 with the introduction of amendments to the Waste Disposal Ordinance (chap. 354). We intend to utilize the Chemical Waste Treatment Centre (see paragraph 474 of the initial report) for the treatment of clinical waste when those controls are in place. Also in paragraph 474, we reported that we intended to build an incinerator for animal carcasses. The feasibility study foreshadowed there is under way.

Waste reduction

671. The Waste Reduction Framework Plan launched in 1998 (paragraph 475 of the initial report) remains effective. Our waste management strategy comprises waste avoidance and reduction; reuse and recycling; and the treatment and disposal of unrecyclable waste. Waste prevention and recovery is the focal area.

Control of air pollution

672. In 1999, we announced a comprehensive vehicle emission reduction programme to improve air quality. Upon full implementation of the programme, we expect the emission of particulates (RSP) and nitrogen oxides (NOx) from motor vehicles - Hong Kong's two major air pollutants - to fall by 80 per cent and 30 per cent respectively by the end of 2005.

673. The measures that we have been or are taking include:

- (a) Replacement of diesel taxis with ones that run on liquefied petroleum gas (LPG): 93 per cent (over 16,800) have been replaced under an incentive scheme that began in August 2000;
- (b) Replacement of diesel light buses with LPG or electric ones: an incentive scheme to encourage the early replacement of existing diesel light buses began in August 2002;
- (c) Introduction of ultra-low sulphur diesel (ULSD) (with sulphur content not exceeding 50 ppm): since September 2000, ULSD has been the only motor diesel available in Hong Kong and is now the statutory motor diesel standard;

(d) Retrofitting older diesel vehicles with particulate reduction devices: over 80 per cent of pre-Euro diesel light vehicles have been retrofitted with financial subsidies being provided to owners. A similar programme for pre-Euro diesel heavy vehicles began in late 2002;

(e) Increased enforcement and inspection of vehicles with excessive emissions: the fixed penalty for smoky vehicles has been increased to HK\$ 1,000 (US\$ 128) and all detected smoky vehicles must pass a dynamometer emission test or their owners' vehicle licences will be revoked;

(f) Tighter emission requirements of newly registered vehicles: we are moving in step with the European Union and have introduced Euro III standards.

674. These measures have had positive effects. In 2002, urban roadside concentrations of RSP dropped by 19 per cent and those of NOx by 16 per cent against 1999 levels. In the same period, the number of instances where the short-term air quality objectives were exceeded fell by 38 per cent and the number of smoky vehicles dropped by 70 per cent. We expect to see continuing improvement as the programme of measures advances.

675. We are working with Guangdong Provincial Government to improve regional air quality. In April 2002, the two Governments reached a consensus to reduce, on a best endeavour basis, the regional emissions of the four major air pollutants (sulphur dioxide, RSP, NOx and volatile organic compounds). The target is to reduce them by 2010 to levels that will enable Hong Kong and cities in the Pearl River Delta Region largely to meet their respective air quality objectives. We and Guangdong are also studying the feasibility of a pilot scheme for emissions trading between selected power stations in Hong Kong and in the Pearl River Delta Region.

Control of noise pollution

676. In 2002, we amended the Noise Control Ordinance (chap. 400) to hold the management of a body corporate explicitly liable for noise offences committed by the body corporate. The purpose was to deter repeated offences by bodies corporate. We have also tightened the noise emission standards for newly registered vehicles.

677. We have formulated a programme to address the traffic noise impact of existing roads. Subject to availability of funding, we will implement engineering solutions where practicable at existing excessively noisy roads. These will include retrofitting barriers and enclosures, and resurfacing with low noise material. Where engineering solutions are impracticable, we will explore non-engineering solutions - such as traffic management measures - on a case-by-case basis.

Environmental education

678. The Environment and Conservation Fund (see paragraph 489 of the initial report) continues its educational work and to sponsor community organizations, schools and green groups to organize activities to promote environmental protection. Following depletion of the HK\$ 100 million referred to in paragraph 489 of the initial report, we injected a further HK\$ 100 million to enable the Fund to continue to finance worthwhile projects.

679. The Environmental Campaign Committee continues the work described in paragraph 490 of the initial report.

Environmental impact assessment

680. The position remains as explained in paragraph 491 of the initial report.

Occupational health

681. The position remains as explained in paragraphs 98 to 101 of the initial report in relation to article 7 and in paragraphs 492 to 496 of the initial report in relation to article 12.

M. Articles 12 and 14

Right to education

682. The constitutional position is as explained in paragraph 497 of the initial report.

Access to education and educational attainment

Nine-year free and compulsory⁵⁰ education

683. The position remains as explained in paragraph 498 of the initial report.

Senior secondary, technical and tertiary education

684. We explained the structure of education beyond the ninth year in paragraphs 498 to 500 of the initial report. At the time (1998), subsidized places were available for 85 per cent of the 15-17 age group. Now,⁵¹ sufficient subsidized places are available at the secondary 4 and 5 level for all secondary 3 students who have the ability and wish to continue their studies.

685. The position regarding secondary 6 and 7 - which prepare 17 to 19-year-olds for the Hong Kong Advanced Level Examination, our matriculation examination for first degree courses - remains as explained in paragraph 500 of the initial report. But beyond that level, we now propose progressively to expand the post-secondary education sector. To that end, we aim to provide access to post-secondary education for 60 per cent of our senior secondary school leavers by 2010/11. Around 42 per cent of the 17 to 20 age group have access to post-secondary education in the 2002/03 academic year.

Private schools

686. As explained in paragraphs 501 to 503 of the initial report, private schools are the main providers of pre-school education. At the primary level and above, they offer parents alternative choices to mainstream schooling. In 1999, we introduced a new category of private schools - known as "Private Independent Schools" - in order to foster the expansion of the private school sector. Schools in this category must be non-profit-making. They receive a land grant at nominal premium and a capital grant for the construction of school premises.

But they do not receive recurrent subsidies from the Government. Two such schools came into operation in the 2002/03 school year. Eight others are expected to do so between 2003/04 and 2007/08. Other statistics in relation to private schools are provided in annex 26 to the initial report.

Financial assistance for needy students

687. The position remains as explained in paragraph 504 of the previous report.

Expenditure on education as a percentage of GDP

688. In 2002/03, total expenditure on education is estimated at HK\$ 61 billion, or 4.9 per cent of GDP. The corresponding figures were HK\$ 47 billion in 1997/98 (3.5 per cent of GDP) and HK\$ 22 billion in 1992/93 (2.7 per cent). About one third of the budget (HK\$ 20 billion) is spent on higher education.

Profile of educational attainment

689. Indicators of educational attainment are provided in annex 13A.

Pre-primary education

690. The position is essentially as explained in paragraph 507 of the previous report.

Primary and secondary education

Floating classes

691. In paragraph 508 of the initial report, we explained that some Hong Kong secondary schools have to operate more than the standard 24 classes. The extra classes have no "homebase" and must take their lessons in special rooms such as language and science laboratories. Because the pupils have to move from room to room during the school day, such classes are called "floating classes" and the process is referred to as "flotation". We explained that most educators considered flotation undesirable and that we hoped to abolish floating classes in secondary 1 to 5 by the 2000/01 school year. We have done our best to meet that target and there are now fewer than 40 floating classes at the secondary 1 to 5 level in public sector secondary schools. The necessary improvement works fell behind schedule but are now in progress. When they are complete we will be able to eliminate all the remaining floating classes.

Class size

692. Some commentators have suggested that children would benefit educationally were classes to be reduced. This is a position to which many would intuitively subscribe. But there is no consensus on optimal class size and international research conducted over the past two decades has produced conflicting findings on the effect of class size on student learning. From the pedagogic perspective, class size is only one of the factors that affect the process and outcomes of teaching and learning. Many contextual variables, such as leadership, teacher

professionalism, school facilities, parental support and so forth are also significant. Thus, there is as yet no evidential basis that would support the view that smaller classes would necessarily enhance the quality of learning and teaching.

Whole-day primary schooling

693. In paragraph 509 of the initial report, we explained that “bisessional” - or “half-day” - schooling was a process whereby two schools shared a building: one “school” of pupils using it in the morning, another in the afternoon. This was particularly prevalent in primary schools. Most educators considered that whole-day schooling was educationally better: a view that Government shared. In paragraph 510, we explained that we aimed to have 60 per cent of primary school places offered in whole-day schools by the 2002/03 school year. We have met that target and now aim to ensure that almost all primary school children enjoy whole-day schooling by the 2007/08 school year.

Level of subsidy at the senior secondary level

694. In paragraph 511 of the initial report, we explained that school fees at this level were normally set at 18 per cent of recurrent cost.⁵² Thus, the level of subsidy was 82 per cent. However, secondary school fees have been frozen since the 1997/98 school year, so that fees have gradually fallen to the current level of 15 per cent of recurrent cost. The standard school fees and actual recovery rate are as follows:

Senior secondary level	Standard school fees \$ per pupil per school year and (actual recovery rate)					
	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03
S.4-S.5	\$5 050 (18%)	\$5 050 (17%)	\$5 050 (17%)	\$5 050 (15%)	\$5 050 (15%)	\$5 050 (14%)
S.6-S.7	\$8 750 (18%)	\$8 750 (17%)	\$8 750 (17%)	\$8 750 (16%)	\$8 750 (15%)	\$8 750 (14%)

Needy students in public sector schools may apply for remission of half or all of these fees.

Teachers

Remuneration

695. The position is as explained in paragraph 512 of the initial report.

Teacher quality

696. Our current initiatives to improve teaching standards are listed in annex 13B. This updates paragraph 513 and annex 28 of the initial report.

Teacher education

697. The position is as explained in paragraph 514 of the initial report, though the Hong Kong Baptist University has joined the list of tertiary institutions providing pre-service programmes. Regarding the refunds of course fees, teachers undertaking in-service professional development courses may apply to their schools for partial or full reimbursement.

Quality Education Fund

698. In paragraph 515 of the initial report, we explained that the main purpose of this Fund was to support educational research and school-based initiatives to develop new curricula and to improve the educational process. Since its establishment in January 1998, the Fund has made five calls for applications (and the sixth call is now in progress). Those calls have attracted over 12,000 applications from schools, education bodies, non-profit-making organizations, public bodies and individuals. More than 4,600 projects have been approved at a total cost of HK\$ 2.8 billion (about US\$ 359 million).

Language policy: biliteracy and trilingualism

699. The position is essentially as explained in paragraphs 517 and 518 of the initial report.

Medium of instruction

700. The position remains essentially as explained in paragraphs 519 to 524 of the initial report. We will review the policy in the 2003/04 school year.

Teacher education to encourage mother tongue teaching and to improve language teaching standards

701. In paragraph 525 of the initial report, we explained the role of the Institute of Language in Education, which was amalgamated with other Colleges of Education to form the Hong Kong Institute of Education. The Institute now offers teacher education programmes at the sub-degree, degree and higher degree levels, and from the 2004/05 school year all graduates of pre-service training programmes for primary and secondary school teachers will be degree holders. Another new development is the Language Proficiency Requirement Policy, which we announced in September 2000. The Policy states that serving teachers of English and Putonghua in the 2000/01 school year must attain the prescribed standards before the end of the 2005/06 school year. New teachers of those subjects who are appointed in the 2001/02 to 2003/04 school years must meet the new standards within two years of taking up their positions. That "grace period" will be shortened to one year from the 2004/05 school year onwards. Teachers' competence will be evaluated against the new standards by assessment, exemptions or a combination of both means.

Opportunities for the ethnic minorities to learn their mother tongue

702. The position remains essentially as explained in paragraph 527 of the initial report. But there have recently been several developments in regard to the broader question of education for the minorities. Traditionally, children from the minorities (most of whom are of Indian or Pakistani descent) have attended either the government schools mentioned in the initial report,

private international schools, or public sector schools in the local mainstream. Most such children have been able to speak both Cantonese and English. But few, if any, have learned written Chinese and, to some extent, that has restricted their future career options.

703. Historically, there has been little migration for settlement in Hong Kong from sources other than mainland China. But, from the mid-1990s, there was a significant influx of settlers from South Asia, particularly from Nepal and Pakistan. Unlike the settled minorities, few of these “non-Chinese new arrivals” speak Cantonese and many have little or no command of English. This compounds the normal difficulties of adaptation to new environments, particularly in regard to schooling, training and employment.⁵³ The following paragraphs address the question of schooling.

704. Because there has been no historical tradition of significant permanent settlement by non-Chinese/non-English speakers, our educational system has not been geared to meeting their needs. Residents in these categories have traditionally been “expatriates” (managerial professionals) whose terms of employment have enabled their children to attend the relatively expensive international schools in Hong Kong or boarding schools overseas. For the most part, these have been families that have not seen their own long-term future or that of their children as being in Hong Kong. Where they have, they have tended to envisage their children following approximately in their footsteps, securing positions in the international managerial professional field, where a knowledge of Chinese has not been regarded as essential (a perception that is now changing).

705. But few of the non-Chinese-speaking new arrivals from South Asia can afford the fees charged by the international schools and their educational needs must be met within the public sector. However, this is not easy for several reasons such as:

(a) **Language:** this is the core difficulty from which all others flow. Pupils of the schools that have traditionally served the needs of the settled minorities have generally started schooling with a good command of English. Similarly, the relatively small numbers that have attended mainstream schools have been able to speak fluent Cantonese, though they have generally not had a command of written Chinese.⁵⁴ But few, if any, of the “new minority” children have any command of Cantonese, and significant numbers are not well versed in English. This has posed new challenges for the schools and the need for special arrangements to help “new minority” children to adapt (see paragraphs 706 to 712 below);

(b) **Placement logistics:** the new minorities do not arrive in predictable numbers or at predictable times. On first arrival, the children are of various ages and at different stages of their educational development, so that the placement process is inevitably somewhat ad hoc. This can lead to difficulties in securing satisfactory placements.

Policy

706. Against this background, our goal is to integrate minority children into the local community and the educational mainstream. We consider this a better option than establishing schools specifically catering for them, which would militate against their acquiring a sound knowledge of Chinese and compromise their future ability to compete on an equal basis with

their local peers for tertiary places and jobs. At the same time, we acknowledge that full integration is achievable only in the long term and that we will have to approach it by a series of intermediate steps (see below). We also acknowledge that some parents will wish to educate their children in non-mainstream schools. They have the right to do so, but we consider it incumbent on us to help parents, as far as possible, to make informed choices.

Provision of school places

707. There are sufficient places in public sector schools to enable us to integrate into the educational mainstream those minority children who envisage their futures as lying in Hong Kong. Parents seeking such places for their children can apply to the schools direct or through the Education and Manpower Bureau. The Bureau has publicly pledged itself to arranging places for such children within 21 working days.

708. All public sector schools admit non-Chinese-speaking children. There are nine public sector schools⁵⁵ that have admitted relatively greater numbers of non-Chinese speakers. At the time of drafting this report, they had a total enrolment of about 3,100 and had both ample vacancies and the capacity to expand to meet additional demand. It must be recognized that children in these schools are likely to find the learning environment more culturally conducive than that in mainstream, at least initially. And the schools have tailored their curricula to provide non-Chinese-speaking children sufficient exposure to Chinese to facilitate their future integration into the wider society of Hong Kong.

Problems and measures to address them

709. There are children, including non-Chinese speakers, who should be in school but are not. The reasons include:

- (a) Their parents are working and have little time to take care of them;
- (b) Some non-Chinese speakers are unwilling to allow their children to study in mainstream schools;
- (c) Some newly arrived parents, particularly those who speak neither Chinese nor English, are unaware of the law and/or of the procedures for securing school places.

710. To ensure that such children go to school, the Education and Manpower Bureau is:

- (a) Working closely with NGOs and social workers to reach out to children who are not attending schools;
- (b) Conducting briefing and experience-sharing sessions with NGOs with a view to ensuring that children and their parents know about the services available to them;
- (c) Issuing pamphlets to non-Chinese-speaking parents on the support services available to them and to their children. The pamphlets are available in Hindi, Urdu, Nepalese, Chinese and English.

Support services

711. The Bureau provides the following services to help non-Chinese speakers adapt to the local environment and education system:⁵⁶

- (a) **Induction programmes:** run by subvented NGOs;
- (b) **School-based Support Scheme grants:** these are block grants of HK\$ 2,675 (US\$ 343) per primary student and HK\$ 3,968 (US\$ 509) per secondary student. The aim is to enable schools to provide school-based support, such as tutorial classes on Chinese and/or English, adaptation programmes, special teaching materials, and so forth;
- (c) **Initiation programmes:** these are run on a half-year, full-time basis. The programmes seek to raise non-Chinese speakers' standards of Chinese and English and to provide them with learning experience and community adaptation programmes in a local classroom context.

Way forward

712. We are actively pursuing the following:

- (a) **Better communication and collaboration:** this means ensuring that the information we provide to the minorities remains up-to-date in "real time" and reaches them quickly;
- (b) **Provision of school places:** measures include operating additional classes, where there is sufficient demand. We also advise potential sponsoring bodies that the way is open to them to operate schools for the ethnic minorities in accordance with the prevailing education policy and provided that the admission of students is non-discriminatory;
- (c) **Strengthening the teaching and learning of Chinese:** approaches that were under consideration at the time of drafting this report included:
 - (i) Introducing the GCE O-level Chinese curriculum⁵⁷ in schools with significant numbers of minority students. This would provide an incentive to study Chinese and would lead to a recognized qualification;
 - (ii) Introducing a new A syllabus in Chinese under the Hong Kong Certificate of Education Examination (HKCEE). This would be on the same lines as the existing A syllabus in English, which is designed for local children who would be unable to pass in the more demanding B syllabus. The advantage would be that a qualification such as an HKCEE certificate would be more familiar to employees than GCE and the course would be closer to the mainstream. We recognize that such a course and examination would take time to develop and GCE could be offered during the development period. Thereafter, schools might be able to offer the two courses as alternatives and/or - if resources permit only one option -

could choose which syllabus they will offer. The feasibility of this needs to be considered in the light of further insights into the actual needs of non-Chinese speakers, the curriculum of individual schools and the views of the Hong Kong Examination Authority;

(iii) Where minority children show that they can adapt to the local curriculum, encouraging them to continue their studies and to sit for the local examinations on Chinese language and other subjects using Chinese as the medium of instruction;

(d) **Extending the scope of the Initiation Programme, the Induction Programme and the School-based Support Scheme:** these are support services designed to help newly arrived children adapt to the local environment and education system. Ideally, they should enable the children to proceed to mainstream schools on completion. But we recognize that some children may find it harder to adapt than do others and therefore allow schools and NGOs to extend the period of support for them by redeploying funds approved for the programme in question. Such extensions should be based on needs assessments conducted by the schools and NGOs;

(e) **School/community interaction:** we encourage schools with non-Chinese speakers to work with leaders of the minority communities to organize activities for the students and their parents. Such activities could include tutorial classes, cultural programmes, parent education, and so forth;

(f) **Reinforcing cultural/religious identity:** we are considering a proposal to encourage schools to employ teachers and/or teacher assistants from the ethnic minorities. The extra staff could, it is proposed, undertake teaching duties to help sustain the children's religious and cultural integrity.

Post-secondary education

Expansion of post-secondary sector

Support for the expansion of post-secondary sector

713. The Government supports the progressive increase of post-secondary education opportunities. Our planning target is that 60 per cent of our senior secondary school-leavers will have access to post-secondary education by 2010/11. Most of that expansion will be met by self-financing post-secondary places (mainly at the sub-degree level). But the Government supports the sector by offering interest-free start-up loans for non-profit-making educational institutions, accreditation grant to cover the institutions' accreditation expenses, land sites for the construction of purpose-built college premises and student financial assistance. In 2000, about 30 per cent of the 17 to 20 age cohort had access to post-secondary education. In the 2002/03 academic year, around 42 per cent of the relevant age group have access to post-secondary education.

Financial assistance for post-secondary students

714. Public assistance is available to full-time students, aged 25 or below, to pursue accredited self-financing post-secondary education. This comprises:

(a) **The Financial Scheme for Post-secondary Students:** the fund commenced operations in the 2001/02 academic year. It comprises means-tested grants or low-interest loans to meet tuition fees. In its first year of operation, the fund disbursed about HK\$ 24 million⁵⁸ in grants, and HK\$ 27 million in loans, to over 1,900 needy students;

(b) **The Non-means-tested Loan Scheme for Post-secondary Students:** this covers tuition fees and living expenses. The loans are available to all eligible students, regardless of their financial means. In the 2001/02 academic year, about HK\$ 87 million was disbursed under the Scheme to about 1,800 students.

Higher education

Admissions policy

715. The position is essentially as described in paragraph 528 of the initial report. That is, admission to the tertiary institutions is on merit. The institutions are autonomous statutory bodies that set and administer their own admission criteria. Admission to degree and sub-degree programmes at the institutions funded by the University Grants Committee (UGC) is primarily through the Joint University Programmes Admission System. While the primary consideration is examination performance, the UGC-funded institutions also admit some students to undergraduate programmes on the basis of excellence in non-academic areas such as community service, arts and sports. In the 2002/03 academic year, some UGC-funded institutions began recruiting outstanding secondary 6 students, one year before they would normally enter tertiary education.

Supply of tertiary places

716. The last few years have been a period of consolidation for the UGC sector and the position remains essentially as explained in paragraphs 529 and 530 of the initial report, though there are now 11 tertiary institutions rather than the 10 reported previously.

Fees and financial assistance for students

Tuition fees for UGC-funded institutions

717. The tuition fees for degree and higher programmes at the UGC-funded institutions have been frozen since the 1997/98 academic year. They therefore remain at the levels explained in paragraph 531 of the initial report. Our policy remains that no qualified student is denied access to tertiary education because of a lack of means. We ensure this in the ways explained in paragraph 532 of the initial report (see annex 13C, which updates annex 29 to that report).

Access for non-Chinese speakers

718. The position is as explained in paragraph 533 of the initial report.

Adult education

Local opportunities for adult education

719. The position is essentially as explained in paragraphs 534 and 535 of the initial report. In the 2001/02 school year, some 11,170 students attended the primary and secondary level courses for residents aged 15 or above.

Continuing and professional education at the tertiary level

720. We explained the history and underlying philosophy of the Open University of Hong Kong in paragraphs 536 to 538 of the initial report. The University has made significant advances since June 1998, the closing date of the initial report. It now comprises four schools: Arts and Social Sciences, Business and Administration, Education and Languages, and Science and Technology, and the Li Ka Shing Institute of Professional and Continuing Education. In the 2001/02 academic year, more than 26,000 students enrolled in the University's 68 degree and postgraduate programmes and 38 sub-degree programmes. The Li Ka Shing Institute also offered 80 short courses and professional courses for more than 15,000 students. The University also offers full-time associate degree programmes.

Other providers of continuing education

721. The position is essentially as explained in paragraph 539 of the initial report.

722. Some commentators have expressed concern about the quality of adult education in view of an increase in the number of complaints against continuing education institutions. The quality of continuing education programmes is a matter of concern to the Government and there are mechanisms in place that are intended to ensure that such programmes are of an acceptable standard. Specifically:

(a) **Schools and other education institutions registered under the Education Ordinance (chap. 279):** are required to comply with regulations governing teachers' qualifications, fees and school management. We have issued information about the fees charged by these institutions;

(b) **Continuing education programmes offered by the universities:** are subject to their internal quality assurance mechanisms or to validation by the Hong Kong Council for Academic Accreditation. These programmes are also included in the Teaching and Learning Quality Process Reviews conducted by a UGC panel.

Financial assistance for continuing and professional education

723. Assistance is available from two sources:

(a) **The Non-means-tested Loan Scheme (see also paragraph 714 (b) above):** from modest beginnings, the Scheme has progressively expanded to cover courses provided in Hong Kong by registered schools, non-local universities and professional and recognized training bodies. The Scheme provides tuition fee loans to eligible persons wishing to obtain new qualifications and skills;⁵⁹

(b) **The Continuing Education Fund:**⁶⁰ this HK\$ 5 billion Fund was established in April 2002. Eligible applicants are reimbursed 80 per cent of their tuition fees, up to a maximum of HK\$ 10,000, on successful completion of an approved course. As at 31 December 2002, over 18,000 persons had applied for the subsidy.

Vocational training and re-training

724. As explained in paragraph 540 of the initial report, VTC is the main provider of, and adviser to, the Government on policies relating to vocational education and training. In 1999, the VTC two former Technical Colleges and seven Technical Institutes merged into a single institution: "The Hong Kong Institute of Vocational Education" (IVE). VTC operates 18 training and development centres. Together, IVE and VTC, provide vocational education and training for secondary 3 and secondary 5 leavers and for working people in seeking to update or upgrade their skills and knowledge. VTC also operates three skills centres that provide vocational training for people with disabilities.

725. In the 2001/02 academic year, IVE provided a total of 26,188 full-time, 5,920 part-time day release and 22,613 part-time evening places, and a wide range of short courses. The 18 training and development centres offered 84,815 full-time, part-time and self-study places. Enrolment statistics for the 2001/02 academic year by mode and level of study are provided in annexes 13D (by mode of study) and 13E (by level of study). These update annexes 30 and 31 of the initial report.

726. The position regarding pre-employment and further training for operatives, craftsmen and technicians is as explained in paragraph 542 of the initial report.

Apprenticeship

727. The position is essentially as explained in paragraph 543 of the initial report. Some 1,850 contracts of apprenticeship were registered in 2002. These contracts covered 1,850 apprentices (as compared with 3,580 in 1997). At the end of 2002, some 4,150 apprentices were under training (nearly 8,000 in 1997). These figures indicate that apprenticeships are declining as a mode of entry into employment. This probably reflects Hong Kong's ongoing transition to a service economy.

Education for students with disabilities

Primary and secondary school education for disabled children

728. The position is essentially as explained in paragraphs 544 to 546 of the initial report. annex 13F sets out the recognized definitions of the various forms of disability; it updates annex 32 to the initial report. Annex 13G lists the support services provided to disabled children studying in ordinary schools; it updates annex 33 to the initial report.

Way forward

729. In paragraph 547 of the initial report, we advised the Committee of a two-year pilot project initiated in nine schools in September 1997. Its purpose was to study how students with special educational needs⁶¹ could effectively be integrated into ordinary schools through the adoption of a whole-school approach and the empowerment of ordinary school personnel.

730. The evaluation was conducted by tertiary institutions commissioned by the then Education Department. On the basis of their recommendations, we now encourage all ordinary schools to adopt the whole-school approach to integrated education, thereby enabling them more systematically and effectively to cater for the diverse needs of students.

Disabled persons: accessibility of school buildings

731. The position is as explained in paragraph 548 of the initial report.

Access to tertiary education for students with disabilities

732. The position is as explained in paragraphs 549 to 551 of the initial report.

Special vocational training programmes for persons with disabilities

733. The position is as explained in paragraph 552 of the initial report. The skills centres operated by NGOs and VTC provided 1,251 full-time places in the 2001/02 academic year.

Vocational assessment service for the disabled

734. The position is as explained in paragraphs 553 and 554 of the initial report.

Education of prison inmates

735. The position is as explained in paragraph 555 of the initial report.

Prisoners' Education Trust Fund

736. The position is as explained in paragraph 556 of the initial report.

Education for children of Vietnamese asylum-seekers

737. In February 2000, the decision was taken to allow the remaining some 1,400 refugees and eligible migrants,⁶² and their family members, to apply for settlement in Hong Kong. On 1 June that year, the Pillar Point Vietnamese Refugee Centre in which they had been housed closed for good.

738. At the end of 2002, still nursing the hope of overseas resettlement, some 20 refugees/migrants had not accepted the offer. There was also a group of some 390 "Ex-China Vietnamese" and their family members still remaining in Hong Kong. These were people who came to Hong Kong after being granted resettlement in mainland China. As such, they were ineligible for resettlement in Hong Kong or elsewhere. The group has initiated court proceedings against the Government. Pending the resolution of the proceedings, they have not been removed to mainland China. The two groups may live, work, study and move freely in Hong Kong. They have access to public educational and medical services. Those in need receive assistance from the charitable body, Caritas-Hong Kong.

Education of mainland children pending verification of residential status

739. Mainland children who have no legal right or permission to remain in Hong Kong as residents are not allowed to enrol in local schools. However, pending verification of their residential status or where there are humanitarian or compassionate grounds, they may be allowed to take up study temporarily on a case-by-case basis. From 1 July 1997 to 31 December 2002, some 1,860 such children have been allowed to take up schooling on that basis.⁶³

Education for newly arrived children/young people from mainland China

740. The position is essentially as explained in paragraphs 561 to 566 of the initial report. But the measures that we have been taking to integrate newly arrived children have since been augmented as follows:

(a) **Induction programmes:** these are 60-hour programmes to help newly arrived children adapt to the local environment and education system. They are run by government - subvented NGOs. The programmes were introduced in 1995 but we omitted to mention them in the initial report;

(b) **Initiation programme:** this full-time, six-month programme was introduced in 2000. It is offered to newly arrived children as an alternative to direct entry into mainstream schools. The purpose is to prepare them for such entry by exposing them to real classroom situations, to raise and adapt their academic standards, and to foster their personal and social development during the adaptation phase.

Way forward

741. The position is essentially as explained in paragraph 566 of the initial report. As indicated there, we have been building new schools to meet the additional demand for places generated by the arrival of these children. Since 1998, we have completed 19 new primary

schools and 23 new secondary schools. Another 12 schools (2 primary and 10 secondary) will be ready for operation in the 2003/04 school year. The six primary and four secondary schools scheduled for opening in the 2002/03 school year are all in operation.

Civic education, human rights education and education against discrimination

School curriculum and other measures

742. The position is essentially as explained in paragraphs 567 to 569 of the initial report. But the learning and teaching of human rights education was strengthened in the curriculum reforms introduced in September 2001. Schools now deliver all values-related themes under a new subject: "Moral and Civic Education". Additionally, fundamental concepts and human rights values are taught through the formal curriculum and various student activities. Under the new curriculum framework, human rights-related lectures are also delivered through subject sub-units such as "Personal and Social Development", "Culture and Heritage", "Social Systems and Citizenship", and "Community and Citizenship".

743. Some commentators have expressed concern about gender stereotyping in curriculum materials. Our policy is that there should be no sex biases in the education system or process. Accordingly, none of the subject syllabuses prepared by the Curriculum Development Council and recommended for use in schools should be gender-specific. The Secretary for Education and Manpower has regularly issued circulars reminding schools to eliminate all forms of discrimination and ensure that all students have equal opportunities for participation in the learning process. We require schools to promote the concepts of equality and equity by eliminating all forms of discrimination, including, *inter alia*, on the grounds of sex, class, race and disability.

744. The Education and Manpower Bureau and EOC have met local publishers' associations to raise their awareness of these concerns and to make it clear that they must avoid any form of discrimination in the textbooks and related materials that they publish. The Bureau has also published guidelines, such as the EOC "Guidelines when Developing Educational Materials" as a reference for publishers, textbook writers and teachers. These clearly direct target clientele to avoid stereotypical depictions of gender, age, race, religion, culture, disability and so forth in textbooks and teaching materials. The Bureau and EOC have forged a partnership to develop teaching packages that promote anti-discrimination in schools.

Programmes for teachers

745. Between 1997 and 2002, the Education and Manpower Bureau organized seven seminars for teachers on human rights-related themes⁶⁴ attended by more than 750 teachers. These efforts will continue. Since 1998, the Bureau has provided intensive in-service teacher training programmes on civic education. These are run on the Bureau's behalf by local tertiary institutions. The programmes include two modules on "Human Rights and Civic Education". These courses are offered to teachers free of charge.

Public education on rehabilitation for the disabled

746. The position is essentially as explained in paragraph 573 of the initial report.

The work of EOC

747. EOC has continued its public education programmes to promote equality for disabled people, between the sexes and for people of different family status. Details of the programmes are provided in annex 13H, which updates annex 36 to the initial report.

Human rights education outside schools

748. CPCE has continued its ongoing work to organize and sponsor educational and publicity programmes to foster community awareness of the rights of the individual, equal opportunities and the protection of data privacy. CPCE has been working to promote awareness and knowledge of the Basic Law, which is Hong Kong's constitutional guarantee for the protection of human rights. To this end, CPCE spent HK\$ 1.5 million in 2002/03 to produce educational materials on these themes.

Basic Law Promotion Steering Committee: public education on the Basic Law

749. The position is as explained in paragraphs 576 and 577 of the initial report.

School curriculum and other measures

750. The position is essentially as explained in paragraphs 578 and 579 of the initial report. Curriculum materials promoting the Basic Law are now available to the public on the Government's web site.

N. Article 15

Right to cultural life, scientific progress and its application

751. The constitutional (Basic Law) protections and guarantees in relation to the rights covered by article 15 remain as explained in paragraph 581 of the initial report.

Policy on culture

752. The position remains as explained in paragraphs 582 and 583 of the initial report. In 2001-2002, the Government spent over HK\$ 2.7 billion on cultural activities.

Culture and Heritage Commission

753. The Culture and Heritage Commission, established in April 2000, is a high-level body responsible for advising the Government on cultural policies and funding priorities in regard to culture and the arts. Its key responsibility is to formulate principles and strategies to promote the long-term development of culture in Hong Kong.

754. In March 2001, the Commission published a consultation paper entitled “Gathering of talents for continued innovation” to solicit public views on cultural development in Hong Kong. It plans to consult the public before the end of 2002 on specific policy proposals before submitting its recommendations to the Government.

Hong Kong Arts Development Council

755. The position remains as explained in paragraphs 584 and 585 of the initial report. The Council has completed the Strategic Plan (foreshadowed in paragraph 585) for planning, developing, promoting and supporting the arts over the five-year period from 1996 to 2001. It has now embarked on a new three-year plan that will entail:

- (a) Developing the social functions of the arts;
- (b) Expanding the market for the arts and building audience participation;
- (c) Promoting life arts education for all;
- (d) Enhancing the artistic level and social status of artists.

Hong Kong Academy for Performing Arts

756. The position remains as explained in paragraph 586 of the initial report. The Academy has now produced over 3,500 graduates since its inception. It continues to be an important “nursery” for professional artists and to contribute significantly to the performing arts in Hong Kong.

Hong Kong Arts Centre

757. We overlooked this organization in the initial report. The Centre is an independent self-financing organization established under the Hong Kong Arts Centre Ordinance (chap. 304) in 1974. It has played an important role as a venue provider and programmes presenter in the development of the arts in Hong Kong. It also plays an active role in arts education. Through its Art School, the Centre offers many part-time courses in the visual and applied arts.

The Leisure and Cultural Services Department

758. The Leisure and Cultural Services Department (LCSD) was established in early 2000 to continue the provision of leisure and cultural services, following the dissolution of the Provisional Urban Council and the Provisional Regional Council at the end of 1999 (see paragraphs 594 to 598 of the initial report). LCSD is now Hong Kong’s major provider of cultural facilities. It has taken over the management of the performing venues and community arts centres discussed in paragraph 594 of the initial report. Two of these are new, having opened in November 1999 and May 2000. Non-profit-making and district organizations continue to have access to these venues at reduced charges.

759. The LCSD provides cultural programmes featuring Chinese and Western music, opera, drama, dance and film throughout the year. These feature both local and visiting artists from many different countries and cultural backgrounds. The Department also presents year-round entertainment programmes and host festivals, including the annual International Arts Carnival, and thematic festivals. It also subvents the Hong Kong Chinese Orchestra, the Hong Kong Dance Company, the Hong Kong Repertory Theatre, the Hong Kong Philharmonic Orchestra and the Hong Kong Arts Festival.

760. LCSD has continued to support local performing artists and groups by presenting and sponsoring their activities. In this regard, its programmes remain essentially as explained in paragraph 597 of the initial report.

761. A commentator has suggested that the Government should ensure that sports venues are fully accessible to people with disabilities. The position is that, when we design recreation and sports facilities, we include a clause in the Schedule of Accommodation to the effect that the facilities should meet the accessibility requirements in the "Design Manual: Barrier Free Access 1997" and the "New Transport Planning and Design Manual". This means that all new government sports facilities must be accessible to people with disabilities.

Libraries

762. The position remains essentially as explained in paragraph 599 of the initial report, though there have been new developments. The network of public libraries has increased to 69 (from the 65 mentioned in paragraph 599 of the initial report) and carries a total stock of 9.51 million materials. Three new district libraries opened in 2001. So too did the Hong Kong Central Library, which signified a new era in public library services. Equipped with the world's largest bilingual library automation system, a state-of-the-art multimedia information system, and a central reference library with six subject departments, the Central Library has fast become the principal centre for information and lifelong learning.

Museums

763. With the exception of the replacement of the Provisional Municipal Councils by LCSD, the position remains essentially as described in paragraphs 600 and 601 of the initial report. As foreshadowed in those paragraphs, the new Hong Kong Heritage Museum and Hong Kong Museum of Coastal Defence opened in 2000, and the new Hong Kong Film Archive in 2001. Another new development was the opening in 2000 of an Art Promotion Office for the promotion of public participation in neighbourhood visual arts activities.

Antiquities and Monuments Office

764. The position remains essentially as explained in paragraphs 587 and 590 of the initial report. But new developments include the introduction in 2001 of the Hong Kong Heritage Award to commend organizations and individuals who have made outstanding contributions to heritage preservation and education. In 2002, four renowned institutes from mainland China

were invited to conduct a major archaeological excavation at Sha Ha, Sai Kung (in the Eastern New Territories) in collaboration with the Office. An area of around 3,000 m² has since been excavated, with a yield of 40,000 finds from various prehistoric and historical periods.

765. Planning is in hand to open a Heritage Resource Centre in Kowloon Park, which is in one of Hong Kong's urban heartlands. Opening is scheduled for late 2004. The centre will have exhibition galleries, a lecture hall, activity rooms, an archaeological workshop and a reference library. It will serve as a resource centre for heritage education and research.

Archives

766. In paragraph 591 of the initial report, we explained that the Public Records Office of the Government Records Service was responsible for managing public records of archival value and for operating the public records system. Additionally, the Office now runs the Central Preservation Library of Government Publications, which was established in 2001.

767. The Office appraises the historical value of government records and published materials before they are disposed of, and preserves those of enduring value for public use. The collection of historical sources on Hong Kong includes public records, government publications, books and journals, maps and plans, posters, films and historical photographs, and so forth. Most public records are open to public inspection when they are 30 years old, though the Chief Secretary for Administration may approve exceptions to this rule. Access to public records is free of charge and copies of most documents can be made on a cost recovery basis. In November 2002, the Office introduced an integrated information access system to facilitate the search process.

768. A Public Education and Publicity Programme fosters public awareness and appreciation of Hong Kong's archival heritage. And the Public Records Office is actively involved in promoting professional exchanges and in the preservation of the world's heritage. Members of its staff are Committee members of UNESCO International Council on Archives and Memory of the World Programme.

Processing of applications to use performing venues of LCSD

769. Commentators have asked why the Hong Kong Association of Falun Dafa (Falun Gong) has been denied access to public indoor venues after officials of the Central Authority expressed their concern about such access by the Association. The position is that all civic centres managed by LCSD are open for hire by the public. Booking applications from all applicants are processed in accordance with established policies and procedures. In processing booking applications, consideration is given to whether the proposed activity is of a type compatible with the designated purpose of the venue and whether the desired date and time of hire is available. When applicants compete for the same time slot, they are prioritized in accordance with a points system.

770. Applications received from the Hong Kong Association of Falun Dafa, like all other applications, have been processed in accordance with that system. Not all the Association's applications have been successful. But several have been, as our booking records clearly

demonstrate. In September 2000, the Association successfully applied for the Piazza of Hong Kong Cultural Centre for a “Falun Dafa Photo Exhibition and Picture Exercise”. And, in January 2001, they secured the Concert Hall of Hong Kong City Hall for a “Falun Dafa Cultivation Experience-Sharing Conference”. In August 2002, we offered the Association:

- (a) The Tsuen Wan Town Hall Auditorium on 24 October 2002 for a performing arts variety show;
- (b) The Tuen Mun Town Hall Auditorium on 25 October 2002 for a performing arts variety show;
- (c) The Tuen Mun Town Hall Exhibition Gallery on 24 and 25 October 2002 for a Falun Dafa Cultivation Photo Exhibition;
- (d) The Tuen Mun Town Hall Auditorium on 28 October 2002 for a conference.

The Association declined the offer made in (d) but accepted those in (a) to (c). We therefore submit that the concerns expressed by our commentators are unfounded.

Science and technology

Policy on promotion of science and technology

771. Developments have moved on somewhat from the position explained in paragraph 606 of the initial report. The Government continues to promote the development of innovation and technology through the provision of appropriate infrastructure, human resources, funding support, and other programmes. Now, however, our infrastructural support includes the Hong Kong Science and Technology Parks Corporation,⁶⁵ the Hong Kong Applied Science and Technology Research Institute⁶⁶ and the Hong Kong Productivity Council.⁶⁷ Funding support continues to be provided through the Applied Research Fund.⁶⁸ But the other main source of funding is now the Innovation and Technology Fund,⁶⁹ which was launched in November 1999.

Role of the Research Grants Council

772. The Council provides grants for research projects on a competitive basis. Between 1991-1992 and 2001-2002, the funds available to the Council for this purpose have increased from HK\$ 100 million to HK\$ 511 million. The grants are allocated to research projects divided broadly into four major disciplines: Engineering; Biology and Medicine; Physical Science; and Humanities, Social Science and Business Studies.

Prevention of the use of scientific/technological developments for purposes contrary to the enjoyment of human rights

773. The position is as explained in paragraph 610 of the initial report.

Protection of intellectual property rights

774. The position remains as explained in paragraphs 613 to 616 of the initial report.

Country parks and conservation areas

775. The position is essentially as explained in paragraph 619 of the initial report. But an additional area has since been designated as a marine park. Now, about 47,600 hectares - or about 43 per cent of Hong Kong's total land area - are protected by statute.

O. Article 16

Submission of report

776. In compiling the present report, the Government sought the views of legislators, NGOs and interested members of the public.

777. In accordance with the established practice, the method of consultation was to publish an article-by-article outline of topics that we proposed to cover. Respondents were asked to comment on the implementation of the Covenant in relation to these topics and to draw attention to any additional issues that they considered we should include. We have addressed their comments as appropriate in the sections relating to the relevant articles.

778. During the consultations in late 2002 and early 2003, the Government's drafting team met NGOs and others to discuss the issues and to exchange views on the consultation process. Again, in accordance with the established practice, the report will be published - in bound, bilingual format - after its submission to the Committee.

779. In accordance with the established practice, copies of the Committee's concluding observations on the initial report were sent to the judiciary as well as to legislators, NGOs and other interested parties.

Part Three

MACAO SPECIAL ADMINISTRATIVE REGION

Introduction

780. The present report is the first to be submitted by the People's Republic of China under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as "the Covenant") for the application of the Covenant to its Macao Special Administrative Region (hereinafter referred to as "MSAR"). It covers the period from 20 December 1999 to 31 December 2002.

781. The report, prepared in accordance with the Guidelines on the Form and Content of Reports to be submitted by States parties to the International Human Rights Treaties (HRI/GEN/2/Rev.1), should be read in conjunction with Part III of the second revision of the core document of the People's Republic of China (HRI/CORE/1/Add.21/Rev.2). The third parts of China's reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/357/Add.4 (Part III)) and of the Convention on the Rights of the Child should also be taken into consideration regarding concurring subject matters.

782. The Covenant entered into force for Macao on 27 July 1993.⁷⁰ Its text was published in the *Macao Official Gazette*, No. 52, I Series, 3rd Supplement, of 31 December 1992.

783. On 2 December 1999, the People's Republic of China notified the Secretary-General of the United Nations of its assumption of the responsibility for the obligations arising from the continuous application of the Covenant to MSAR. Upon that notification China made the following declaration:

"1. The application of the Covenant, and its article 1 in particular, to the Macao Special Administrative Region shall not affect the status of Macao as defined in the Joint Declaration and in the Basic Law.

2. The provisions of the Covenant, which are applicable to the Macao Special Administrative Region, shall be implemented in Macao through legislation of the Macao Special Administrative Region.

The residents of Macao shall not be restricted in the rights and freedoms that they are entitled to, unless otherwise provided by law. In case of restrictions, they shall not contravene the provisions of the Covenant that are applicable to the Macao Special Administrative Region.

Within the above ambit, the Government of the People's Republic of China will assume responsibility for the international rights and obligations of a party to the Covenant."

784. As the People's Republic of China resumed the exercise of sovereignty over Macao, on 20 December 1999, MSAR was established and its Basic Law was put into effect.

785. The Basic Law, which has constitutional value, enshrines several principles, policies and provisions under the principle of “One country, Two systems”. According to this principle, the socialist system and policies are not to be practised in MSAR and its previous capitalist system and way of life shall remain unchanged for a period of 50 years.

786. The Basic Law establishes that the laws, decrees, administrative regulations and other normative acts previously in force in Macao should be maintained, except for those that contravene the Basic Law or are subject to any amendment by the legislature or other relevant organs of MSAR (article 8). Furthermore, it also provides that international agreements to which the People’s Republic of China is not a party but which are implemented in Macao may continue to be implemented in MSAR (art. 138 (2)).

787. With specific regard to the Covenant, article 40 of the Basic Law prescribes that:

“The provisions ... of the International Covenant on Economic, Social and Cultural Rights ... as applied to Macao shall remain in force and shall be implemented through laws of the Macao Special Administrative Region.”

788. The Committee expressed great concern as to residents’ unfamiliarity with the judicial system as well as insufficient dissemination of the principles and rights enshrined in the Covenant. Other issues of concern were related to the lack of social security protection to non-residents and the lack of special programmes for physically disabled persons regarding employment, education and access to public facilities.

789. It is worth mentioning that great efforts and important steps have been taken since reunification in order to ensure the full enjoyment by the MSAR population of the rights enshrined in the Covenant. Examples of these are the widening of the scope of social security protection, the provision of better conditions and quality of life to disabled persons and the intensive and extensive work of promoting and disseminating human rights.

Article 1

The MSAR autonomy

790. As previously stated, the Basic Law has constitutional value and it sets forth the general principles regarding MSAR, as well as the norms regarding the relationship between the central authorities and MSAR, the fundamental rights and duties of the MSAR residents, the political structure of the Region, the economy, cultural and social affairs, and external affairs. It also contains rules on its own interpretation and amendment, supplementary provisions and three annexes. The first two annexes relate respectively to the methods for the selection of the Chief Executive and for the formation of the Legislative Assembly. The third one lists the national laws that currently apply to MSAR.

791. Under the Basic Law, MSAR exercises a high degree of autonomy, except for foreign and defence affairs, which are the responsibility of the Central Government of the People’s Republic of China, and it enjoys executive, legislative and independent judicial powers, including final adjudication.

792. By stipulating that the executive authorities and legislature of MSAR shall be composed of permanent residents of Macao (art. 3), the Basic Law also ensures that the Region is ruled by its own people.

793. In accordance with the Basic Law, the Government of MSAR is responsible for the management, use and development of the land and natural resources within the Region and for their lease or grant to natural or legal persons, except for the private land recognized as such according to the laws in force before the establishment of MSAR. The revenues derived therefrom are exclusively at the disposal of the Government of the Region (art. 7).

794. MSAR is entitled to decide and to formulate, by itself, its own policies on the economic and financial, cultural and social fields, determining priorities and respective mechanisms of implementation. Also underlining the exercise of autonomy is the fact that MSAR remains a separate customs territory. All financial as well as all fiscal revenues of MSAR are managed and controlled by the Region itself and are not handed over to the Central Government, which does not levy any taxes in the Region.

795. Further information regarding the MSAR political and institutional framework can be found in Part III of the second revision of China's core document (HRI/CORE/1/Add.21/Rev.2).

Article 2

Recognition and application of Covenant rights

A. Non-discrimination in the safeguarding of rights

796. Respect for human rights and fundamental freedoms is deeply rooted in the MSAR legal system.

797. One of the general principles of MSAR, in itself, is that the rights and freedoms of its residents and of other persons in the Region shall be safeguarded in accordance with the law (article 4 of the Basic Law).

798. The main substantive provisions on fundamental rights are contained in chapter III of the Basic Law. However, article 41 foresees other rights and freedoms as safeguarded by law, and other chapters of the Basic Law also ensure some more fundamental rights, in particular, economic, social and cultural ones. This range of fundamental rights and freedoms is also protected under various treaties that are in force in MSAR. Applicable international treaties are a direct part of the MSAR legal order.

799. The enjoyment of the fundamental rights of the MSAR residents prescribed in chapter III of the Basic Law is guaranteed to non-residents in accordance with the law (article 43 of the Basic Law).

800. The right to equality without discrimination as to nationality, descent, race, gender, language, religion, political persuasion or ideological belief, educational level, economic status or social conditions is expressly enshrined in article 25 of the Basic Law. On the other hand, article 44 establishes that all persons in MSAR have the obligation to abide by the laws in force in the Region.

801. Notwithstanding the fact that it is a fundamental individual right, equality, along with legality and publicity, is also one of the main positive principles of the MSAR legal system.

802. The protection of human rights and fundamental freedoms safeguarded in the Basic Law is further bolstered by ordinary legislation.

803. In relations between the Government and individuals, the Government shall not privilege, benefit, prejudice, deprive of any rights or exempt from any obligations any party, by reason of descent, gender, race, language, territory of origin, religion, political or ideological belief, educational level, economic status or social condition (article 5 (1) of the Administrative Procedure Code approved by Decree Law 57/99/M of 11 October).

804. The same principle is also expressly retained in several other laws, as for example in the Legal Framework on Family Policy (Law 6/94/M of 1 August), the Legal Framework on Employment and Labour Rights (Law 4/98/M of 27 July) and the Legal Framework on Education System (Law 11/91/M of 29 August).

805. The Government of MSAR is fully committed to the implementation of human rights and fundamental freedoms in the Region.

B. Measures for achieving economic, social and cultural rights

806. As mentioned above, all persons in MSAR, regardless of race, origin, religion or gender, are equal before the law and are subject to the same law. No government authority or official and no individual is above the law.

807. The Basic Law grants to everyone the right to resort to law and to have access to the courts, to assistance from a lawyer in protecting their lawful rights and interests, and to judicial remedies. Everyone has the right to file legal proceedings in the courts, including those against acts by the executive authorities and their personnel (article 36 read together with article 43). Individual human rights may, as an integral part of the MSAR legal order, be directly invoked before the courts.

808. Nevertheless, safeguarding and enforcing human rights is also ensured through quasi-judicial and non-judicial remedies. It should be noted that a growing body of norms presently exists as means of protecting individual fundamental rights in this context, such as: the right to lodge complaints with the Legislative Assembly, which though it existed before is now expressly recognized at the constitutional level (in article 71 (6) of the Basic Law), the petition right under Law 5/94/M of 1 August which is maintained, as well as the right to lodge complaints with the Commission Against Corruption (CAC), also possible before reunification

and equally reinforced by means of the new law on the competencies and powers of CAC (Law 10/2000 of 14 August) and finally the administrative complaint reformulated under Decree Law 57/99/M of 11 October.

809. The role and powers of CAC as Ombudsman have been expanded. CAC still promotes the protection of the rights, freedoms, safeguards and legitimate interests of individuals, ensuring that the exercise of public powers abides by criteria of justice, legality and efficiency, but nowadays it also has independent powers of criminal investigation within the scope of its activity.

810. The applicable human rights treaties have been extensively disseminated in recent years. The Covenant was published in both official languages (Chinese and Portuguese) and was distributed to the population, in February 1997, in April 1999, in July 2001, in June 2002 and in August 2002.

811. Brochures and leaflets specially focused on human rights were also distributed, such as: basic rights (1996, 2000 and 2001), children's rights (1998 and 2001), family rights (1998, 2001 and 2002), labour law (1998-2001), property rights (1997), the importance of law to children/teenagers (2000-2002), the legal aid system (1997 and 2002), the MSAR legal system (1997 and 1999-2002) and the social security system (1999 and 2002).

812. In May 2001, the Legislative Assembly compiled and published the most important laws regarding basic human rights, such as freedom of association, legal framework on family policy, employment and labour rights, freedom of speech and freedom of religion.

813. Other measures have been carried out by the Government of MSAR, aiming at promoting information on and public awareness of fundamental rights among the local community and school activities, not only through the media but also by means of contests, inquiries and interactive programmes, as well as the web site of the Government and the official press and a compilation of legislation on CD-Rom (in both the official languages and English).

814. In the above-mentioned web site, one can find the texts of several international treaties, applicable national laws, the Basic Law and all major codes of the Region (such as the Civil Code, the Criminal Code, the Civil Procedure Code and the Criminal Procedure Code).

815. During the last few years, the media has played an important role in the community by implementing awareness campaigns, particularly aimed at the major ethnic group (Chinese) so as to provide them with the basic information related to fundamental human rights and to explain the legal system in force in the Region.

Article 3

Equal rights of men and women

816. As mentioned before, article 25 of the Basic Law prohibits all forms of discrimination, including on grounds of gender. In addition, article 38 (2) of the Basic Law specially foresees the protection of the legitimate rights and interests of women. Furthermore, the legal system, as a civil law system, is shaped by positive principles, such as equality, which underline its contents.

817. Regarding equality of gender, there are several international treaties that are applicable in MSAR, as for example the Convention against Discrimination in Education of 1960, the International Convention on the Elimination of All Forms of Racial Discrimination of 1965, the Convention on the Elimination of All Forms of Discrimination against Women of 1979, the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value of 1951 (ILO Convention No. 100) and the Convention concerning Discrimination in Respect of Employment and Occupation of 1958 (ILO Convention No. 111).

818. The civil law makes no distinction between men and women insofar as concerns legal personality and capacity, particularly marriage and marital status, capacity to own property, right to enter into a contract and right to inheritance.

819. Gender equality is also one of the key principles of the MSAR education system, to which access is guaranteed on an equal basis for women and men.

820. Referring specifically to labour law, there is a set of norms that prescribe anti-discriminatory measures (prevention and control) by stating that all workers shall be treated equally without any gender discrimination or other forms thereof. This principle of non-discrimination covers equal job opportunities, equal treatment at the workplace, equal remuneration for work of equal value and equal access to professional training. This issue is addressed in more detail in the present report in relation to articles 6 and 7.

821. It should be noted that positive discrimination in order to correct inequalities is admissible through the enactment of special provisions on the grounds that preference towards one gender should be established (article 34 (3) of the Law on Labour Relations and Decree Law 24/89/M of 3 April).

822. In relation to immigration laws, there are no legal provisions that may be considered as discriminatory towards women. Women are equal to men in rights and duties and no restrictions are imposed on their entry into or exit from MSAR.

Article 4

Permissible limitation of Covenant rights

823. Under article 14 of the Basic Law, the Central Government is responsible for the defence of MSAR while the MSAR Government is responsible for maintaining public order in the Region.

824. In the event that the Standing Committee of the National People's Congress decides to declare a state of war or, by reason of turmoil within the Region which endangers national unity or security and is beyond the control of the MSAR Government, decides that the Region is in a state of emergency, the Central Government may issue an order to apply the relevant national laws in the Region (article 18 (4) of the Basic Law).

825. Under the Law on Internal Security, Law 9/2002 of 9 December, the adoption of measures of an exceptional nature that will eventually restrict certain civil rights is admitted without prejudice to article 40 of the Basic Law and thus to article 4 of the Covenant.

826. The regime for civil protection, regulated under Decree Law 72/92/M of 28 September, as amended by Administrative Regulation 32/2002 of 16 December, allows for the adoption of emergency measures in the case of dangerous situations or serious accidents, catastrophes or disasters. All eventual restrictive measures should observe the criteria of necessity, proportionality and suitability for the intended objective and abide by the general principles of law.

Article 5

Restrictions on the rights recognized in the Covenant

827. Several rights and freedoms of individuals are guaranteed by the MSAR legal system. Derogating measures can only be taken to the extent that is strictly required by a given situation and in accordance with the law.

828. Article 40 of the Basic Law reaffirms the application of the Covenant, the International Covenant on Civil and Political Rights as well as the International Labour Organization conventions in MSAR and stipulates that any restrictions on the rights and freedoms of the MSAR residents shall be prescribed by law and shall not contravene the aforesaid treaties.

Article 6

Right to work

A. Legal framework

829. Article 35 of the Basic Law determines that “Macao residents shall have freedom of choice of occupation and work.”

830. The MSAR Government is responsible for the implementation of policies that seek to attain economic growth and aim to find a fair balance between labour parties (articles 114 and 115 of the Basic Law).

831. Insofar as concerns the private sector, the three main laws on labour are: Decree Law 24/89/M of 3 April, which governs labour relations; Decree Law 52/95/M of 9 October, which sets forth the Law on Equal Opportunities and Equal Treatment, and Law 4/98/M of 27 July, which sets out the Legal Framework on Employment and Labour Rights.

832. It is worth noting that the MSAR Government is undertaking a number of legal reforms in this field, such as: the Legal Procedural Regime for Labour Conflicts, the Regime for Imported Labour, the Regime on Labour Relations and the Regulation on Safety and Hygiene Conditions for Labour. The new legislation aims to improve labour relations and working conditions and also to set out a minimum wage system.

833. Labour in the public sector is governed by the Statute of the Public Administration Employees (SPAÉ), Decree Law 87/89/M of 21 December as last amended, which is also currently under revision.

834. Besides ILO Convention No. 111 referred to above, the Convention concerning Employment Policy of 1964 (Convention No. 122) also applies to MSAR.

B. Employment, unemployment and underemployment

835. The rise in unemployment after 1998 is mainly due to the Asian financial crisis, along with the need for structural adjustment in the economic sector, which increased the demand for a specialized labour force within the tertiary market sector. As a result, a slowdown in both the economy and employment was observed, resulting in job losses mainly in the secondary sector.

Employment, unemployment and underemployment rates

Rates	1999	2000	2001	2002
Activity rate (%)	65.5	64.3	64.8	62.3
M	76.4	74.6	74.7	70.6
F	56.1	55.3	56.2	55.1
Unemployment rate (%)	6.3	6.8	6.4	6.3
M	8.0	8.6	8.1	7.9
F	4.4	4.6	4.4	4.5
Underemployment rate (%)	1.3	3.0	3.6	3.4

Source: Employment Survey, Statistics and Census Department.

836. The above reasons also contributed to a rise in underemployment, given the impossibility of allocating jobs according to workers' qualifications.

837. Accordingly, the MSAR Government adopted new measures and programmes to increase job promotion such as qualifying workers and upgrading vocational and technical training in order to overcome this tendency and to face the new market needs. Signs of economic recovery during the period 2001-2002 are already noticeable as a positive outcome arising from such measures.

838. Law 4/98/M referred to above establishes that all workers within MSAR have the right to be remunerated according to the nature, quality and quantity of their work, to equal pay for work of equal value, to hygienic and safe working conditions, to a maximum limit to be set on a day's work, to a weekly rest and periodic paid holidays, as well as to receive remuneration for local holidays and to join associations that represent their interests (art. 5).

839. Assistance in case of illness or pregnancy, insurance against work accidents and professional illnesses are also provided to non-resident workers (articles 15 and 37 of Decree Law 24/89/M).

840. In this respect, it should be pointed out that ILO Convention concerning Equality of Treatment for National and Foreign Workers as regards Workmen's Compensation for Accidents (Convention No. 19) of 1925 is applicable in MSAR.

Gradual development of the number of non-resident workers

Year	1999	2000	2001	2002
Entry	9 988	7 334	7 542	7 720
Exit	9 818	12 296	8 838	10 185
Balance	32 183	27 221	25 925	23 460
Annual growth rate (%)	+0.5	-15.4	-4.8	-9.5

Source: Demographic Statistics, Statistics and Census Department.

Employed population by gender and nationality

2001	Total	Chinese		Portuguese		Filipino		British		Other	
MF	202 807	181 725	89.60%	14 881	7.34%	4 457	2.20%	497	0.25%	1 247	0.61%
M	106 749	95 902	89.84%	8 030	7.52%	1 783	1.67%	282	0.26%	752	0.70%
F	96 058	85 823	89.34%	6 851	7.13%	2 674	2.78%	215	0.22%	495	0.52%

Source: 2001 Employment Survey, Statistics and Census Department.

C. Major employment policies and measures to guarantee the right to work

Promotion of employment

841. The Labour and Employment Department (LED) is responsible for the implementation of the employment policies and measures, which aim at promoting job allocations and a stable/competitive market environment. Its primary purpose is to tackle large-scale unemployment rates and to respond to the actual needs of the labour market.

842. The focuses of major concern are youth employment, low salary levels and educational and technical (re)qualifications.

843. To undertake such a task, LED provides different types of services tending towards market needs, including vocational guidance services and professional training, workshops on occupational hygiene and safety, improvement of labour legislation, job centres, monitoring of labour relations, seminars/conferences and social service.

844. In June 2000, LED Promotion of Employment and Occupational Relations Division designed the new “One Stop Service” to assist job-seekers and to collect data to be forwarded to the Social Welfare Institute (SWI). This service envisages a more efficient and quicker response to the job applicants and workers who benefit from social welfare. In December 2001, LED adopted the “Quality Certificate” that aims at improving services such as attendance.

845. LED also created a job centre that operates on a free-of-charge basis to assist job-seekers and employers.

846. One of its objectives is to help workers in finding a better job, promoting contacts (interviews) between companies and job-seekers and providing information according to the needs of the labour market. In 2001, a total of 25,491 job offers, 37,140 job interviews and 1,289 job allocations were registered.

Support for employment of vulnerable groups

847. The employment policy includes measures as well as technical and financial incentives to promote the professional integration of the disabled in the labour market other than the creation of alternative work opportunities, in particular, self-employment, pre-professional training, re-adaptation to work and protected labour (article 21 (2) of Decree Law 33/99/M of 1 July).

848. In order to achieve social and labour reintegration of unemployed persons with physical or behavioural disability, the Social Security Fund (SSF) provides technical and financial support to private institutions.

849. Within this area, it has to be pointed out that activities are carried out by two private institutions: the Centre for Social Welfare and Protected Workshop for the Disabled and the Macao Special Olympics Training Centre. The former provides professional training to the moderately mentally disabled and to the physically disabled of both sexes aged over 16 years, while the latter promotes the professional training of self-supporting mild to medium mentally disabled persons over 16 years.

850. In 2000, LED organized its first training course for 10 disabled workers, who were later integrated into the labour market. In 2001, another course was set up for 10 trainees, who are still waiting for employment. In 2002, LED organized 4 courses for 40 disabled trainees. These courses are still in progress.

851. Prisoners are also provided with work and vocational training, together with teaching and re-education.

852. Aiming at creating, maintaining and developing the prisoner's capacities to carry out an activity that might facilitate his/her social rehabilitation, the prison establishment promotes adequate training and professional improvement of prisoners (articles 51 and 56 (1) of Decree Law 40/94/M of 25 July).

853. All prisoners are remunerated for their work, degree of professionalism and type of performance.

D. Vocational and training programmes

854. The core system of professional training is set up through Decree Law 51/96/M of 16 September, by developing new employment areas and training in order to create better job opportunities and skilled workers. Target groups are mostly apprentices, the unemployed and job-seekers.

855. Vocational guidance and training are offered to all without discrimination.

Private sector

856. In 2001, the Occupational Training Centre of LED offered (directly or in collaboration with other entities) 134 courses, registering 3,224 trainees, representing an increase of 100 per cent compared with the previous year. The large number of trainees is justified by the implementation of courses in Chinese culture, targeted at the unemployed.

857. LED conducted 20 training courses inside numerous companies with the aim of creating more job opportunities. Within this programme, the number of trainees increased from 458 in 2000 to 1,693 in 2001.

Attendances at the occupational training centre in 2000 and 2001

Training systems	Course modalities	Total number of trainees	
		2000	2001
Initial training (Young people and people looking for first job)	Learning (14 to 24 years old)	113	110
	Qualification	20	100
Continuous training (active young people or adults)	Improvement	117	311
	Conversion	1 201	633
	Conversion actions in the workplace	113	234
	Course in Chinese culture	-	1 321
	(Unemployed 40-year-olds and older)	-	515
Courses organized by LED or in collaboration with other entities (total)		1 564	3 224
Courses organized for in-house company training given at OTC facilities		458	1 693
Total		2 022	4 917

Source: 2001 Activity Report, Labour and Employment Department.

Public sector

858. Public sector workers are also entitled to receive ongoing education and training to improve their efficiency and effectiveness when dealing with the increased demands of the public.

859. The Public Administration and Service Department provides several training programmes for public workers, divided into specialized training, language training and technical-professional training. Language training is mostly in Mandarin, Cantonese and Portuguese. The technical-professional training is divided into the following areas: Information Systems, Management, Human Resources Management, Administration, Public Relations and Communication.

860. The Tourism Department also offers some vocational training programmes targeted at students and employees of the tourism sector to improve service quality. Related information can be found at www.macautourism.gov.mo.

861. The Institute for Tourism Studies offers the general public courses comprising vocational and professional training programmes. The Professional and Continuing Education School is specialized in the continuous link with the industry and the local community. In this kind of course local participants usually account for 99 per cent and overseas participants for 1 per cent, with male participants representing 54 per cent and female participants 46 per cent. More information can be found at www.ift.edu.mo/mecats/index.htm.

862. The Macao Polytechnic Institute has a Centre for Continuing Education and Special Projects, which offers a number of training courses. The School of Public Administration, the Training Centre of the School of Language Translation, the School of Health Sciences and the School of Physical Education and Sports also conduct several courses. More information can be found at www.ipm.edu.mo.

E. Restrictions on the right to work

Gender equality

863. As previously mentioned, there are no restrictions under the MSAR legal order on labour rights, employment and vocational training. Legislative improvements have taken place in the last few years.

864. Labour law, both in the private and the public sectors, expressly recognizes that all workers shall be treated equally without discrimination based on gender, marital status or family situation, access to job opportunities and treatment at the workplace, upholding the non-existence of direct or indirect discrimination towards women and the principle of equal pay for work of equal value.

865. These principles were subsequently reinforced by means of the adoption of the Law on Equal Opportunities and Equal Treatment, Decree Law 52/95/M of 9 October. Under this law, the rights to non-discrimination based on gender (art. 4), equal right to work (art. 5), equal opportunities, access to professional training and equal treatment at the workplace (art. 6), equal remuneration for work of equal value (art. 9) and equal job opportunities (art. 10) are expressly determined.

866. The Legal Framework on Employment and Labour Rights also establishes the need to comply with the principles of non-discrimination, equal payment and equal treatment at the workplace.

Employed population by gender and age

Year	Gender	Employed population ('000)						
		Age						
		Total	14-24	25-34	35-44	45-54	55-64	65+
1999	MF	196.1	24.7	55.8	68.2	35.7	8.9	2.7
	M	104.2	9.3	25.7	38.8	22.0	6.4	2.0
	F	92.0	15.5	30.1	29.4	13.8	2.4	0.8
2000	MF	195.3	23.0	54.4	68.3	38.2	9.0	2.4
	M	103.2	9.1	25.2	37.4	23.5	6.3	1.7
	F	92.1	13.9	29.2	30.9	14.7	2.7	0.7
2001	MF	202.8	24.3	53.6	67.1	43.5	10.6	3.8
	M	106.7	9.7	24.3	36.4	26.0	7.4	2.8
	F	96.1	14.5	29.3	30.7	17.5	3.2	0.9
2002	MF	200.6	21.7	51.2	65.7	46.4	12.4	3.2
	M	104.1	8.8	23.2	34.3	27.1	8.4	2.3
	F	96.5	12.9	28.1	31.5	19.3	4.0	0.9

Source: Employment Survey, Statistics and Census Department.

Unemployed population by gender and age

Year	Gender	Unemployed population ('000)						
		Age						
		Total	14-24	25-34	35-44	45-54	55-64	65+
1999	MF	13.2	3.2	2.9	4.4	2.2	0.5	0.1
	M	9.1	2.0	1.8	3.2	1.7	0.3	0.1
	F	4.2	1.2	1.1	1.3	0.4	0.2	-
2000	MF	14.2	2.7	2.8	5.2	2.9	0.5	0.1
	M	9.8	1.7	1.7	3.8	2.2	0.4	0.1
	F	4.4	1.1	1.1	1.5	0.7	0.1	-
2001	MF	13.9	2.7	2.7	4.9	3.0	0.5	-
	M	9.4	1.7	1.7	3.1	2.5	0.4	-
	F	4.5	1.0	1.0	1.8	0.5	0.1	-
2002	MF	13.4	2.7	2.3	4.5	3.1	0.8	-
	M	8.9	1.7	1.5	2.9	2.2	0.6	-
	F	4.5	1.0	0.5	1.6	0.9	0.2	-

Source: Employment Survey, Statistics and Census Department.

867. In order to combat discriminatory situations at the workplace, several mechanisms were developed such as awareness campaigns and monitoring by LED. This Department is responsible for ensuring that work relations are in conformity with the law and that worker's rights are protected (article 16 of Decree Law 52/95/M).

868. All workers are entitled to lodge complaints with LED under article 16 of the above Decree Law. No complaint has been filed pointing towards the existence of discrimination.

Positive discrimination

869. The recognition of the fact that some population groups need special protection is clearly stated under article 38 (2) and (3) of the Basic Law, whereby special protection is granted to women, minors and disabled persons.

870. Positive discrimination in favour of women, minors or disabled persons is admissible with the purpose of restoring de facto inequalities or abusive situations.

871. In this respect, labour legislation prohibits or limits certain working activities which may endanger (or create a potential risk to) the physical, spiritual and moral development of minors (articles 35 and 40 of Decree Law 24/89/M) or the conditions of pregnancy or childbirth in women (article 34 (3) of Decree Law 24/89/M and article 5 (2) of Law 4/98/M).

872. The Law on Equal Opportunities and Equal Treatment also foresees special provisions for women in relation to pregnancy or childbirth by limiting or prohibiting certain types of work, if it poses a potential risk to their condition (art. 8).

873. Without prejudice to judicial remedies, if the above provisions are violated, LED can fine employers up to 12,500 Macao patacas (MOP) per worker for each infraction (article 50 of Decree Law 24/89/M and article 15 of Decree Law 52/95/M).

Article 7

Right to enjoy just and favourable conditions of work

A. Legal framework

874. The following ILO Conventions are all applicable in MSAR:

- Convention concerning the Application of the Weekly Rest in Industrial Undertakings of 1921 (No. 14);
- Convention concerning Labour Inspection in Industry and Commerce of 1947 (No. 81);
- Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value of 1951 (No. 100);
- Convention concerning Weekly Rest in Commerce and Offices of 1957 (No. 106);
- Convention concerning Occupational Safety and Health and the Working Environment of 1981 (No. 155).

875. There are several legal instruments in MSAR that stipulate a system of minimum conditions of occupational health and safety, inter alia, the Regulation on Health and Safety in Industrial Work Sites (Decree Law 57/82/M of 22 October), the Regulation on Health and Safety in Commercial Establishments, Offices and Services (Decree Law 37/89/M of 22 May), Regulation on Health and Safety in Civil Construction (Decree Law 44/91/M of 19 July) and the Regulation on Occupational Noise (Decree Law 34/93/M of 12 July).

876. One should also mention in this respect Decree Law 40/95/M of 14 August, which establishes the right to compensation for damage caused by accidents at work and occupational diseases.

877. These laws provide a framework whereby all workers benefit from healthy and safe working conditions and employers have the responsibility of managing the risks at the workplace, based on a set of incentives and sanctions.

878. The principle of the enjoyment of minimum working conditions is stipulated in article 14 of the Law on Labour Relations (Decree Law 24/89/M) and in article 5 (1) (c) of the Legal Framework on Employment and Labour Rights.

879. The LED Labour Inspection Division is responsible for the implementation of the legal provisions on occupational health and safety referred to above. This Division and the LED Health and Safety Labour Division conduct regular inspections and have the power to apply fines for infringements of the law.

B. Information on wages

Wage setting

880. Within the public sector, salaries are fixed according to an index, which determines the remuneration of each professional category. The minimum monthly salary is MOP 5,000.

881. In the private sector, there is no statutory minimum wage scheme. According to the Law on Labour Relations in the Private Sector, wages are fixed by agreement between the employer and the worker (article 27 of Decree Law 24/89/M).

882. Nevertheless, article 25 of the above law establishes the general principle of a fair wage, which means that contractual freedom is limited by its definition, calculation and compliance with standards of good faith.

883. It is important to point out that one of the objectives of the current revision of the labour legislation is to introduce a minimum wage system.

884. The principle of equal pay for work of equal value is expressly stated in the MSAR labour legislation, both in the public and the private sectors.

885. There is no statistical information regarding the distribution of income in the public and private sectors. The data provided by the Statistics and Census Department shows the median remuneration for employees (M/F) is MOP 5,221 per month in 1997 and MOP 4,772 in 2002. From 1999 to 2002 the average public sector employee remuneration was MOP 14,643.

C. Health and safety at work

886. As pointed out earlier, legislation was enacted to promote health and safe working conditions while practical measures were introduced to ensure them.

887. Another task of LED is to undertake preventive measures to avoid work-related accidents and diseases, namely through education, training and dissemination of minimum standards amongst workers and employers.

888. In addition, LED, within its powers of labour inspection, may take samples of any material or substance at the workplace, order workers to be attended by the LED medical department, elaborate safety reports and issue certificates.

889. In spite of the growing number of victims of work-related accidents and diseases during the last 10 years (35.3 per cent), one could observe that the increase between 1997 and 2001 was only 2.4 per cent, which means a considerable improvement in working conditions. On the other hand, the number of mortalities decreased significantly from 1991 to 2001.

Work-related accidents and diseases

Accidents per year	1997	2001	2001-1991 (%)	2001-1997 (%)
Victims of work-related accidents - Total	3 567	3 651	+35.3	+2.4
Fatal accidents	8	6	-50.0	-25.0
Occupational diseases	-	-	-	-

Source: Labour and Employment Department, 2002.

D. Principle of equal opportunity for promotion

890. Promotion depends solely on the result of an assessment made on the basis of the quality of the performance and experience of the worker.

891. Equal access to vocational courses and training is expressly guaranteed under the Law concerning Technical and Vocational Training (article 4 (a) of Decree Law 51/96/M of 16 September).

892. In the public sector, the principle of equal opportunities is also promoted on the premise that the public sector should set an example for positive action to the private sector.

E. The right to enjoy periodic holidays, rest leisure, reasonable limitation of working hours, regular paid leave and remuneration for public holidays

893. In the private sector, the daily working period is 8 hours and the working week 48 hours, while in the public sector, civil servants must work 36 hours within a week, a minimum of 7 hours per day.

894. In the private sector, workers have the right to a weekly rest of one day after seven days of work without loss of remuneration while, in the public sector, there is a weekly rest of two days.

895. In the private sector, workers are entitled to annual leave of six working days and minimum annual paid leave of six working days. They also enjoy 10 statutory holidays per year. In the public sector, workers are entitled to annual leave of 22 working days and paid leave in the amount equal to the remuneration corresponding to the post held.

Article 8

Right to trade union membership

896. The MSAR Basic Law expressly enshrines the residents' right and freedom to form and join trade unions, as well as the right to strike (art. 27).

897. Workers are free to form associations by themselves or to join associations. In fact, labour associations have long been an active group within Macao society, acting politically and defending the interests of the working class. In MSAR, there are 79 workers' associations involved in trade union activities; 5 of them are associations of civil servants.

898. The freedom of association is regulated under Law 2/99/M of 9 August. Any group of persons may form an association without the need for authorization, provided that its object is neither the promotion of violence nor the infringement of criminal law, nor is contrary to public order.

899. No data is available concerning the size of membership. However, it should be pointed out that eight labour associations were constituted after the establishment of MSAR, six of which were formed during 2002.

900. The right to collective bargaining is also recognized. In fact, representatives of employers and labour associations have a seat in the Standing Committee for Social Affairs, which is the advisory committee of the MSAR Government assigned to promoting dialogue between all labour partners and social development. This entity gives advice on socio-labour policies, in particular, salaries, labour regime, employment strategies and social security.

901. The ILO Convention concerning the Freedom of Association and Protection of the Right to Organise of 1948 (Convention No. 87) and the Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively of 1949 (Convention No. 98) are applicable in MSAR.

902. There is no discrimination against those who are members or wish to become members of labour associations and no restrictions are placed upon the exercise of the rights enshrined in the MSAR legislation.

903. Restrictions or repressive measures with regard to the exercise of the right to strike by any worker are illegal. The right to strike is exceptionally restricted for the militarized personnel of the Security Forces of MSAR (article 32 of the Statute of Militarized Personnel of the Security Forces, Decree Law 66/94/M of 30 December).

Article 9

Right to social security

A. Legal framework

904. The right to social security is expressly stipulated under article 39 of the Basic Law, which states:

“Macao residents shall have the right to social welfare in accordance with the law. The welfare benefits and retirement security of the labour force shall be protected by law.”

Furthermore, according to article 130 of the Basic Law, one of the MSAR Government’s responsibilities is to formulate policies and to develop measures towards a comprehensive welfare system.

905. In this regard, a number of legal changes are currently being undertaken in order to improve the present social security system.

906. In addition, major financial support by the Government was targeted at the problem of unemployment and requalification of the labour force.

907. It should be pointed out that significant progress has been made in the area of social security since reunification. The main purpose has been to correct visible anomalies and to provide assistance to the most needy, such as low-income earners, unemployed workers and disabled workers, thus a new type of benefit was created (Order 199/2000 of 16 October by the Chief Executive).

908. Local private organizations may also provide social services in MSAR as long as they do not contravene the law.

B. Social security schemes, benefits and method of financing

909. There are two main systems of social security: one for public sector workers and the other for private sector workers.

Public sector

910. In the public sector, workers are entitled to a number of benefits, which are conferred according to their family situation, such as family benefit, residence allowance, marriage benefit and maternity benefit. Other social security benefits are also granted, such as holiday allowance (including Christmas), shift subsidy, retirement benefit, survivor’s benefit, death allowance, funeral benefit and medical care benefits (health services and medicines).

911. In the case of retired workers, these benefits are granted through the Macao Pension Fund (MPF), which is an autonomous agency of the MSAR Government.

912. The public administration's retirement scheme is a defined benefit scheme. The main source of its funds comes from regular contributions by employees and from a percentage of the MSAR budget (article 259 of SPAE). The retirement pension value depends on the number of years of service in the administration and on the category of remuneration at the date of the retirement of the worker.

Public administration social security scheme

Name of benefit	Main features
Medical care	Beneficiaries: workers and retired workers, and other dependent family members not covered by another health-care protection scheme; or families under the survivor's benefit scheme. The contribution of the worker is fixed at 0.5 per cent of total wages, salary or retirement pension.
Marriage benefit	Each beneficiary is entitled to a fixed amount of MOP 2,300 when he/she marries.
Maternity benefit	Each beneficiary is entitled to a fixed amount of MOP 2,300 per childbirth.
Retirement benefit	There are two types of retirement benefit: voluntary and compulsory. The first is given for civil servants aged 55 and with a minimum of 30 years' service. The latter is given at age 65, with a minimum of 15 years' service. Each beneficiary is entitled to an amount equal to the 36th part of the civil servant's salary, multiplied by the number of years counted for the retirement, up to a maximum of 36 years. Pensions are revised in proportion to changes in the income levels of active workers.
Invalidity benefit	This benefit is available to workers with permanent and total disability, as certified by the Medical Board (a minimum of 15 years' service is also required), or for permanent and total disability resulting from occupational accident or illness contracted in the performance of one's work, or in the performance of humanitarian acts or actions on behalf of the community. In this case, no minimum number of years of service is required. Each beneficiary is entitled to an amount equal to the 36th part of the civil servant's salary, multiplied by the number of years counted for the retirement, up to a maximum of 36 years. Pensions are revised in proportion to changes in the income levels of active workers.
Funeral benefit	An amount of MOP 2,700 is paid on the death of the retired worker in order to cover funeral expenses.
Death allowance	An amount equivalent to six times the month's salary prior to the date of death is paid to the family relatives.

Table (continued)

Name of benefit	Main features
Surviving spouses' and dependants' benefit	This benefit is available to the surviving spouse and unborn children, as well as other successors who are entitled to benefit from the family allowance. The amount of the survivors' benefit is equal to half the retirement benefit that the member of MPF was entitled to receive at the date of his death, or that he would have been entitled to if he had left the job at that time in order to retire.
Family benefit	This benefit is a monthly allowance of MOP 170 per each dependant whenever the retiree's spouse and/or parents receive a monthly income of less than half of the amount corresponding to 100 index points of the salary index (i.e. MOP 2,500). Each beneficiary is entitled to a monthly allowance of MOP 220 per each child, whenever children aged between 18 and 21 attend secondary school or equivalent education, and those under 24 enrolled in any undergraduate courses.
Housing allowance	Each beneficiary living in Macao is entitled to receive a monthly allowance of up to MOP 1,000.

Source: Macao Pension Fund and Public Administration and Civil Bureau, 2002.

Private sector

913. SSF provides the social security schemes for workers of the private sector, while the Health Department (HD) mainly provides medical care. SSF is an autonomous agency of the MSAR Government. Under Decree Law 58/93 of 18 October, only workers registered at the Fund are beneficiaries and their employers should be registered as contributors.

Social security fund benefits

Name of benefit	Main features
Medical care	Each beneficiary must have a minimum of 9 months of contributions in the 12 months prior to the quarter that the illness begins. Benefits are calculated on a daily basis and are payable in a consecutive or alternate manner; hospital stay is MOP 70 per day (up to a maximum of 180 days per year) and non-hospital stay is MOP 55 per day (up to a maximum of 30 days per year).
Marriage benefit	Each beneficiary is entitled to a fixed amount of MOP 1,000. The beneficiary must have a minimum of 9 months of contributions in the 12 months prior to the quarter of marriage.
Maternity benefit	Each beneficiary is entitled to a fixed amount of MOP 1,000 per childbirth. The beneficiary must either have a minimum of 9 months of contributions in the 12 months prior to the quarter of childbirth, or a minimum of 15 months of contributions in the 24 months prior to the quarter of childbirth.

Table (continued)

Name of benefit	Main features
Old-age benefit	This benefit is a monthly payment of MOP 1,150 available to a beneficiary aged 65 or above; with minimum 7 years of permanent local residence; and minimum 60 months of contributions.
Invalidity benefit	This benefit is a monthly payment of MOP 1,150 available to a beneficiary aged 18 or above, with certification of permanent loss of earning capacity a minimum of 7 years of permanent local residence; and a minimum of 36 months of contributions prior to the quarter of disability.
Funeral benefit	The person proven to have paid for the funeral expenses is entitled to a fixed amount of MOP 1,300.
Pneumoconiosis benefit	This benefit is available to a beneficiary infected with pneumoconiosis under the circumstances defined by legislation.
Social assistance benefit	This benefit is a monthly payment of MOP 750 available to local residents who are incapable of maintaining a basic living but are ineligible for both the old-age benefit (age 65 or above) and the invalidity benefit (age 18 or above).
	Complementary allowance provides additional money, on top of the social assistance benefit, to a person certified by SWI as requiring more than the social assistance benefit to cover his/her basic living costs.
Additional allowances	This is a one-month bonus payable each January to beneficiaries under the old-age benefit, the invalidity benefit and the social assistance benefits.
Unemployment benefit	This benefit is available to a beneficiary who is unemployed against his/her will. The beneficiary must be registered at LED and have a minimum of 9 months of contributions in the 12 months prior to the quarter of unemployment. The benefit is calculated on a daily basis of MOP 70 per day up to a maximum of 90 days per year.

Source: Social Security Fund, 2002.

914. The three income sources of SSF are: (a) government subsidies; (b) social security contributions from employers and employees; and (c) investment income. One per cent of government revenue must be allocated to SSF every year (Decree Law 59/93/M of 18 October).

915. Each worker contributes MOP 15 each month; each employer contributes either with MOP 30 or 45 depending on whether the worker is resident or not, and self-employed people must contribute MOP 45 every month.

Unemployment benefits for local residents

Type of unemployment benefit	Main features
Vocational training scheme	This benefit is available to the unemployed who participate in the training courses offered by designated institutions. A participant who has achieved a minimum of 60 per cent course attendance each month is eligible for a training allowance of MOP 80 per day, but not exceeding a total of MOP 1,800 per month.
Social assistance benefit for the unemployed	This benefit is available to the unemployed who participate in the cultural education programme. A participant who has achieved a minimum of 80 per cent course attendance each month is eligible for a monthly payment for a maximum of 12 months. Payment is calculated based on family members: from MOP 1,800 for a family with one member up to MOP 6,800 for a family with six members and over.
Employment arrangement for the unemployed scheme	Employers will receive a grant of MOP 13,800 (paid over six months) for the employment of every unemployed person who is registered at LED.
Assistance for the unemployed with disabilities scheme	A maximum amount of MOP 500,000 will be granted as a subsidy to organizations and non-government entities that offer or organize activities (such as vocational training programmes, sheltered workshops, job arrangements and removal of encountered difficulties programmes, etc.) for the unemployed with disabilities.
Young job-seekers scheme	This is a fixed amount of MOP 12,000 subsidy (paid over six months) to an employer that employs a youth aged under 26, who is registered at LED and seeking first employment.

Source: Social Security Fund, 2002.

C. Expenditure on social security

916. Over the last 10 years, social security expenditure has remained quite steady. However, due to the economic recession of recent years, there was a sudden rise in the period 2000-2001. As a result, SSF received special subsidies from the MSAR Government to carry out several temporary relief programmes for the unemployed.

Share of social security expenditure in the MSAR budget (in thousand patacas)

Year	1999	2000	2001	2002
Social security expenditure	349 577	382 803	519 485	483 347
Government contribution to Pension Fund	318 076	316 617	323 420	332 723
Total	667 653	699 420	842 905	816 070
Share in the MSAR budget	6.81%	7.98%	8.9%	8.5%

Source: Finance Department, 2003.

Subsidies to SSF (in thousand patacas)

Year	1999	2000	2001	2002
One per cent share in the MSAR budget	81 746	84 571	78 553	78 000
Special subsidies	-	12 000	122 540	224 372
Total	81 746	96 571	201 093	302 372

Source: Finance Department, 2003.

D. Supplementary arrangements for public social security schemes

917. SSF offers social security schemes for employees. Notwithstanding, employers can also set up their own provident funds for their employees (Decree Law 6/99/M of 8 February as amended by Law 10/2002 of 2 July). On the other hand, employees can choose to purchase retirement schemes from insurance companies to extend their benefit coverage.

E. Non-enjoyment of the right to social security

918. The social security benefits are open to all MSAR residents and are free from gender and racial discrimination.

919. Contribution to SSF is mandatory for all workers in the public sector not registered at the MPF (article 259 (9) of SPAE).

920. Under Order of the Chief Executive 227/2002 of 15 October, the social security scheme was extended to self-employed people so as to achieve the MSAR objective of providing benefits to all employed and self-employed.

Article 10

Protection of the family

A. Legal framework

921. In MSAR, the family is regarded as the fundamental unit of society. Men and women are considered as equals in marriage and have the right to enter into marriage by their own free will and consent. Maternity and paternity constitute human and social values, respected and safeguarded by law.

922. Article 38 (1) of the Basic Law stipulates the freedom of marriage of the residents and their right to form and raise a family freely. On the other hand, article 103 grants individuals and legal persons the right to acquire, use, dispose of and inherit property.

923. The law on the Legal Framework on Family Policy, Law 6/94/M of 1 August, sets up the basic framework on family policies, while the MSAR Civil Code regulates the family rights. In both laws the right to constitute a family and to enter into marriage in conditions of full equality is reaffirmed.

924. According to the Legal Framework on Family Policy, family policy has the following objectives: (a) to guarantee the right to constitute a family, protecting maternity and paternity as eminent human and social values; (b) to ensure the protection, development and right of a child to education; (c) to foment the living conditions relating to housing, health and education, in order to enable the integral development of the family and each one of its members; (d) to support, in particular, economically challenged families, as well as single parent families; (e) to cooperate with parents in the education of their children, promoting within families the exercise of their full responsibilities in regard to education; (f) to favour the integration and participation of the aged in the family life and to promote solidarity and mutual support between different generations; (g) to ensure the effective participation and the organic representation of families in decisions that affect their moral and material existence; and (h) to promote the participation of families in the community development process.

925. The term “family” can have several meanings, the most common being the relationship derived from marriage and adoption. However, the term can also mean a group of people who live under the same roof and/or share the same economic environment, a de facto marriage and their children and single parents.

926. Both spouses have the responsibility of running the family and should agree as to the way in which family life is lived, taking into account the well-being of its members and each other's interests (article 1532 (2) of the Civil Code and article 2 of Law 6/94/M).

927. The Civil Code sets the age of legal majority at 18 years (art. 118). However, whenever a minor enters into marriage, emancipation is automatic under article 120 of the Civil Code.

928. In principle, the minimum legal age for marriage concurs with the age of legal majority. However, a person aged between 16 and 18 may marry provided that the consent of the parents or guardians is given (article 1487 of the Civil Code). In the absence of the consent of the parents or the guardians, the court may give the minor authorization to marry. The court's decision depends upon the existence of serious reasons for the marriage to take place and evidence of the minor's ability to carry out his/her life with sufficient physical and mental maturity being produced.

B. Family assistance

929. The MSAR Government, together with associations concerned with the family, have a special responsibility to promote the quality of family life and the moral and material well-being of families and their members (article 1 (2) of Law 6/94/M).

930. To achieve this target, the MSAR Government, either on its own or in collaboration with such private associations, has created family support centres aimed at helping families in special situations, such as women refugees, family service centres and day-care centres.

931. These centres provide, among other things, special assistance to single parents and prisoners' families and also target developing efficient mechanisms for dealing with crisis situations provoked by any member of the family, in particular those situations arising from marital or family break-ups and domestic violence, especially when children are involved.

932. In November 1998, a new division of SWI, the Bureau for Family Action, was created to support families with problems or at risk. This division has a team of specialized technical staff, such as social workers, psychologists, nursery teachers, legal advisers, and so on.

933. SWI provides several support services to families in need or to vulnerable families or families at risk, such as economic assistance, marriage counselling, family education and meal services.

934. Families with financial difficulties are assisted under the social security system as stated in this report in relation to article 9.

C. Protection of mother and child

Maternity protection system

935. Specialized personnel and care services at the public hospital and health centres provide mother and child with several health-care services.

936. Before and during pregnancy, information and services for family planning, prevention of sexually transmitted diseases, tetanus immunization, antenatal registration, minimum of six consultations during pregnancy, advice regarding nutrition and diet and early detection and management of complications are offered. Safe delivery in hospital is provided.

937. Services for the early detection of post-partum complications at hospital/health centres; consultations and post-partum care; promotion of breastfeeding and management of breast complications; information for family planning and tetanus immunization are provided to mothers after delivery.

938. With regard to newborns, early detection and prevention of neonatal infections; TB immunization; early and exclusive breastfeeding information and support; early consultation at health centres to register for immunization; and infant surveillance plans are also offered.

939. In 2001, maternity care at health centres consisted of eight consultations per expectant mother, a coverage rate of 72.8 per cent of the general female population of reproductive age.

940. The MSAR Government promotes the creation and operation of a mother-infant network system and nurseries. Nurseries accept children aged between 3 months to 3 years, providing adequate conditions for the development of children as well as appropriate support to families (article 3 (1) (a) of Decree Law 90/88/M of 27 September).

941. Proper training and family planning that ensure planned births are fully supported by the MSAR Government.

942. Family planning is intended to improve the health and well-being of the family, and consists of providing individuals and couples with information, knowledge and the means that will enable them to decide freely and in a responsible way the number of children they wish to have and when. Consultation programmes on family planning are also organized in schools and

community associations. Family planning includes pre-marriage and genetic counselling, information on birth control methods, treatment of infertility and prevention of genetic and sexually transmitted diseases (article 10 (2) of Law 6/94/M).

943. Health centres offer a family planning programme. All medication and devices used in family planning are free of charge and provided at the expense of the Government (articles 6 (2) and 7 (1) (d) of Decree Law 24/86/M of 15 March).

944. In the private sector, the Labour Law states that pregnant women who have been in employment for over one year are entitled to 35 days of maternity leave without loss of remuneration or employment; out of these 35 days, 30 must be taken after the birth and the remaining 5 may be used either before or after birth. This period of 35 days can be increased in exceptional cases. Nevertheless, the right to maternity leave without loss of remuneration is guaranteed for up to three births (article 37 of Decree Law 24/89/M). During pregnancy and for three months following the birth, women should not engage in any tasks that could cause discomfort or a risk to their condition (article 35 (2) of Decree Law 24/89/M).

945. In the public sector, workers have the right to a maternity leave of 90 days, 60 of which shall be enjoyed after the birth, and the other 30 before or after the birth, without limitations on the number of births. They also have the right to take one hour off each working day to breastfeed their children until the infant is 1 year old (article 92 of SPAE).

946. In the public sector, male workers have the right to five days of paternity leave, which shall be enjoyed after the child's birth (article 93 of SPAE).

947. As already mentioned, both labour laws are currently under revision. The MSAR Government has proposed in relation to the private sector law, *inter alia*, to omit the limit of up to three births as a requisite to the maternity leave and to increase the duration of maternity leave.

948. More information on other social security benefits is given in relation to article 9.

D. Protection of children and young persons

949. The Basic Law expressly determines that minors shall be taken care of and protected by the Region (article 38 (3)).

950. Apart from the Convention on the Rights of the Child of 1989 and the Convention concerning the Minimum Age for Admission to Employment of 1973 (ILO Convention No. 138), other treaties relevant to the protection of children are also applicable in MSAR. These include, among others, the Convention concerning the Night Work of Young Persons Employed in Industry of 1919 (ILO Convention No. 6); the Hague Convention on the Law Applicable to Maintenance Obligations towards Children of 1956; the Hague Convention concerning the Recognition and Enforcement of Decisions relating to Maintenance Obligations towards Children of 1958; the Hague Convention concerning the Powers of Authorities and the Law Applicable in respect of the Protection of Minors of 1961; and the Hague Convention on the Civil Aspects of International Child Abduction of 1980.

951. The MSAR Government, in cooperation with associations related to family interests and institutions of social solidarity, promotes a policy for the protection of minors deprived of a normal family environment, trying to provide them with better living conditions, family unity and integration within the community.

952. The Education and Youth Affairs Department (EYAD) and SWI jointly provide educational and community-based programmes on health and children's rights. The dissemination of family and children's rights is also made through these bodies as well as others.

953. The MSAR Government pays particular attention to orphans, children who do not live with their biological parents, young girls, children who are abandoned or deprived of their family environment, as well as physically or mentally handicapped children.

954. In this regard, several social institutions provide shelter and assistance to minors of different ages who, for whatever reason, have been forced out of their homes. The residential childcare service offers supervision and care for vulnerable children and young persons who cannot be adequately looked after by their families.

955. In MSAR, there are 15,437 infants aged 0 to 3 (3.7 per cent of the total population), some of them are taken care of by their families, while others enjoy day-care service in 51 nurseries supervised by SWI. By the end of June 2002, a total of 3,673 infants received care from these nurseries.

956. The MSAR labour legislation foresees the adoption of measures aimed at eradicating child labour and establishes the rules concerning the minimum age for work, which is 18 years for the public sector, and 16 years for the private sector.

957. In the private sector, the employment of persons under 16 years of age but no less than 14 is exceptionally authorized by law if the minor's physical capacity required for the exercise of the work is previously attested. At least once a year, minors undergo regular and periodic physical robustness and health examinations (articles 38, 39, 40 and 42 of Decree Law 24/89/M). In relation to this issue see the information given in respect of articles 6 and 7.

Training and rehabilitation of young offenders and delinquents

958. In MSAR, the age of criminal responsibility is 16 years. Minors are criminally responsible starting from that age, and they are consequently subject to the criminal law should they be accused of having infringed it. Minors under the age of 16 are not criminally liable according to article 18 of the Criminal Code.

959. The MSAR Juvenile Justice system determines that minors under 16 years of age who have committed an act that qualifies as a criminal offence under the law shall be subject to an educational regime and that adequate measures shall be applicable depending on their social and educational needs (articles 6 and 67 of Decree Law 65/99/M of 25 October).

960. The Minors Institute (MI) is the entity under the Legal Affairs Department responsible for the teaching, education and re-education, vocational guidance and training of juvenile offenders. EYAD assists MI in providing basic education.

E. Protection of the elderly

961. The MSAR Government devotes great attention to the impact of the ageing population on the Region. In 1998, the "Macao Declaration and Plan of Action on Ageing for Asia and the Pacific" of the Economic and Social Commission for Asia and the Pacific was launched. This was the first Regional Action Plan focused on the ageing issue. At the moment, a research report for long-term development strategy is being prepared in this field.

962. SWI provides the elderly with health education and services with the support of other governmental departments and private associations. This support includes the provision of adequate services by establishing full-time professional teams composed of physical therapists, social workers and personal attendants who guarantee household care and day-care services for the elderly.

963. HD cooperates closely with SWI in providing primary health care and attention service to the elderly, in particular to those living alone or suffering from chronic illness.

964. SWI also provides special support for families to assist them in how to take care of old persons in poor health through the establishment of new facilities which provide to the elderly health care and other services, such as household care and meals.

965. In addition, the MSAR Government, aware of the need to strengthen community-based support and family values, promotes joint activities with the elderly, particularly with those living alone. Hence, recreational, cultural and occupational activities for old persons have also been implemented.

Article 11

Right to an adequate standard of living

A. General description

966. In MSAR, there are a number of mechanisms established by law that allow residents to live with dignity, even in situations of particular difficulty or adversity. Thus the problem of poverty is not a striking one in the Region. Even so, the MSAR Government is strongly committed to reducing poverty and social exclusion as much as possible, particularly through wide-ranging social security benefits and a comprehensive social welfare system.

967. SWI is designed to protect individuals/families in conditions of indigence and to create better socio-economic living conditions as well as community development (Decree Law 52/86/M of 17 November).

968. SWI is based on the principles of equality, efficiency, solidarity and sharing and provides financial and social assistance in the form of equipment and services, *inter alia*, social housing, shelters, free access to health services, education, meals and nursery services. Through its social welfare centres, scattered around the city of Macao and the two islands, SWI offers, amongst other services, financial assistance to individuals/families that live below the poverty line.

969. In MSAR, there are three Meal Service Centres, which assisted around 1,170 persons in 2001.

970. As previously mentioned, support to individuals/families takes the form of financial subsidies granted to the elderly, needy families, the disabled who are not covered by the social security system and to all those who are not beneficiaries of social security benefits. Subsidies can be permanent (on an annual basis) or temporary.

971. The permanent subsidies include: old age or old-age supplementary benefits; benefits for those living in seriously poor conditions, disability, unemployment and sickness; pneumoconiosis benefits; and benefits for single parent families.

972. Temporary subsidies include: funeral benefits, household remodelling benefit, support for victims of catastrophes, subsidies for the purchase of furniture, prosthetics and other specific equipment, subsidies for the expenses of staying at nursing homes or hospitals, and subsidies for education fees and public transportation. Currently, the sum of a permanent subsidy to be allocated to a single person is set at MOP 1,300 per month.

973. In 2001, SWI granted permanent benefits to 5,035 individuals/families (involving 13,069 persons) totalling MOP 65,686,144, while in 2000, it granted such benefits to 4,235 individuals/families (involving 12,029 persons) totalling MOP 47,606,226. In 2001, 315 individuals/families (involving 831 persons) received temporary benefits, totalling MOP 791,822, while in 2000, SWI granted such benefits to 258 individuals/families (involving 724 persons) with a total amount of MOP 755,778.

974. To be entitled to the above benefits, the following conditions must be met: one should be an MSAR resident or have lived in MSAR for 18 months before claiming the benefits. Afterwards, SWI evaluates if the individual/family is living below the poverty line (i.e. the family income is lower than the minimum living standard).

975. Since May 2002, SWI has provided special assistance to poor families in the following categories: single parent family, family member with a chronic disease or with a disabled family member. Those benefits are granted by SWI to ease the economic pressure on these families (Order 21/2002 of 8 April by the Secretary for Social and Cultural Affairs).

976. Whenever an individual or his/her family receiving the benefits is still in need of assistance, SWI can prolong the time to one year at most on a case-by-case basis. Likewise, if the individual or family concerned is not eligible for benefits (for example: holding a Macao resident ID but under age), SWI can analyse his/her situation and provide adequate assistance.

977. To sum up, SWI offers some financial assistance in order to ensure the minimum basic living needs such as food, accommodation and other daily necessities of deprived people. In case of special need, the individual or family concerned can ask for assistance directly from SWI or from private associations.

B. Right to adequate food

978. There is no data available on malnutrition. However, the percentage of low birth weight can be a useful indicator. In 1999, the percentage of low birth weight (< 2,500 g) was 5.4 per cent, in 2000, 5.3 per cent and in 2001, 5.6 per cent.

979. The MSAR Government acknowledges that the quality and security of food consumption play a vital role in the psychological and physical development of children and young people.

980. Therefore, the importance of breastfeeding and a balanced diet are emphasized to the future mother during health checks within maternal and child health consultations. Mothers are encouraged to start breastfeeding their babies as soon as they are born. Guidance and support continue in the hospital's maternity wards and health centres.

981. Periodic evaluation of the growth, the nutritional education and instruction as well as supply of multivitamins and other supplements to infants are part of the child health programme guaranteed free of charge to all children.

982. At nurseries and kindergartens, food is generally well prepared and adequate to the child's age, both in terms of quality and quantity (article 20 of Administrative Rule 156/99/M of 24 May).

983. In the Homes for Children and Young People, young persons have a balanced diet that incorporates good quality food with varied ingredients, adapted to their age (article 26 (1) of Administrative Rule 160/99/M of 24 May).

984. SWI supplies daily meals to students coming from families with financial difficulties. These meals are free of charge or might merely bear a symbolic cost. SWI also provides students from seven different schools with additional food supplements (in 2001, this service covered a total of 1,193 students, with an expenditure of MOP 1,149,526).

985. On the other hand, EYAD carries out together with SWI and HD educational and community-based programmes, at schools and health-care centres, focusing on food safety, healthy diet programmes and lifestyles, chronic diseases and health risk behaviour.

986. The Civic and Municipal Affairs Institute (CMAI) has the specific duty of controlling the safe production of food and sanitary conditions of food production and the overall environmental and industrial hygiene of food in the domestic market.

987. Food monitoring and surveillance are carried out through regular inspections by CMAI. Moreover, CMAI implemented mechanisms to ensure that hygiene conditions across all aspects of production, conservation and distribution of food are observed. Those mechanisms, by making use of technical and scientific knowledge, increase food security standards and thus contribute to the full enjoyment of the right to adequate food.

988. CMAI has promoted several training courses and seminars on food hygiene during the last three years (four in 2000, three in 2001 and two in 2002) targeted at professionals, food hygiene inspectors and food suppliers.

C. Right to adequate housing

989. The MSAR Government provides low-cost or temporary housing to individuals who have financial problems and are incapable of acquiring or renting accommodation or have housing reallocation problems.

990. The public housing allocation scheme is divided into two major categories: low-cost houses and social houses.

991. Low-cost houses are those constructed under a special land concession contract between the MSAR Government and the private estate developers. The main purpose is both to reduce the shortage in the provision of local housing and to support the construction industry by increasing the supply of affordable houses in accordance with local needs, by offering houses at a lower price as compared with houses in the private sector.

992. The application to buy low-cost houses is open to the public every three years and is organized by the Housing Institute (HI). To be eligible, local residents should be 18 years old and have lived in Macao for a minimum period of five years (Decree Law 26/95/M of 26 June).

993. In 1999, of a total of 7,309 applications, 6,835 were accepted. By September 2002, there were about 3,800 applicants on the waiting list.

994. Social houses are owned by the MSAR Government, and are rented to local families living in difficult economic conditions. In determining eligibility, the socio-economic conditions of the applicants are taken into consideration as well as the number of family members and/or family members who are sick or have a mental/physical disability (Decree Law 69/88/M of 8 August).

995. The application to rent social houses is open to the public every three years and is also organized by HI.

996. In 2000, of a total of 3,986 applications, 3,628 were accepted. By September 2002, there were about 800 applicants on the waiting list. Normally, the waiting period for obtaining a social house is less than three years.

997. In some exceptional cases, families can be allocated a social house without going through the general application procedure, namely when there is a social, physical or mental danger, or when there is a need for urgent resettlement (Decree Law 45/88/M of 13 June).

998. The general concern of HI is to shorten the length of time on the waiting list in order to achieve a balance between the supply of and demand for public housing. By September 2002, a total of 28,200 families occupied about 30,000 public housing units, representing a total of 79,400 residents (18 per cent of the MSAR population).

999. Squatter huts are houses with inadequate conditions, such as the lack of waste disposal or sanitary facilities. The legislation that regulates squatter huts is Decree Law 6/93/M of 15 February.

1000. Nowadays, there are about 1,000 huts with 3,600 people. Some residents do not accept the resettlement offered by HI because they do not want to leave the area that they are familiar with.

1001. Most of the squatter huts are located on private land, which poses major difficulties as far as the relocation of the people and the demolition of the huts are concerned.

1002. The MSAR Government is indeed determined both to provide housing for genuinely needy people and to encourage financially sound persons to purchase their own houses.

1003. Decree Law 35/96/M of 8 July, as amended by Administrative Regulation 24/2000 of 26 June, regulates the interest subsidy scheme for housing programmes. The main objective of this scheme is to facilitate home ownership by residents and to help the real estate market (with excessive vacant flats) by giving 4 per cent interest subsidy to local people so that they could purchase their own housing property.

1004. The first stage of this scheme ended in December 1999 (1996-1999), whereby approximately 8,300 families benefited from such a programme. The second stage was extended from July 2000 till June 2002, whereby nearly 5,800 families bought their own houses.

Household situation of vulnerable and disadvantaged groups

1005. As is the case everywhere in the world, there are some street sleepers in MSAR in spite of the availability of three shelter centres. In 2001, 71 persons benefited from such accommodation as each shelter accommodates 34 persons. Nonetheless, and according to SWI, there are some persons who refuse to live in the shelters.

1006. SWI grants financial and technical assistance and encourages private associations to set up homes for children and young persons at risk (i.e. persons under age without or lacking family care; children and young persons who are in a crisis resulting from family or social conflicts) with accommodation service, thus enabling them to grow normally and be integrated into the society.

1007. Up to now, there are seven homes for children and young persons and one boarding school that can accommodate a total of 540 children and young persons. By the end of June 2002, there were 392 children and young persons who lived in these homes and school.

1008. This policy also applies to old people through the creation of homes for the elderly and the provision of specialized care for the elderly who are unable to take care of themselves, cannot care for another, or cannot live in a community.

1009. There are now eight homes for the elderly and one care and attention home that can accommodate 784 elderly persons. By the end of June 2002, 662 elderly people lived in these homes. In addition, the MSAR Government has set up five public buildings for single old persons or elderly couples to live in. There are now about 600 elderly persons living in these buildings.

1010. Such assistance is also given to disabled persons who lack independence, lack care from others and cannot live in a community. So far, there are four rehabilitation homes for the disabled that accommodate disabled children, retarded persons or chronic mental patients.

1011. In addition, there is one halfway boarding house that provides mental patients who are recovering from illness with transit accommodation service. The five homes mentioned above can lodge 355 persons in total, and by the end of June 2002, 329 disabled persons were living in these homes.

Land legislation

1012. The use of land is regulated by Law 6/80/M of 5 July, urban construction by Act 1600 of 13 July of 1963, land expropriation by Law 12/92/M of 17 August, and Decree Law 43/97/M of 20 October, and horizontal property by Law 25/96/M of 9 September.

1013. It should be stressed that there is legislation concerning building codes, building regulations and standards and the provision of infrastructures, such as the laws on Suppression of Architectural Barriers (Law 9/83/M of 3 October), Car Parkings in Buildings (Decree Law 42/89/M of 26 June), Safety Against Fires (Decree Law 24/95/M of 9 June), Water Supply and Drainage of Residual Water (Decree Law 46/96/M of 19 August), Safety and Actions on Structures of Buildings and Bridges (Decree Law 56/96/M of 16 September), Standard of Cement (Decree Law 63/96/M of 14 October) and Standard of Reinforcement Steel Bars (Decree Law 64/96/M of 14 October).

1014. With regard to environmental planning and health, housing and human settlements, the Regulation on Solid Residues and Cleanliness and Town Planning, the Legal Framework on Environment Policy (Law 2/91/M of 11 March) and the Noise Protection Law (Decree Law 54/94/M of 14 November) should be singled out.

Town planning and management

1015. CMAI is the local authority responsible for the development and promotion of environmental planning and health in housing and human settlements and town planning.

1016. In order to improve the living environment, CMAI regularly carries out projects to expand green and leisure areas. In recent years, the Region has expanded its green areas: 5,538,275 m² in 1999, 5,690,489 m² in 2000 and 5,669,870 m² in 2001.

1017. The north side of the Macao peninsula, where a large proportion of the population lives, was the focus of a site upgrading in 2002 adding to the existing green and leisure areas, five empty lots of temporary playgrounds for the enjoyment of the people.

1018. CMAI also carries out projects to renovate some old town sites in order to renovate the business environment of the surrounding areas. For instance, the old town centre of the Taipa Island project includes the repainting of old houses, re-paving of streets and alleys, decorating the whole area with flower pots and hanging baskets, and classic street lamps. A Sunday flea market is also held there. This project successfully attracts local and foreign tourists back to the island and most of all improves residents' quality of life.

1019. Furthermore, MSAR is at present deeply engaged in projects to upgrade and renew urban sites in order to host the 4th East Asian Games in 2005. CMAI has formed a special team consisting of landscape architects and engineers to set up plans to beautify the city with intensive landscaping, among others.

Article 12

Right to health

A. Population's state of physical and mental health

1020. Health statistics from 2001 show that the Macao population had an annual growth rate of 1.2 per cent in relation to the previous year (436,686 in 2001 as against 431,506 in 2000). Men accounted for 48 per cent and women for 52 per cent.

1021. The population is ageing as a result of the decline in the crude birth rate (8.9 per cent in 2000 and 7.5 per cent in 2001) and the increase in life expectancy over the past 10 years.

1022. Between 1996 and 1999, average life expectancy at birth in MSAR was 76.2 years for men and 80.2 years for women.

Major demographic indicators

Indicators	1999	2000	2001
Natural growth rate	‰	6.5	5.8
Crude birth rate	‰	9.7	8.9
Male birth rate	‰	103.4	111.7
Crude death rate	‰	3.2	3.1
Infant mortality rate	‰	4.1	2.9
Neonatal mortality rate	‰	3.4	2.1
Perinatal mortality rate*	‰	6.0	6.7
Late foetal mortality rate	‰	2.4	3.1

Source: 2001 Statistics Yearbook, Statistics and Census Department.

* Including those weighing 500 grams or more.

Main causes of death, evolution by reported incidence

Year	1999	2000	2001
Heart failure	94	156	104
Malignant neoplasm of trachea, bronchus and lung	85	96	125
Malignant neoplasm of liver and intrahepatic bile ducts	59	69	44
Pneumonia organism and unspecified	28	37	40
Other forms of chronic ischaemic heart disease	47	44	38

Source: 2001 Demographic Statistics, Statistics and Census Department.

1023. In 2002 a Centre of Physical Fitness Evaluation was created, with the purpose of setting up research and evaluation of the physical fitness of the population. The Centre offers a free service to test individual functions, capacity and constitution, so as to promote health and sports development. Scientific programmes and sports medicine equipment and services, medical care, rehabilitation and physiotherapy treatments combine to support the physical fitness of Macao's citizens and to improve the quality of life.

1024. All the population has access to safe tap-water. Safety and quality control is made at two different levels: one by CMAI and another by HD through strict analytical laboratory control.

1025. CMAI monitors and controls local drinking water quality from the public water supply system, which is administered by the Macao Water Supply Company. Raw water samples and treated water samples from the treatment plants and distribution network are collected in order to conduct bacteriological and physico-chemical analysis to ensure that the supplied water quality meets the standards.

1026. CMAI also carries out sanitary inspections in public swimming pools, swimming pools of hotels and swimming pools located in private buildings but open to the public. On average, every year about 1,600 samples of drinking water and 1,300 samples of swimming pool water are collected and tested.

B. Health policies

1027. According to article 123 of the Basic Law, the MSAR Government formulates the appropriate health policies to promote general public health and provides the necessary health and medical services to achieve such an aim. The health-care system offers a comprehensive range of preventive, curative and rehabilitative services. One of the main measures is to provide medical services and medical care and to improve access to health centres.

1028. All the population has access to primary health care at health centres and follow-up and specialized care at the Public Hospital for the treatment of common diseases and injuries. Nevertheless, primary health care is particularly aimed at women of reproductive age and infants/children.

1029. Primary health care for the elderly tends to improve the quality of life by assessing the level of dependence (functional dependence) and establishing nurse/doctor home visits in situations of incapacity, and in collaboration with SWI.

1030. For vulnerable and disadvantaged groups, intervention is also made at the level of the health centres with the collaboration of SWI. Mentally and physically disabled persons have access to a Mental Health Centre, which provides specialized psychiatric and social care.

1031. Within the overall health policy, the MSAR Government focuses on health promotion and education programmes for prevailing health problems, *inter alia*, dengue fever prevention, HIV/AIDS, drugs and smoking prevention, diabetes prevention, tuberculosis prevention and hepatitis B prevention.

1032. There are selective approaches to vulnerable and risk groups that may develop some health problems: physical/mental health issues (preventive approach near the family/support groups in the community, secondary prevention and support at mental health centres); geriatric functional problems (cognitive function assessment to early recognition of quality of life by nursing home visits); infectious diseases: tuberculosis (TB screening offered for high-risk groups, early detection and treatment), hepatitis B; chronic/degenerative diseases; osteoporosis and cervix/breast cancer (in women); and heart-associated diseases (in adults).

1033. Health programmes aimed at women of reproductive age and infants/children cover a variety of aspects, such as nutrition, family planning, vaccination campaigns and health education. The surveillance during pregnancy, infants/children, delivery at hospitals by trained and specialized personnel and the immunization programmes are some of the measures, which have been implemented, thus contributing to the declining infant mortality rate and safe pregnancies.

1034. The MSAR Government launched an immunization programme specially focused on children from childbirth up to 6 years. The following are the vaccination statistics for major infant communicable diseases.

Vaccinations record

Vaccination	1999	2000	2001
Diphtheria and tetanus (double vaccination)	5 881	5 949	5 616
Measles	3 723	3 823	3 486
B.C.G.	4 315	4 440	1 902
Rubella	993	41	20
Measles, mumps and rubella	14 158	14 330	15 962
Diphtheria, tetanus and whooping cough (triple vaccination)	15 500	14 367	13 618
Anti-polioiomyelitis	24 321	22 773	21 941
Tetanus	21 275	24 612	19 797
Yellow fever	5	24	18
Hepatitis A	60	20	85
Hepatitis B	25 612	28 680	23 271
Varicella	2	147	306
Influenza	133	603	2 221
Others	1 201	2 793	5 289*
Total	117 179	122 602	113 532

Source: 2001 Statistics Yearbook, Statistics and Census Department.

* Including 5,087 TUB and 141 IgHB.

1035. The subject of child health care is exhaustively addressed in the part of China's report on the implementation of the Convention on the Rights of the Child in MSAR.

1036. In 2001, there were 3,655 cases of notifiable communicable diseases reported to the health authorities. Among them 1,490 cases were of varicella, 1,418 cases of classic dengue fever, 410 cases of tuberculosis of lung and 92 cases of acute hepatitis C.

1037. Control and education-based programmes/campaigns on the prevention of pests and animal diseases such as dengue fever and other environmental hygiene activities are addressed in coordination with HD by several entities such as CMAI and the Environment Council (EC).

Prevention and control of HIV/AIDS

1038. Until now, MSAR has enjoyed a low HIV prevalence but the spread of this virus is growing rapidly throughout Asia. Increasing cross-border movements and changing behaviours among youth and other vulnerable/risk groups have generated major concerns. The Health authorities have had to respond with high-level awareness campaigns on HIV/AIDS providing basic knowledge to the general public and to target groups. They also assist HIV/AIDS patients and their families. Education, information and professional counselling are seen as basic elements in handling the problem of HIV/AIDS.

1039. HD launched a campaign for the years 2002-2003 (within the framework of the World AIDS Day) in coordination with other institutions, based on the non-discrimination principle and the protection of fundamental human rights of HIV/AIDS patients. The idea is to raise a sense of solidarity and respect among the community and to promote the well-being of HIV/AIDS patients.

1040. Up to the end of October 2002, a total of 255 HIV infections had been reported in MSAR, among them 21 cases which have developed into AIDS and which are being monitored by the health authorities.

1041. The majority of the HIV-infected population are temporary residents employed in the entertainment industry (67.8 per cent). The principal means of transmission is sexual contact (78.4 per cent), with predominance in heterosexual transmission (69.4 per cent) followed by homosexual transmission (9 per cent) and by intravenous transmission among drug users (5.1 per cent).

1042. Special units in the Public Health Laboratory and in HD were recently created. An AIDS counselling hotline was established to provide psychosocial support to HIV/AIDS patients and their families. Pre- and post-test counselling services, educational sessions, assistance from social workers and social welfare are also made available. HIV antibody blood tests are confidential and free of charge.

Drug addiction

1043. Of major concern is drugs consumption. The MSAR Government has adopted a balanced and integrated approach to counter the drugs problem, based partly on prevention, risk/harm reduction measures and free treatment programmes for drug addicts, and partly on strengthening control and law enforcement to combat illegal drug trafficking.

1044. A free medical service is given to drug addicts, including medical check-ups for infectious diseases (e.g. HIV, hepatitis B, hepatitis C, tuberculosis), and other biochemistry check-ups (such as blood and urine tests), treatment and rehabilitation programmes.

1045. The health situation of drug addicts is significantly worse than that of the majority of the population, as is shown by higher rates of hepatitis B, hepatitis C, sexually transmitted diseases amongst intravenous drug users and other organic infectious diseases.

1046. Harm reduction programmes, including the prevention of sharing needles and safe sex, are implemented in most of the treatment programmes. These measures are aimed at reducing and controlling the rate of infectious disease transmission within this group.

1047. All measures described above are limited to those addicts who voluntarily seek treatment (treatment is not compulsory but is strongly recommended).

1048. In 2001, there were about 330 drug addicts registered in voluntary treatment programmes (male 85 per cent, average age: 30-35, unemployed, heroin dependence, and low education).

Health education

1049. As mentioned above, health education plays a fundamental role in the Government's health policy. Since 1994, health education has been included in the pre-primary, primary and secondary school curricula. It is focused on health prevention, treatment and education. Community education and extra-curricular activities are also promoted at schools.

1050. Health institutions, schools and private associations strengthen community participation in school activities and at the workplace in order to prevent high-risk behaviours and promote healthy lifestyles.

1051. Health information is disseminated to the general public and targets selected groups through the mass media, the distribution of pamphlets, newspapers, CDs, etc.

C. Health system

1052. A total of 367 public and private establishments in MSAR provide medical and health care to the population. Of the 365 health-care centres, 95.9 per cent are private establishments while 4.1 per cent are public.

Health-care establishments

Classification	1999			2000			2001		
	Total	Public	Private	Total	Public	Private	Total	Public	Private
Total	386	14	372	360	13	347	367	16	351
Hospitals	2	1	1	2	1	1	2	1	1
Health centres	384	13	371	358	12	346	365	15	350

Source: 2001 Statistics Yearbook, Statistics and Census Department.

1053. The two hospitals provide a total of 1,099 beds (980 beds for internment and 119 for emergency situations) plus 4 delivery rooms and 15 operating rooms. The rate of hospital stay is 71.2 per cent.

1054. The demand for hospital services has been increasing. The emergency units of both hospitals attended in 2001 a total of 250,073 cases, a rise of 13.8 per cent compared with the previous year. The majority cases involved sickness (94.5 per cent) followed by pregnancy (1.6 per cent). Medical consultations at the public hospital totalled 175,360, the majority being in obstetrics/gynaecology, ophthalmology, orthopaedics and traumatology.

1055. In addition, there is a Centre for the Prevention and Control of Diseases with five functional areas: Infectious Disease Prevention Unit, Food and Environment Unit, Health Planning Unit, Health Education and Chronic Diseases Control Unit and Occupational Health Unit.

1056. In MSAR, there is a total of 891 doctors (including several medical specialists) and 960 nurses. The hospitals' manpower totalled 2,160 in 2001.

1057. HD supports the ongoing training of specialized health-care personnel and direct collaboration with social workers. The Department is undertaking some reforms such as reorganizing services, reallocating technical resources, rationalizing practices, upgrading the database system and improving attendance rates.

1058. Emergency health care is free of charge. The cost of medical consultations is affordable to most of the population.

D. Expenditure on health care

1059. HD guarantees access to health-care services and free health care for the entire population of MSAR. The principle of free universal access to health care is stipulated by law. Health-care costs are fully or partly covered by the Region's budget, depending on the type of illness or the socio-economic condition of the patient or other private health-care protection schemes (articles 3 and 14 of Decree Law 24/86/M).

1060. Health care is provided free of charge: in public health centres (for medical care, nursing and medication); for reasons of public health to those who are suspected of carrying infectious or contagious diseases; to drug addicts and people suffering from cancer or needing psychiatric assistance; for family planning; to risk groups (e.g. pregnant women); for childbirth and post-natal care; to children in primary and secondary schools; to prisoners; to families/individuals living below the poverty line; and to individuals over the age of 65.

Share of health expenditure in the MSAR budget (in thousand patacas)

Year	1999	2000	2001	2002
Health expenditure	954 614	1 133 583	798 988	639 208
Share in the MSAR budget	9.74%	12.93%	8.5%	6.7%

Source: Finance Department, 2003.

E. Other policies and measures on health prevention and control

Improvement of environmental and industrial hygiene

1061. HD and CMAI have made significant efforts to improve aspects relating to environmental and industrial hygiene, including food and hygiene preventive projects at restaurants and food suppliers. In this respect, they also conduct regular inspections in order to control the safety of products and check if industrial activities are healthy in terms of environmental pollution and working conditions.

Solid waste management

1062. CMAI is responsible for solid waste management, in other words controlling the final disposal of residue from the incineration plant, inspecting garbage collection, and enforcing the municipal city cleaning regulations.

1063. Waste recycling, recovery and reuse are not yet sufficient to offset the increasing trend of waste generation. The population has been growing at a much slower rate and this implies that each inhabitant is producing greater quantities of waste. Major sources are households, businesses and commercial activities (shops, hotels and offices), industries and health services (hospitals and health-care facilities).

Emission pollution and fuel standards

1064. The existing data demonstrate that the major sources of pollution as a result of human activities are power generation and road transport.

1065. Given that MSAR has a small geographical area with typical urban features, in the absence of alternative sources of energy (such as wind, solar, hydroelectric and biomass), fuel combustion is used to respond to the demand for energy. This represents the main source of emission of pollutants.

1066. The analysis of lead emissions demonstrates that these have been decreasing since the introduction of unleaded petrol into the market (Decree Law 44/94/M of 22 August). The effect of Executive Order 49/2000 of 7 August, which limits the sulphur content in light diesel for motor vehicles to 0.05 per cent in weight, will certainly be seen in future inventories.

1067. Despite the technological advances in the automobile industry (such as the introduction of catalytic converters and the reduction of sulphur and lead content in fuels), which reduced some adverse effects on the environment, there is still a problem of traffic pollution.

1068. To improve the eco-efficiency and safety of transport, the MSAR Government has enacted legislation and technical standards while introducing new policies on prices and taxes on fuels and parking planning aspects. Adequate parking places have been built and people's awareness has been raised of the advantages of using a good public transport network and pedestrian zones in order to avoid the harmful effects on the environment, health and quality of life caused by the increasing number of vehicles.

Control of air pollution

1069. The Meteorological and Geophysical Department has been monitoring atmospheric pollution over the last decade. The levels of local air pollutants collected are usually compared with internationally recommended limits (e.g. WHO and European Union).

1070. The air quality is affected by the high concentration of sulphur dioxide together with smoke, and dust from industrial emissions as well as suspended particles transported by wind affecting the region, which results in acid rain.

1071. The production of substances that could affect the depletion of the ozone layer is banned (Decree Law 62/95/M of 4 December).

1072. The Economic Department (ED) supervises the import and export of substances and equipment (such as sprays, air conditioners, refrigerators, fire extinguishers, etc.) containing substances that may affect the ozone layer. ED has to inform and request opinions from EC concerning environment-related situations.

Control of noise pollution

1073. Although Macao is small, it is a densely populated city. The constantly increasing numbers of vehicles, accompanied by economic growth, have intensified problems caused by traffic, and these are very difficult to overcome.

1074. There are direct and indirect approaches to reducing road traffic noise. The direct measures include studying the implementation of a vehicle noise standard, the installation of acoustic barriers and the construction of anti-noise road surfaces. Traffic flow management, traffic planning and restructuring of road networks are among some of the indirect measures.

1075. With a view to diminishing discomfort caused by traffic noise, acoustic barriers of 511 metres were installed along the flyovers of Macao's two main streets. This project started in 2000 by the Lands, Public Works and Transport Department and finished in May 2001.

1076. The reduction of noise pollution depends on several factors, *inter alia*, the enactment of environmental legislation (e.g. Decree Law 54/94/M); the introduction of specific and rigorous evaluation criteria; the provision of specialized human and technical resources; and the promotion of civic and environmental education.

1077. CMAI and EC are the entities responsible for monitoring the noise level and for setting up a database to assess feasible noise control standards for Macao.

Coastal water quality

1078. Outlying factors are the main coastal water pollution sources of Macao. However, there are also direct discharges into the estuary from local sources, especially during the rainy season when the combined sewers and drains cannot handle the amount of both waste water and rainwater. This is also due to the fact that part of the waste water sewage system has not been connected to the waste water treatment plants.

1079. During the year 2000, HD (responsible for the monitoring of coastal water quality) introduced a new index system to assess the coastal water quality. The analysis of the pollution index reveals that coastal water pollution has become a concern in Macao and some sampling points have even reached critical levels. Therefore, it is necessary to cooperate with the relevant authorities in the nearby regions and to use research methods to solve environmental problems and control pollution sources.

Water quality at beaches

1080. The monitoring of water quality at the beaches is the responsibility of the Public Health Laboratory of HD. From April to October each year, the sampling frequency is twice per week at two locations on each beach (other samples are taken within the same week whenever the microbiological levels exceed standards). Microbiological and physico-chemical parameters are analysed and, whenever possible, the results are compared with the legislated limits of mainland China, HKSAR and the European Union.

Environment management

1081. The MSAR Government pays careful attention to environmental problems. Effective measures for environmental protection and education and adequate standards for improving the environment have been introduced. These environmental policies aim at raising the population's environmental awareness and improving consumption patterns.

1082. CMAI, EC and HD are responsible for environmental management. EC analyses urban planning and conducts environmental impact studies. It has a specific division for research and development project.

1083. For example, at present CMAI and EC are engaged in creating an Environmental Geographic Information System (database) and implementing the environmental management systems (the conservation of natural resources by controlling the use of resources and raw materials, waste water and generated waste with lower medium- or long-term production costs). Environmental information is available to the general public through electronic means (VCD and Internet).

1084. Most of the important environmental treaties are applicable in MSAR and there are several laws governing each of the different aspects of the environment. The Legal Framework on Environment Policy, Law 2/91/M of 11 March, sets up the main principles and policies for environmental protection as a whole. Whenever pollution creates a serious danger to the physical integrity or life of a person or to property, it constitutes a criminal offence provided for and punished by article 268 of the Criminal Code.

1085. Moreover, international and interregional cooperation is regarded as vital and the MSAR Government has joined efforts towards a sustainable regional environment with Hong Kong, Guangzhou, Shenzhen, Zhuhai and other cities of China.

1086. Another important factor is that the MSAR residents are becoming more aware of environmental problems and a higher standard of living, thus more complaints have been lodged with the competent authorities (CMAI and EC) in recent years.

Environmental education

1087. Bearing in mind that the environment is closely related to human activities and social development, CMAI and EC rely on education and environmental promotion to increase public awareness and willingness to change lifestyles and pay attention to the need for ecological balance.

1088. Environmental issues are integrated within the school curricula. In cooperation with CMAI and EC, several wide-ranging activities have been implemented by EYAD, aiming at developing students' respect for the environment.

1089. For example, in the period 2000-2001, the following campaigns were launched: "The Adventures of Mr. Garbage", "A Path for Growth: Saving the World", "Emissions and Energy", "Camp on Environmental Protection" and the "Scientific Summer Camp".

1090. CMAI also organized, together with other entities, the Waste Recovery and Recycling Programme targeted at schools and public gardens, involving 23 schools and 6 public gardens. The scheme was successful, considering that the amount of recycled waste has increased and that new types of waste containers are being introduced.

F. Measures to develop international contacts and cooperation

1091. As mentioned above, the more important health and environment treaties are applicable in MSAR, and representatives of the Region participate in several international scientific meetings, seminars, conferences and cooperation interchange at different levels as well as engaging in specific training.

1092. Moreover, MSAR itself is a member of the International Federation of Sports Medicine, the International Council of Sport Science and Physical Education and the Asian Federation of Sports Medicine. The publications of scientific research articles contribute to the development of the scientific field.

Articles 13 and 14

Right to education

A. Legal framework

1093. Without any kind of discrimination, everyone has the right to education in accordance with article 37 of the Basic Law and article 2 of the Legal Framework on Education System (Law 11/91/M of 29 August).

1094. The freedom to choose an educational institution and to pursue education outside the Region is also safeguarded under article 122 (2) of the Basic Law and article 15 (2) of the Legal Framework on Family Policy.

1095. Article 122 (1) of the Basic Law also guarantees that all educational institutions, including private ones, shall enjoy autonomy and teaching and academic freedom in accordance with the law.

1096. The Government respects the autonomy of private schools and does not interfere with their programme of education. It also strictly observes the application of the principle of equality of opportunities in access to and achievement in education.

1097. Two essential targets of the MSAR educational policy are the phased setting up of a compulsory education system (article 121 (2) of the Basic Law and Decree Law 42/99/M of 16 August) and the generalization of the concept of universal and free education (article 6 (2) of Law 11/91/M and article 13 of Decree Law 62/94/M of 19 December).

1098. EYAD is the main governmental body responsible for the promotion of education, ensuring equal opportunities in access to education, establishing standards and guidelines, seeking general and free education, making compulsory education effective, and working with private educational institutions, other governmental departments, private associations, parents and educators, etc.

1099. The educational system comprises: pre-school education, the preparatory year for primary school, primary school, secondary school, higher education, special education, adult education, and technical and professional education.

1100. Compulsory education in the Region comprises pre-school education, primary school and general secondary school and is provided by public or private educational institutions. It covers children and young persons between the ages of 5 and 15 (Decree Law 42/99/M).

B. Education system

1101. For more detailed information on this issue, please refer to Part III of China's report on the implementation of the Convention on the Rights of the Child. The following is an update regarding new data on education.

1102. In the school year 2001/02, there were 17 public as against 73 registered private kindergartens and primary, secondary, vocational and technical schools in Macao. For historical and social reasons, the public schools represent a very small part of the overall school network (17 out of a total of 90). There were 93,691 students enrolled in private schools at the start of the 2001/02 school year, accounting for 94 per cent of the total student population.

1103. According to a survey conducted by EYAD in 2001, 75.8 per cent of students successfully graduated from supplementary secondary education in the 2001/02 school year and enrolled in higher education in and outside Macao.

1104. With regard to higher education, during the school year 2001/02, there were 7,769 local students enrolled in Ph.D., M.A. and 3-year degree programmes, as well as other diploma programmes in the 11 tertiary education institutions.

Vulnerable and disadvantaged groups

1105. The promotion of literacy and equal educational opportunities for adults is also a major objective of EYAD (article 14 of Law 11/91). Decree Law 32/95/M of 17 July, regulates the continuing and adult education system. "Back to school" schemes are included in the MSAR free education system at all levels.

Establishments of adult education, teachers, students and results of study by gender

Year	No. of facilities	Teachers			Students					
					Enrolled			Completed courses		
		MF	M	F	MF	M	F	MF	M	F
1999/2000	124	1 091	644	447	46 432	19 396	27 036	38 946	16 584	22 362
2000/2001	122	1 234	775	459	65 695*	22 307	32 162	49 795*	17 481	24 503

Source: 2001 Statistics Yearbook, Statistics and Census Department.

* Subtotals of gender do not add up to the grand totals because a few establishments could not provide the relevant data.

1106. Apart from the education system, in 2001, a number of culture and literacy courses were organized with the Association of Fishermen and the Association of Women as a stimulus for their members to take up studies at a higher level in the “Back to school” scheme.

1107. Teaching materials to enhance the basic skills in the reading and writing of the Chinese language, basic arithmetic and personal financial management skills of adults were published in the year 2001-2002. The lack of self-confidence in some adults is the main obstacle that prevents them from joining and succeeding in literacy programmes.

1108. Regarding special education, in the school year 2001/02, a total of 644 students were registered within the school system as students with special needs, which included physical, permanent or transitory, emotional and adaptation difficulties. Some of those students with special needs were integrated into normal classes and the rest in special training units located either in normal schools or in independent units.

1109. One public school and four private institutions within the public school network cater exclusively to students with special educational needs. All staff working under the special education regime have special qualifications in this area, given by EYAD in collaboration with local and foreign higher education institutions.

1110. With respect to the education of prisoners, a prisoner aged under 25 years who is illiterate or has not finished compulsory education has the right to attend classes of the respective education programme either in Portuguese or Chinese and to participate in other educational activities organized by the establishment. Prisons also facilitate prisoners’ access to educational courses taught through correspondence, radio or television (article 58 of Decree Law 40/94/M).

1111. The education of minors who have committed a criminal offence is ensured by the Juvenile Rehabilitation Centre (Decree Law 65/99/M).

C. Share of education expenditure

1112. The share of education expenditure in the MSAR budget increased from 7.44 per cent in 1991 to 15.19 per cent in 2001, owing to the recent implementation of the free education system of the MSAR Government.

Share of education expenditure in the MSAR budget (in thousand patacas)

Year	1999	2000	2001	2002
Education expenditure	1 210 461	1 317 878	1 426 563	1 289 189
Share in the MSAR budget	12.35%	15.04%	15.19%	13.5%

Source: Finance Department, 2003.

D. Promotion of education

1113. To guarantee the full enjoyment of the right to education for all students in MSAR, including young girls, children of low-income groups, children who are physically or mentally disabled, children of immigrants, and children belonging to linguistic, ethnic, religious or other minorities, several measures have been implemented, including for example, the establishment of new school places, financial assistance to needy students/families, support for the social integration and education of newcomers (namely immigrants) and the promotion of ongoing training of teachers to deal with different needs and cultural backgrounds.

1114. Some immigrant children, mostly from mainland China, experience difficulties in adjusting to living and school conditions in MSAR. EYAD organizes various learn-the-local-culture activities, and courses in traditional Chinese characters, Cantonese and English for immigrant children in order to better integrate them into local schools.

1115. It should be noted that simplified characters are used in mainland China, where the medium of instruction is Mandarin, while in MSAR it is Cantonese.

1116. Outward migration also creates difficulties in locating and assisting students leaving the school system.

1117. EYAD has also developed a special mechanism designed to assist dropout students looking for new schools and new residence. The Department successfully assisted over 1,600 persons between 2000 and 2002.

1118. The main effort of the MSAR Government is focused on improving the performance of schools and students, ensuring access and satisfactory academic performance.

E. Fees and financial assistance to students

1119. Basic education is universal, free of charge and compulsory in public educational institutions and in those subsidized by the MSAR Government. This assistance covers exemption from fees or other charges concerning enrolment, attendance or certification, and the granting of subsidies for tuition to students in unsubsidized private schools (article 6 of Law 11/91/M and article 1 of Decree Law 42/99/M).

1120. The MSAR Government assumes the responsibility of financing the educational levels covered by the free education system within the public school network. This network includes public and private schools that offer free education under an agreement with the education authorities (EYAD). Thus, MSAR residents enjoy a reduction in tuition fees of between 40 and 85 per cent, depending on the courses and establishments.

1121. Students from low-income families enrolled in private schools outside the public school network are eligible to receive a school tuition subsidy. They can apply for subsidy for learning materials (books, stationery, school uniform, special equipment for the handicapped, etc.). Grants and loans are also offered to higher education students.

1122. Within primary education, the MSAR Government subsidized up to MOP 6,100 of the tuition fees of pre-primary and primary students attending private schools in the school year 2002/03. Private schools within the public school network can collect up to MOP 1,160 per student/per school year as a supplementary service charge (Administrative Regulation 20/2002, of 9 September).

1123. Pre-primary and primary schools outside the public school network charge tuition fees and other charges. Students enrolled in these schools are entitled to receive MOP 2,900 per school year from the MSAR Government as a basic subsidy. Besides this basic subsidy, students in financial difficulties can apply for further subsidy ranging from MOP 1,600 to MOP 3,200. This subsidy is extended to pre-school education.

1124. Needy students can also apply for a grant for learning materials (including school uniform) ranging from MOP 425 to MOP 850. Handicapped students have access to a fund for grants with no pre-defined limit. Applications are handled on a case-by-case basis.

1125. All lower secondary students, including those who attend technical and vocational secondary education, enrolled within the public school network are entitled to receive free education and supplementary service charges. The MSAR Government provided fee-paying private schools with subsidies of up to MOP 9,200 per lower secondary student in the school year 2002/03. The schools can collect up to MOP 1,760 per student/per school year as supplementary service charges.

1126. Lower secondary students enrolled in schools outside the public school network are entitled to receive MOP 4,300 as a basic subsidy per school year.

1127. Supplementary grants for tuition fees (MOP 2,475 to MOP 4,800) and learning materials (MOP 625 to MOP 1,300) are also available for needy students.

1128. The number of students benefiting from the public school network at the secondary education level has increased substantially in recent years.

1129. Financial assistance is also provided for students attending higher education (Order 18/2001, of 14 May by the Secretary for Social Affairs and Culture). According to data provided by EYAD in 2002, scholarships, student loans, special student loans, travel and rent allowances for students attending higher education in the academic year 1999/2000 totalled MOP 59,888,967 with a total number of 2,905 beneficiaries; in 2000/01 these totalled MOP 61,874,179 with a total number of 3,040 beneficiaries and in 2001/02 they totalled MOP 59,701,332 with a total number of 3,060 beneficiaries.

Scholarships in higher education

Year	Total	Mainland China	Macao	Taiwan	Portugal	USA	Others
1999/2000	2 905	1 130	1 208	475	36	26	30
2000/01	3 040	1 120	1 392	437	31	25	35
2001/02	3 060	1 020	1 524	452	18	18	28

Source: Education and Youth Affairs Department, 2002.

F. Language policy

1130. Chinese and Portuguese are both the official languages of MSAR. Consequently, public schools can only adopt Chinese or Portuguese as their medium of instruction, and the ones using Chinese as a teaching medium shall adopt Portuguese as their second language and vice versa (article 35 (7) and (8) of Law 11/91/M).

1131. The exercise of pedagogic autonomy implies that private educational institutions have total freedom in choosing the medium of instruction, as well as the second language to be included in their respective curricula (article 35 (6) of Law 11/91/M).

1132. Cantonese is the most commonly used and understood language in teaching.

Students divided by language of instruction

School year 2000/01	Chinese	Portuguese	English	Others
Pre-school	14 775	107	96	-
Primary	42 350	339	2 785	-
Secondary	31 328	561	3 721	240
Technical vocational	2 306	-	-	-

Source: 2001 Census, Statistics and Census Department.

1133. In terms of language facilities, the MSAR Government provides courses in the mother tongue of the students, such as Chinese and Portuguese, through the Centre of Continuing Education and Special Project of the Polytechnic Institute, and the School of Language and Translation.

G. Teaching staff

1134. Under the MSAR educational system, teachers and educators carry out an activity considered as being in the public interest and one that benefits from a status that is dignified and compatible with their professional qualifications and social responsibilities (article 25 of Law 11/91/M and Decree Law 15/96/M of 25 March).

1135. By law, teachers and educators have the right and duty to receive professional training, and the MSAR Government is responsible for promoting the conditions and creating the necessary means of achieving this aim. Teacher training assumes varied and flexible forms, ranging from the initial training (the traineeship) to ongoing training (articles 25 (2) and 26 of Law 11/91/M).

1136. All training provided to teachers should guarantee scientific-pedagogic knowledge and skills. It should also integrate a component of personal and social training that is adequate to the curricular needs of the respective levels of education and teaching.

1137. In 2001, 133 teacher training courses were provided by EYAD, in which 8,873 teachers participated. In the 2001/02 school year, EYAD also provided a subsidy of MOP 3,427,310 to pre-service and in-service teachers to participate in teacher training programmes organized by various higher education institutions.

1138. The total number of teachers has increased and the student-teacher ratio has decreased gradually over the past few school years. According to data provided by EYAD (not including higher education) the total number of teachers was 3,983 in 2000/01, and 4,050, in 2001/02, while the total number of students was 99,576 in 2000/01 and 99,990 in 2001/02.

Number of teachers by education level

Education level(s) instructed	1999/2000	2000/01	2001/02
Pre-school (kindergarten)	531	494	472*
Primary	1 496	1 530	1 527*
Secondary	1 465	1 599	1 716
Special education	83	83	89
Others	271	277	246
Total	3 846	3 983	4 050

Source: Education and Youth Affairs Department, 2002.

* The number of pupils at kindergartens and primary schools is diminishing.

1139. The average monthly salary of teachers in private and public educational institutions is around MOP 10,000. Teachers benefit from free health services.

Education standards

1140. Respect for human rights and fundamental freedoms is enshrined in the Legal Framework on Education Policy. Equally relevant is that human rights, respect for cultural identity and values and the natural environment, and healthy lifestyles occupy a crucial place in the subject “Personal and Social Development” integrated in the school curriculum.

1141. These principles and values are recognized within the MSAR educational policy and are thus developed and strengthened at all levels of education (Legal Framework on Education System and article 2 of Decree Law 11/91/M of 4 February).

1142. As a result, activities that complement the curricula aim at cultural and civic enrichment, physical and sports education, artistic education and student integration within the community and are regularly promoted.

1143. It should be mentioned that article 49 (2) of Law 11/91 recommends that educational institutions allow teachers, parents, students and associations to be involved in the education process. The role of parents and educators in education is also recognized by Decree Law 72/93/M of 27 December.

H. Measures to develop international contacts and cooperation

1144. In relation to education and youth affairs, the MSAR Government encourages government departments, other educational institutions and private associations to participate in international and interregional activities.

1145. As an example, the University of Macao is a member of many international higher education associations, including the International Association of Universities and the Association of Universities of Asia and the Pacific. The University organizes a number of seminars and international conferences and invites the participation of prominent international scholars. At present, the University has cooperation and partnership agreements with over 50 foreign universities/institutions.

1146. There are also various types of exchange programmes for students. In the academic year 2001/02, the University of Macao had 91 exchange students from over 40 universities of 11 countries while it sent out 87 local students. It also organizes annual Portuguese summer programmes for about 150 students from Asian countries as well as activities such as the International Week and the International Cultural Exchange Day.

Article 15

Right to cultural life and scientific progress

A. Right to take part in cultural life

1147. According to article 37 of the Basic Law, “Macao residents shall have freedom to engage in academic research, literary and artistic creation, and other cultural activities”. It should be noted that the freedom of speech, of the press and of publication are also guaranteed under article 27 of the Basic Law.

1148. MSAR valuable cultural heritage is a result of 500 years of cross-cultural characteristics of eastern and western cultures. This unique cultural identity has remained intact after reunification and efforts have been made to strengthen it, encouraging the affirmation and assertion of its respective cultural values.

1149. The MSAR Government is thus deeply committed to the promotion and protection of residents’ cultural rights, and is responsible for formulating policies on culture, including literature and art (article 125 (1) of the Basic Law).

1150. The Cultural Institute (CI) is the governmental body entrusted with the task of contributing and reinforcing the cultural identity and diversity of the Region. It embraces the areas of cultural heritage, cultural activities, training and research (Decree Law 63/94/M of 19 December).

1151. The areas mentioned above cover other diverse subjects, including the maintenance and revitalization of historical, architectural and cultural heritage, research and publication of works, organization and maintenance of libraries and archives, promotion and support of cultural and artistic activities, and responsibility for teaching of music, dance and drama.

1152. There are other governmental bodies (e.g. the Tourism Department and CMAI), entities (e.g. the Macao Foundation) and private associations engaged in promoting and diffusing cultural rights through the execution of a number of relevant activities.

1153. The MSAR Government recognizes the important role of education in the preservation of cultural heritage, at present as well as in the future, especially among young persons.

1154. Decree Law 4/98/M of 26 January establishes the principles, structures and guidelines of implementing artistic education and the enjoyment of artistic creativity within the Macao education system. Studies of culture, science and art are included in the formal kindergarten, pre-primary, primary, secondary, technical and vocational (namely visual and commercial art) education curricula and are present in many extra-curricular activities.

1155. Together, EYAD and youth associations carry out several types of activities such as “Youth Singing and Composing Competition in Macao” and “Expecting a Bright New World: Youth Outdoor Painting Series”. EYAD also subsidizes various culture and art projects organized by associations, which offer lessons in, among other things, violin playing, choral music, *guzheng*, pottery, photography, Chinese paintings, Chinese calligraphy, ballroom dancing, martial art, Chinese lion dance and flower arrangement.

1156. Additionally, CMAI supports educational, cultural and arts activities by working with the associations and inviting accomplished professionals to workshops in schools. Sponsorships are granted to amateur groups including theatre, visual arts and dance groups as an encouragement for regular competitions and interactive performances, such as the theatre-sports group and the Macao Fringe.

1157. In terms of professional cultural education, the Macao Conservatory is a professional college under the coordination of CI, which provides systematic training programmes in music, dancing and drama (Administrative Rule 184/89/M of 31 October). CI provides scholarships to talented people who wish to develop their cultural knowledge and study in relevant areas in the Region or overseas.

1158. Furthermore, the Macao Polytechnic Institute has a School of Arts while the Institute of European Studies of Macao offers two specific postgraduate programmes on Cultural Tourism and Management of the Arts. The Cultural Tourism postgraduate programme was jointly launched with the Institute for Tourism Studies. This programme is considered unique in Asia as it offers for the first time a programme of study shaped to its specific characteristics and cultural resources, with the intention of reinforcing professionalism vis-à-vis cultural tourism.

1159. The Macao Cultural Centre (MCC) does not provide professional education on a regular basis but it presents around 30 educational activities every year in the performing arts and the audio-visual field ranging from small lectures, conversations with artists to workshops. These educational activities are either conducted by artists or by educators. They target children, adolescents and the elderly.

1160. The Macao Museum of Art offers teaching services and educational and promotional activities to meet the needs of those in the community who suffer from hearing and speech deficiencies, as well as other social groups.

1161. In line with the objectives of encouraging the full participation of the population in the cultural life of MSAR and of forming a consciousness regarding the protection of the cultural heritage and values, including respect for minorities' cultural rights, CI organizes a wide range of activities, which include performances, concerts, exhibitions, film cycles, conferences and seminars.

1162. During the year 2002, CI carried out many events together with other entities as can be seen from the following table.

Public shows/exhibitions

Type of event	No. of shows			No. of seats		
	1999	2000	2001	1999	2000	2001
Ballet	15	18	13	8 848	11 515	10 387
Concerts	167	210	216	121 120	105 015	88 495
Operas/variety shows	84	77	116	173 146	169 093	171 408
Chinese operas	59	51	72	22 401	19 505	28 960
Theatre	81	54	40	19 336	23 001	31 772
Contests	42	32	36*	10 214	16 511	6 038*
Film shows	9 525	9 920	10 233	155 410	207 191	215 744
Exhibitions**	111	120	125	196 646	237 286	415 758
Others	196	214	188	62 583	40 536	29 057
Total	10 280	10 696	11 039	769 704	829 653	997 619

Source: 2001 Statistics Yearbook, Statistics and Census Department.

* The data on attendances at 21 contests were not available.

** The data on entrants to 16, 7 and 15 exhibitions in 1999, 2000 and 2001 respectively were not available.

1163. In addition to the great number of cultural activities for the general public, more specialized workshops were also organized, such as painting or ceramics techniques, dance, pantomime and video courses, seminars on popular culture, history and culture, paintings in Chinese ink, calligraphy, literature and the Collective Artists of Macao exhibition for promoting local art.

1164. CMAI has also a specific department for cultural activities and recreation, focusing on cultural heritage and conservation, museology, animation of historical spaces with intrinsic patrimonial value for Macao, organization of exhibitions, editions and publications, folk culture promotion and annual popular festivities, as well as the organization of sporting and recreation activities, workshops, fairs, shows and management of infrastructures and parks.

1165. In order to accommodate and represent the different ethnic expressions of the population, a number of cultural events and festivities are held on an annual basis. Traditional Chinese festivities belonging to the Chinese calendar are held, such as: the Chinese New Year celebration, the Chong Ieong event, the innumerable folk song and Chinese Opera, the Green Week games, the Lotus flower festival, the Lunar Cake festival, the Dragon Boat Racing, the traditional Chinese martial arts, workshops on Chinese traditional medicine, traditional games and several literature events.

1166. Local communities also promote other events, namely the Macanese culture week, the Lusofonia Festival, gastronomy and folk festivals, theatre, and guided tours through historical places.

1167. The tourism industry has been used to promote the MSAR cultural heritage with the theme “City of Culture”. The idea is to promote the culture and historical identity that differentiates Macao from the rest of Asia, preserving and revitalizing its cultural heritage along with tourism activities.

1168. CI promotes, organizes and supports research projects, produces studies concerning Macao’s culture, grants subsidies for training in arts, holds competitions for research scholarships in the fields of history, literary studies, cultural heritage, anthropology and sociology, and organizes and supports seminars, conferences and lectures. It also publishes books, studies and a magazine, the *Culture Review*.

1169. In order to promote people’s participation in cultural activities, newspapers, some periodicals and broadcasting stations undertake cultural projects and disseminate cultural issues. A total of 11 daily newspapers in Chinese and Portuguese and 7 weeklies in Chinese, Portuguese and English, 2 radio stations and 1 free-to-air TV station carry out various cultural projects, including literary contests and musical and theatrical performances.

1170. Despite its relatively small size, MSAR has a sophisticated and well-developed media industry.

1171. The Government Information Bureau (GCS) provides assistance to government departments and the media by disseminating information and arranging interviews.

1172. The Government has an official web site with information and updates on the Region, to which several web sites of public departments and public entities are linked, in both the official languages and English (<http://www.macau.gov.mo>).

Infrastructures for the enjoyment of cultural rights

1173. The MSAR Government has expanded its cultural facilities significantly in recent years while maintaining others in order to ensure that the public in general and youth and children in particular are provided with the suitable conditions for the effective enjoyment and development of cultural rights.

1174. The first Cultural Centre was inaugurated in March 1999, representing an investment of MOP 960 million, with a construction area of 45,000 m², on a 15,000 m² site. It features an Auditoria building, an Art Museum and a Library of Art. The Library of Art is a multimedia reference library, with information on both Western and Eastern cultural art.

1175. The Auditoria building has a grand auditorium and a small auditorium with seating for 1,500 people, as well as the usual modern facilities. The Art Museum has a total area of 20,000 m² of which 5,000 m² exhibition areas open to the public, housing seven exhibition halls.

1176. MCC was designed to accommodate touring troupes of performing visual and audio-visual arts and their programmes range from classical to contemporary art, presenting a balanced and eclectic cultural agenda.

1177. Other institutional infrastructures such as nine public libraries, three movie-theatres with a capacity of 2,727 persons, galleries, traditional arts and crafts fairs and movable structures are available to the population.

1178. MSAR has another important facility called the Historical Archives, responsible for preserving public records of historical value and for operating the public record system. The current archives facilities offer excellent conditions for safe storage of microfilms, particularly of rare works, and can be consulted via a computerized system. The *Historical Archives Bulletin* is a precious source of information for researchers.

1179. Another infrastructure is the Macao Maritime Museum, Library and Archive, which displays a considerable collection of material related to maritime history.

1180. The Macao Museum, with a total area of 2,800 m² includes an auditorium. It is an example of the preservation of cultural heritage since it is located inside the ancient Monte Fortress, built by the Jesuits in 1626. It displays a number of items related to Macao's historical background and culture traditions.

B. Funding for cultural activities

1181. A special public fund, the Cultural Fund, was created to assist financially the promotion and the development of cultural activities and the popular participation in cultural life. This Fund mainly supports cultural projects and private initiative programmes, having increased its budget significantly in recent years. In 2000, the budget of the Fund was MOP 67,669,000 while in 2001 it was MOP 72,122,000 and in 2002 MOP 83,920,000.

1182. The CMAI budget for the cultural area was MOP 11,500,000 in 2001, including support for private initiatives. In fact, CMAI supports local associations, individual artists and groups, and several traditional and contemporary artistic expression groups. Activities range from theatre to jazz, and from occupational activities of the young to sport events for all.

1183. The MCC 2001 general budget was MOP 56 million, in addition to MOP 14 million for cultural activities such as performing arts and audio-visual programmes.

1184. In addition, CI annually offers scholarships and financial or other kinds of assistance to individuals/organizations carrying out studies, research and other creative activities in the field of culture.

1185. Other institutions such as the Tourism Department, Sports Development Institute and the Macao Foundation also allocate funds to support private initiatives engaged in cultural and scientific activities. The Macao Foundation has a special significant role, as can be seen in the following table.

Subsidies granted by the Macao Foundation

Areas of intervention	Year 2001 (11/07/2001-31/12/2001)	Year 2002 (01/01/2002-30/09/2002)
Cultural area	5 241 800	4 895 700
Social area	1 480 000	3 266 025
Economic area	60 000	4 169 384
Educational area	18 216 400	24 035 900
Scientific area	388 700	1 489 000
Academic area	91 000	3 645 945
Philanthropic area	30 000	1 495 000
Promotion of Macao	2 455 000	3 235 295
Total	27 962 900	46 232 249

Source: Macao Foundation, 2002.

C. Cultural and scientific conservation and diffusion

1186. The MSAR Government attaches great importance to the protection of “scenic spots, historical sites and other historical relics as well as the lawful rights and interests of the owners of antiques”, in conformity with article 125 (3) of the Basic Law.

1187. Ordinary law also protects the historical, cultural and architectural heritage of Macao, as is the case of Decree Law 56/84/M of 30 June.

1188. A total number of 128 monuments, classified buildings and sites are considered to be cultural property and are specially protected sites under Decree Law 83/92/M of 28 December.

1189. IC, through its Cultural Heritage Division, focuses its activities on the preservation of the cultural heritage of different ethnic groups and on classifying, restoring, renovating and upgrading Macao's cultural heritage, including both buildings and artefacts.

1190. For the last two decades the value of heritage preservation has been emphasized and the MSAR Government has drawn guidelines in order to strike a sustainable balance between cultural preservation and social and economic progress.

1191. Important steps were taken, such as efficient monitoring, classification and protection of sites or those forming part of a complex in classified sites or in protected areas; restoration and maintenance of archaeological and artistic vestiges; dissemination; and archaeological/cultural heritage studies.

1192. In 2001, CI trained 58 young persons as "Young Heritage Ambassadors", with the purpose of spreading the cultural heritage and values of Macao to other countries.

D. Right to benefit from scientific progress

1193. The right to pursue scientific and technological research is enshrined in article 37 of the Basic Law. The Legal Framework on Science and Technology Policy, Law 9/2000 of 17 July, reaffirms this right in its article 2.

1194. Furthermore, article 124 of the Basic Law entitles the Region to formulate, on its own, policies on science and technology as well as to protect by law achievements in scientific and technological research, patents, discoveries and inventions.

1195. The MSAR Government determines the scientific and technological standards and specifications applicable in the Region. Its policy has been targeted, in particular, at increasing and developing scientific and technological knowledge and local resources, raising productivity and competitiveness, promoting social and economic development, information technology, familiarization with computer networks, data protection, environmental protection, and scientific and technological research (article 3 of Law 9/2000).

1196. Such objectives have been accomplished by adopting several measures, such as granting special incentives to establish institutions dedicated to scientific and technological research and development, provision of qualified personnel, supporting specialized training within private entities, the teaching of science and technology within school curricula, as well as the creation of the Scientific and Technological Development Fund (Law 9/2000).

1197. The MSAR Government has been encouraging the development of high technology and high value-added business by identifying priority areas, facilitating technology transfer and development, providing specialized human resources and funding programmes.

1198. In March 2000, a new university, the Macao University of Science and Technology, was created. This private institution is specially engaged in training local human resources, scientific and technological development and research (Executive Order 20/2000 of 27 March).

1199. Under Administrative Regulation 16/2001 of 27 August, the Science and Technology Council was set up in 2001, with the purpose of advising the MSAR Government on drafting and implementing policies that would foster the scientific and technological modernization and development of the Region.

1200. The Macao Productivity and Technology Transfer Centre supports companies to use an efficient approach, new concepts and standards of modern technology and information society as well as resources, in order to enhance the added value of its products and services, resulting in stronger productivity and competitive capacity.

1201. Science and education technology are covered in the area of sciences within the basic school curricula.

1202. EYAD is entrusted with promoting science and technological progress in schools, encouraging students and teachers to participate in extra-curricular activities, such as the “IT Week” and the annual technology fair.

1203. Moreover, starting from 2001, the MSAR Government allocated special funds in the amount of MOP 26,723,192 to schools to enhance teaching and learning in information and communication technology.

1204. EYAD also promotes scientific, literary and artistic activities, as well as the protection of intellectual property rights, by organizing youth activities such as “Youth Civic Education Competition” and participation in national and international scientific exchange programmes and contacts.

1205. EYAD has taken several measures to promote the diffusion of information on scientific progress following the MSAR government policy of actively assisting young persons in broadening their knowledge and increasing common scientific knowledge, namely by sponsoring youth associations to install computers. Through this action, EYAD guarantees to young persons access to computers and Internet connections at the Information Technology Centres.

1206. Furthermore, the Fourth National Computing and Network Physics Teaching Conference was held in Macao from 6 to 11 November 2002, in addition to workshops and exhibitions, such as “Multiple Dimensions of the Internet Workshop Series”.

1207. Briefly, at higher education level, the University of Macao offers one course on science and technology while the Macao University of Science and Technology offers a course on information technology and a course on Chinese medicine. Both provide postgraduate studies. The Macao Polytechnic Institute has, inter alia, a School of Health Sciences. There is also the Kiang Wu Nursing College.

1208. Research papers and publications are also important components in the promotion and dissemination of scientific and technological knowledge. Several governmental bodies and private institutions in the Region promote scientific and technological investigation.

1209. For example, in the academic year 2001/02 the University of Macao sponsored, a total of 74 research projects, which resulted in the publication of 60 papers in international journals and 140 presentations at international conferences. In the first half of 2002 it

sponsored 32 projects and 39 participations in international conferences. The University also holds projects in cooperation with the University of Washington and with European and mainland institutions, having completed four “Eureka” projects.

E. Intellectual property

1210. The right to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic work is enshrined in article 125 (2) of the Basic Law.

1211. Intellectual property is fully protected in the MSAR legal system. In fact, the relevant legislation was drawn up according to modern international standards as Macao is an original full member of the World Trade Organization and fully complies with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

1212. The legal framework on intellectual property is regulated in a number of laws. The protection of copyrights is foreseen by Decree Law 43/99/M of 16 August, the regime for industrial property is set forth in Decree Law 97/99/M of 13 December and the rules regarding competition and consumers' rights are governed by articles 156 to 173 of the MSAR Commercial Code.

1213. The effective protection of intellectual property is also enforced through administrative and criminal sanctions, as for instance articles 215 to 218 of Decree Law 43/99/M (copyrights) and articles 299 to 304 of Decree Law 97/99/M (industrial property).

1214. The fight against violations of property rights, in particular, piracy and counterfeit, has been strengthened in recent years. The Customs Service of the MSAR Government has recently been assigned with this task and has achieved great results.

F. Measures to develop international contacts and cooperation

1215. In February 2002, a formal proposal to the World Heritage UNESCO List was submitted, covering an urban route linking the old Chinese inner harbour to the centre of the old Christian city (12 monuments) of Macao. At present, the Macao sites are at the top of the provisional list of the Chinese sites awaiting evaluation by UNESCO.

1216. MSAR participates in various international organizations, such as the World Tourism Organization, the International Congress and Convention Association, the Asia-Pacific Economic Cooperation Working Group, the International Federation of Library Associations and Institutions, and the International Council of Museums.

1217. Interested parties, including scientists, writers, artists and others involved in scientific research or creative activity are frequently invited by the MSAR authorities to participate in international scientific and cultural conferences, seminars, symposiums, meetings and forums.

1218. The role of associations in the field of education, science, technology, culture and media is recognized under the Basic Law. Associations may maintain and develop relations with their counterparts in foreign countries and regions and with relevant international organizations based on the principles of non-subordination, non-interference and mutual respect (articles 133 and 134 of the Basic Law).

Notes

¹ “Seed Engineering” refers to a major agricultural engineering programme in place in China since the Ninth 5-Year Plan. Its objectives are to establish a scientifically managed, modern system of seed production that will result in specialized seed production, standardized corporate commercial management, and treatment as a commodity of the seed used in large agricultural operations.

² These 12 highways are the: Tongjlang-Sanya, Beijing-Zhuhai, Chongqing-Zhanjiang, Beijing-Fuzhou, Erlian Haote-Hekou, Lianyungang-Huo’erguosi, Shanghai-Chengdu, Shanghai-Rulli, Hengyang-Kunming, Qingdao-Yinchuan, Dandong-Lhasa, Suifenhe-Manzhouli.

³ These are the first highways to be completed from among the original “5 Down 3 Across” plan. Running north-south are the: Tongjlang-Sanya, Beijing-Zhuhai, Chongqing-Zhanjiang; running east-west are the: Shanghai-Chengdu, Lianyungang-Huo’erguosi.

⁴ The “211 Programme” is a government programme to construct about 100 schools of higher education in preparation for the demands of the twenty-first century.

⁵ “Organized townships” are towns that have been created by national administrative mandate.

⁶ “City-gate towns” are “organized townships” on county government-owned land.

⁷ Here and throughout Part Two of the present report, references to “the initial report” are to the report on HKSAR submitted by the Central Government of the People’s Republic of China in June 1999 and considered by the Committee in April 2001.

⁸ An example is the Crimes (Torture) Ordinance (chapter 427 of the Laws of HKSAR) which was enacted to give effect in Hong Kong to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

⁹ The three sections were:

(a) Section 2 (3): “In interpreting and applying this Ordinance, regard shall be had to the fact that the purpose of this Ordinance is to provide for the incorporation into the law of Hong Kong of provisions of the International Covenant on Civil and Political Rights as applied to Hong Kong, and for ancillary and connected matters.”

(b) Section 3: “Effect on pre-existing legislation:

- (1) All pre-existing legislation that admits of a construction consistent with this Ordinance shall be given such a construction.
- (2) All pre-existing legislation that does not admit of a construction consistent with this Ordinance is, to the extent of the inconsistency, repealed.”

(c) Section 4: “Interpretation of subsequent legislation - All legislation enacted on or after the commencement date shall, to the extent that it admits of such a construction, be construed so as to be consistent with the International Covenant on Civil and Political Rights as applied to Hong Kong.”

¹⁰ Formerly known as the COMAC Ordinance.

¹¹ Section 5AA of the Legal Aid Ordinance (chap. 91).

¹² In response to question 7 in the Committee’s “List of issues to be taken up in connection with the consideration of the initial report of China: the Special Administrative Region of Hong Kong”.

¹³ The term “article 22 report” means a report submitted to ILO in accordance with article 22 of the Constitution of ILO.

¹⁴ The term “new arrivals” refers to persons who have recently settled in Hong Kong. We originally applied the term to persons from mainland China. But we have since extended it to settlers from other countries. The Labour Department’s services are available to all without distinction.

¹⁵ Of all Hong Kong’s minority communities, the Nepalese face the greatest difficulty in adapting to life in Hong Kong because of the significant differences of language and culture. For this reason, they have been the main focus of our outreach work among the non-Chinese minorities.

¹⁶ Employers who accept trainees under the On-the-Job Training Scheme undertake to provide in-depth on-the-job training. Employers outside the Scheme make no such undertaking.

¹⁷ The concerns which have been echoed by local commentators were expressed in paragraph 15 of the Committee’s concluding observations on the United Kingdom’s third periodic report under the Covenant.

¹⁸ The Mandatory Provident Fund Scheme is discussed in paragraphs 460 to 462 below, in relation to article 9 of the Covenant.

¹⁹ An employee under a continuous contract is one who has been employed for four weeks or more, with at least 18 hours worked in each week.

²⁰ Employment Ordinance (chap. 57): sections 23 to 25, 25A, 63C and 63CA. Additionally, sections 32 and 63B provide protections against underpayment of wages. Section 32 provides that “no deduction shall be made by an employer from the wages of his employee ... otherwise than in accordance with this Ordinance”. Section 63B provides that any person who contravenes section 32 commits an offence and is liable to a fine at level 6 and to imprisonment for one year.

²¹ Article 27 of the Basic Law provides: "Hong Kong residents shall have freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike."

²² The provisions include those which preserved employees' rights to severance payment, long service payment and remedies for employment protection in circumstances involving summary dismissal because of strike action.

²³ List of issues to be taken up in connection with the consideration of the initial report of China: the Special Administrative Region of Hong Kong concerning the rights covered by articles 1-15 of the International Covenant on Economic, Social and Cultural Rights.

²⁴ SSAIP is compiled by the Census and Statistics Department on a monthly basis to measure inflation/deflation according to the expenditure pattern of CSSA households. It consists of the same items as the Consumer Price Index, except that items which are covered by special grants under the CSSA Scheme (for example, rent) are excluded. The movement of the index is used as a reference for making adjustments to the standard payment rates under CSSA and SSA to take account of price changes.

²⁵ Oxford University Press, New York, 1994.

²⁶ Because professionals working with at-risk youth consider that children's development needs need to be identified at the earliest possible stage and that any necessary preventive work should begin as soon as possible after identification before problems become serious.

²⁷ The "tool" is a questionnaire. Students complete one part, teachers the other.

²⁸ The Centre is funded through the Hong Kong Jockey Club Charities Trust.

²⁹ "Procedures for Handling Child Abuse Cases - Revised 1998"; "Multidisciplinary Guidelines on the Handling of Battered Spouse Cases - 1996"; and "Procedural Guidelines for Handling Sexual Violence Cases - 2002".

³⁰ The 2002 figure represents 1,501 individuals, accounting for 8 per cent of all cases reported to the Central Registry of Drug Abuse (CRDA).

³¹ One of these, conducted by the City University of Hong Kong (on behalf of the Standing Committee on Young Offenders of the Fight Crime Committee), examined the Effectiveness of Rehabilitation Programmes for Young Offenders. The other was conducted in 1998-1999 by the government Management Services Agency with a view to improving the management and operation of the homes.

³² Their services include outreach and network services, volunteer mobilization, and counselling for vulnerable elderly people. District Elderly Community Centres and Neighbourhood Elderly Centres perform similar functions, but District Elderly Community Centres operate on a larger scale.

³³ Recipients aged 65 or above represented about 77 per cent of all people in that age group.

³⁴ Comprising about 7,600 places in self-care hostels/homes for the aged providing basic care, 11,300 places in care and attention homes providing personal and limited nursing care, and 1,500 places in nursing homes providing a higher level of nursing care.

³⁵ A draft indicating the Government's initial thinking about the form and content of a new statute.

³⁶ Under the Bedspace Apartments Ordinance (chap. 447).

³⁷ Examples of these initiatives include the Re-employment Training Programme for the Middle-aged, and the Intensive Employment Assistance Projects.

³⁸ Census and Statistics Department, *Special Topics Report*, No. 28 - Persons with Disabilities and Chronic Illness, August 2001, p. 35.

³⁹ We are grateful to the Equal Opportunities Commission for this information.

⁴⁰ In relation to article 6 (2) of the Convention.

⁴¹ 31 March is the end of the Government's financial year.

⁴² These include such disciplines as clinical psychology, physiotherapy and occupational therapy.

⁴³ For example, the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (chap. 165).

⁴⁴ *UNAIDS Report on the Global HIV/AIDS Epidemic*, 2002.

⁴⁵ Among others, these included the regulation and development of Chinese medicine, promotion of the "family medicine" approach in general outpatient clinics, further cost-containment to control the growth of medical costs, and a comprehensive review of the fee structure of the public health-care system.

⁴⁶ Within the model, "risk analysis" comprises risk assessment, risk management and risk communication.

⁴⁷ Additionally, 40,000 copies were distributed during the consultation period.

⁴⁸ Referred to as "Announcements in the Public Interest" or "APIs". A dedicated API to promote public acceptance of people who have recovered - and/or are suffering - from mental illness will be produced in March 2003.

⁴⁹ The Policy Committee acts as a clearing house within the Administration for all policy proposals. It ensures that proposals have broad inter-bureau consensus before final decision by the Executive Council.

⁵⁰ In its 1997 Review Report, the Board of Education Sub-committee - which had been set up to review nine-year compulsory education - noted that the term "compulsory education" might need to be revised to avoid the negative sense of forcing the young to attend school to signify the mission of providing universal education for all. However, we have retained the term "free and compulsory education" throughout this report with a view to article 13.2 (a) of the Covenant.

⁵¹ The new levels of provision took effect in September 2002, the start of the 2002/03 school year.

⁵² This is the "benchmark" for government and aided schools. Private schools charge at the rate necessary to cover costs and, in some cases, to make a profit.

⁵³ See paragraphs 385 to 396 above in relation to article 6 of the Covenant.

⁵⁴ We should perhaps explain that written Chinese - which is largely uniform and can be read by literate speakers of all Chinese languages - differs significantly from spoken Cantonese.

⁵⁵ These include the schools that have traditionally catered to the settled minorities (see also paragraph 705 above).

⁵⁶ These are similar to those provided to newly arrived children from mainland China.

⁵⁷ The General Certificate of Education (GCE) Ordinary (O) Level is an examination taken by English schoolchildren, normally at the age of 16.

⁵⁸ The Hong Kong dollar is pegged to the United States dollar at the rate of HK\$ 7.8:US\$ 1.

⁵⁹ Eligible persons are those who have the right of abode in Hong Kong or have resided or have had their home in Hong Kong continuously for three complete years immediately prior to the commencement of the course.

⁶⁰ The purpose of the Continuing Education Fund is to subsidize persons aged from 18 to 60 to pursue continuing education and training courses that are conducive to the economic development of Hong Kong.

⁶¹ The term includes children with special learning difficulties. EOC considers that those difficulties constitute a disability for the purposes of the Disability Discrimination Ordinance and has urged us to develop learning strategies to meet the educational needs of these children. The position is as indicated in paragraph 730 below.

⁶² "Eligible migrants" were people whom the Vietnamese authorities did not recognize as its nationals.

⁶³ The education of these and other children who are either in Hong Kong illegally or whose status is pending verification is addressed in section VIII.A, paragraphs 397 to 404, of our initial report under the Convention on the Rights of the Child.

⁶⁴ Including, among others, anti-discrimination, freedom, traditional Chinese values and modern citizenship, human rights and the Basic Law, intellectual property, and freedom of the press and media.

⁶⁵ The Hong Kong Science and Technology Parks Corporation offers one-stop infrastructural support services to technology-based companies and activities.

⁶⁶ The Applied Science and Technology Research Institute performs research and development and transfers the results to industry for commercialization with a view to elevating the technological level of industry and stimulating the growth of technology-based industry.

⁶⁷ The Hong Kong Productivity Council promotes industrial productivity through the provision of professional service to enhance the value-added content of products and services.

⁶⁸ The Applied Research Fund provides support to local technology ventures with commercial potential.

⁶⁹ The Innovation and Technology Fund supports projects that contribute to innovation and technology upgrading in local industry. It replaced the former Industrial Support Fund and Services Support Fund that we mentioned in paragraph 606 of the initial report.

⁷⁰ On 27 April 1993, the Portuguese Republic notified the Secretary-General of the United Nations of the extension of the Covenant to Macao.
