

**Replies of the Hong Kong Special Administrative Region
of the People’s Republic of China
to the List of Issues in relation to the Fourth Periodic Report**

Item 1

1. The Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China (“the Basic Law”), which serves as the constitutional document of the Hong Kong Special Administrative Region (“HKSAR”), provides constitutional guarantee for fundamental rights and freedoms. Article 39 of the Basic Law provides, amongst others, that the provisions of the International Covenant on Economic, Social and Cultural Rights (the Covenant) as applied to Hong Kong shall remain in force and shall be implemented through the laws of the HKSAR. In addition, many of the rights enunciated in the Covenant are given protection under other articles in the Basic Law as well as various domestic legislation. Bureaux and departments of the HKSAR Government (“HKSARG”) review the relevant legislation from time to time to ensure full protection of human rights and to meet the needs of the society. For instance, the HKSAR enacted the Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020 in June 2020 which enhances protection under the four anti-discrimination ordinances¹, including prohibiting discrimination of breastfeeding women, prohibiting harassment between participants in a common workplace, and expanding the scope of protection from racial discrimination and harassment, etc.

2. The Judiciary has all along attached great importance to the continuing judicial education for Judges and Judicial Officers (“JJOs”). The Hong Kong Judicial Institute has been providing appropriate judicial training from time to time to cater for the training needs of JJOs at different levels of court. The Immigration Department (“ImmD”) has all along been providing induction and in-service professional training to members of the Service on the issues of human and civil rights, including the topics of the Hong Kong Bill of Rights Ordinance (Cap. 383) (“HKBORO”), the SDO, the RDO and equal opportunities, etc. In addition, professional training courses will be provided to case officers responsible for screening non-refoulement claims before assuming their duties so as to ensure that they fully understand the screening mechanism and are equipped with sufficient knowledge to handle related cases.

¹ The four anti-discrimination ordinances are the Sex Discrimination Ordinance (Cap. 480) (“SDO”), Disability Discrimination Ordinance (Cap. 487) (“DDO”), Family Status Discrimination Ordinance (Cap. 527) (“FSDO”), and Race Discrimination Ordinance (Cap. 602) (“RDO”).

3. According to the Legal Reference System of the Judiciary, since the submission of the third report of the HKSAR in June 2010 and until the end of August 2021, there were more than 30 cases in which the provisions of the Covenant were applied by or invoked before the courts of the HKSAR. Examples of such cases (together with the provisions of the Covenant applied or invoked) are listed in Annex 1.

4. The above number only includes cases in which the judgments made specific reference to the Covenant. However, there may be other cases in which the Covenant was applied or invoked by the parties, but the judgments made no reference to such issues. There may also be other judgments which made reference to the Covenant, but are not available at the Legal Reference System of the Judiciary. Thus, the actual number of cases in which the provisions of the Covenant were applied or invoked may be greater than the above number.

Item 2

5. Under HKSAR's existing institutional framework, there are a number of statutory organisations which help promote and safeguard various rights, including the Equal Opportunities Commission ("EOC"), the Office of the Privacy Commissioner for Personal Data ("PCPD"), the Ombudsman and the legal aid services. Over the years, the HKSARG has continued to strengthen the mandate of these organisations.

6. The EOC is an independent statutory body established under the SDO. Its functions include working towards the elimination of discrimination, promoting equality of opportunity and harmony, working towards the elimination of harassment and vilification, handling complaints, assisting persons aggrieved by discrimination by way of conciliation and other assistance, and issuing and revising codes of practice under the four existing anti-discrimination ordinances in the areas of sex, disability, family status and race.

7. In 2014, the HKSARG took forward the Statute Law (Miscellaneous Provisions) Ordinance 2014 to, among others, provide protection to members and staff of the EOC against liability when acting in good faith in the performance or purported performance of any of the EOC's functions under the DDO and FSDO, and enable enforcement notices to be served on persons by the EOC for discriminatory practices under the DDO. The Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020 and Sex Discrimination (Amendment) Ordinance 2021, enacted in June 2020 and March 2021 respectively, further enhance protection from discrimination and harassment under the four anti-discrimination ordinances.

8. Following a comprehensive review of the EOC's governance, management structure and complaint-handling process in 2019, the EOC took forward a series of measures to improve its complaint-handling process, and completed re-organisation of its internal management structure to facilitate the fulfilment of long-term strategic objectives and enhance organisational effectiveness. In addition, the HKSARG has provided multiple additional fundings to the EOC to establish a dedicated Ethnic Minorities Unit and an Anti-Sexual Harassment Unit in 2014 and 2020 respectively with a view to enhancing promotion of racial equality and anti-sexual harassment.

9. In respect of protection of personal data privacy, the PCPD is an independent statutory body established to monitor, supervise, enforce and promote compliance with the Personal Data (Privacy) Ordinance (Cap. 486) ("PDPO"). From the perspective of safeguarding human rights, the legislative intent of the PDPO is to protect individuals' right to privacy with regard to personal data. Legislative amendments were proposed to the PDPO in July 2021 to confer criminal investigation and prosecution powers on the Privacy Commissioner for Personal Data to combat doxxing cases. The relevant Bill was passed by the Legislative Council of the HKSAR ("LegCo") on 29 September 2021.

10. The Ombudsman, a statutory authority established under The Ombudsman Ordinance (Cap. 397), is a watchdog of public administration. Through independent, objective and impartial investigation, The Ombudsman redresses grievances and addresses issues arising from maladministration in the public sector and brings about improvement in the quality and standard of and promote fairness in public administration. Besides investigating complaints, The Ombudsman may also, on her own volition, initiate investigations into areas of suspected maladministration usually involving systemic problems and may, after investigation, publish reports in the public interest. Additionally, The Ombudsman is empowered to investigate non-compliance with the Code on Access to Information, which safeguards citizen's right to information.

11. The HKSARG has continued to put more public bodies under the jurisdiction of The Ombudsman. Since the previous report, the Competition Commission, the Property Management Services Authority, the Insurance Authority and the Travel Industry Authority have been placed under the purview of The Ombudsman. The Ombudsman's jurisdiction now covers 27 public bodies.

12. Legal aid ensures a person who has reasonable grounds for taking or defending a legal action in Hong Kong courts is not prevented from doing so because of a lack of means. Eligible applicants receive the services of a publicly funded solicitor and/or a barrister assigned to them by the Legal Aid Department. Legal aid is available for various types of legal proceedings. The details and eligibility for legal aid are listed in Annex 2.

Item 3

13. As reported in paragraph 1, many of the rights enunciated in the Covenant are given protection under the Basic Law as well as various domestic legislation. Individuals and business entities operating in the HKSAR are required to abide by the applicable laws of the HKSAR. Law enforcement agencies of the HKSARG will carry out investigation into suspected violation of laws and take appropriate follow-up actions such as conciliation services for relevant parties and prosecution actions. There is also an existing institutional framework of statutory organisations which helps promote and safeguard various rights as detailed in paragraphs 5-12.

14. The Hong Kong Exchanges and Clearing Limited (“HKEX”) issues the Environmental, Social and Governance (“ESG”) Reporting Guide to provide the framework on ESG reporting by listed companies in Hong Kong. Listed companies are required to publish their ESG reports for public perusal on an annual basis under the ESG Reporting Guide. The ESG Reporting Guide consists of 12 aspects, including eight aspects under “Social” subjects covering provisions on listed companies’ policies and compliance with laws and regulations relating to equal opportunities, diversity, anti-discrimination, labour standards, etc.. Disclosures under the “Social” aspects is no longer on voluntary basis since July 2020. In other words, listed companies are required to report on the provisions or provide reasons if the information in respect of a particular provision would not be disclosed. Failure to comply amounts to a breach of the Listing Rules. HKEX will make enquiries with listed companies on non-compliance, and may take follow up actions depending on the seriousness of the non-compliance.

15. HKEX reviews the ESG reporting framework from time to time to ensure it remains fit for purpose and is adequate for maintaining investors’ confidence in the market in light of the latest international development. HKEX will consult the public on proposals to enhance the ESG Reporting Guide as appropriate.

Item 4

Carbon emission reduction

16. Over the last decade, the HKSARG has allocated over HK\$47 billion to implement various energy saving and renewable energy measures, promote electric vehicles and vessels, and introduce innovative waste-to-energy and waste-to-resources facilities to help reduce waste and carbon emissions. In their last and current development plans spanning ten years, the investment of the two power companies in major decarbonisation projects amounts to some HK\$39 billion.

17. As set out in the “Hong Kong’s Climate Action Plan 2030+”, we are moving towards the 2030 target of reducing carbon intensity by 65% to 70% as compared with that in the baseline year of 2005. Hong Kong’s greenhouse gas (“GHG”) emissions reached its peak in 2014. In 2019, the carbon intensity was about 35% lower than that in the baseline year of 2005, and the per capita GHG emissions amounted to 5.3 tonnes. The power companies’ initiatives to reduce the proportion of coal-fired electricity generation from about 59% in 2014 to less than 25% in 2020 will help Hong Kong move towards the expected level of per capita GHG emissions of about 4.5 tonnes in 2020.

Adaptation to climate change

18. The HKSARG established the Climate Change Working Group on Infrastructure (“CCWGI”) in 2016 to coordinate the efforts among relevant works departments in combating adverse effects of climate change on government infrastructure. The CCWGI has been conducting studies to review climate change parameters affecting infrastructures and has completed updating relevant design manuals since 2018, taking into account the reports published by the United Nations’ Intergovernmental Panel on Climate Change.

19. The HKSARG continues the review on drainage master plans to examine the adequacy of existing drainage and implements improvement works accordingly. We also promote the use of blue-green drainage infrastructure to enhance the city’s resilience against rainfall flooding. Meanwhile, the Government has been managing the landslide risk of both natural hillside and man-made slopes in a holistic manner under the Landslip Prevention and Mitigation Programme established since 2010. All these measures seek to make Hong Kong a better and smarter place to live and work for all.

Item 5

20. The Law of the People’s Republic of China on Safeguarding National Security in the HKSAR (“HKNSL”) respects and protects human rights and upholds the rule of law. Article 4 of the HKNSL provides that human rights shall be respected and protected in safeguarding national security in the HKSAR, and that the rights and freedoms, including the freedoms of speech, of the press, of publication, of association, of assembly, of procession and of demonstration, which the HKSAR residents enjoy under the Basic Law and the provisions of the International Covenant on Civil and Political Rights (“ICCPR”) and the Covenant as applied to Hong Kong, shall be protected in accordance with the law. The HKNSL only targets an extremely small minority of criminals and acts which endanger national security, whereas human rights and freedoms enjoyed by the residents will not be affected at all.

21. Nonetheless, most of the rights and freedoms are not absolute and may be subject to restrictions as prescribed by law and necessary in the interests of, inter alia, public order and protection of the rights and freedoms of others. The ICCPR and the Covenant both provide for certain permissive restrictions on human rights on the ground of national security. Article 2 of the HKNSL also states that in exercising their rights and freedoms, no institution, organisation or individual in the HKSAR shall contravene Articles 1 and 12 of the Basic Law which are fundamental provisions concerning the legal status of the HKSAR.

22. All the work and law enforcement efforts for safeguarding national security will be undertaken in strict accordance with legal provisions, in line with statutory functions and powers, follow statutory procedures, and without prejudice to the lawful rights and interests of Hong Kong residents, legal persons and other organisations. Cases will never be handled any differently owing to the political beliefs or background of the persons involved. Prosecutions would only be commenced if there is sufficient admissible evidence to support a reasonable prospect of conviction.

23. The HKNSL is the major turning point in Hong Kong’s transition from chaos to order. Its effect in stabilising the society is indisputable. After the implementation of the HKNSL, people can once again enjoy their legitimate rights and freedoms, Hong Kong’s business environment is becoming more attractive, and international investors’ confidence in Hong Kong has been enhanced.

Item 6

The proportion of the population living below the poverty line

24. Formulated by the Commission on Poverty in 2013, the poverty line for Hong Kong adopts the concept of “relative poverty”, with monthly household income before policy intervention (i.e. before taxation and social welfare transfers) as the basis of measurement². Poverty statistics have since been updated annually for ongoing monitoring of the poverty situation in Hong Kong, with the most recent Hong Kong Poverty Situation Report 2019 published in 2020.

25. Taking into account all selected government measures³, the pre- and post-intervention poverty rate (i.e. the proportion of the population living below the poverty line) since 2009 as analysed by the poverty line framework are tabulated at Annex 3. In 2019 (latest figure available), the poverty alleviation impact was the highest since 2011, reducing the poverty rate notably by 12.2 percentage points.

26. During the past 10 years, the HKSARG has gradually enhanced its support to the needy by improving the various services under the areas of social welfare, education and healthcare. The recurrent government expenditure devoted to these three areas has increased from HK\$125.4 billion in 2010/11 to HK\$277.0 billion in 2020/21, a notable cumulative increase of 121%, way above the cumulative growth in nominal GDP (51%) in the same period.

The levels of income inequality

27. According to 2016 Population By-census, using post-tax post-social transfer monthly household income of domestic households, the ratio between income of households in the 10th decile group to the total income of those in the 1st - 4th decile groups was 2.802 in 2016 (2.764 in 2006). The relevant figure using original monthly household income was 4.154 (3.983 in 2006). The above showed that taxation and social transfer reduced the ratio by 1.352 in 2016. Relevant figures for 2021 compiled based on 2021 Population Census will be available in 2022.

28. The change in income inequality in Hong Kong over the years is partly related to accelerating population ageing leading to a rise in retiree households. If focusing on economically active households only, the relevant

² The poverty line is set at 50% of the median monthly household income before policy intervention by household size. Households with income below the poverty line are classified as poor and the household members concerned are regarded as poor persons.

³ Including recurrent cash measures, non-recurrent cash measures and means-tested in-kind benefits.

figure using post-tax post-social transfer monthly household income was 2.090 in 2016, down from 2.205 in 2006. The relevant figure using original monthly household income was 2.889, also down from 3.034 in 2006. The above showed that taxation and social transfer reduced the ratio by 0.799 in 2016.

29. Currently, the Census and Statistics Department does not collect data on household asset. Therefore, information on the level of wealth inequality is not available.

Public revenue from tax

30. Information on the breakdown of tax revenue (direct tax and indirect tax) for the past ten years is available in Annex 4.

31. In Hong Kong, there is no value-added tax. Profits tax at 16.5% is charged on corporations in respect of their assessable profits arising in or derived from Hong Kong. With effect from the year of assessment 2018/19, assessable profits are charged at two-tiered profits tax rates, i.e. the profits tax rate for the first HK\$2 million of assessable profits is 8.25%, and assessable profits above HK\$2 million is charged at the rate of 16.5%. In respect of income from employment by individual, salaries tax is charged at progressive rates of 2% to 17% on net chargeable income (i.e. income less deductions and personal allowance), subject to a maximum of 15% of net assessable income (i.e. income less deductions). In the past ten years, 10% of taxpayers who paid the largest amount of salaries tax contributed 75% to 81% of salaries tax revenue.

Public expenditure

32. Information on the breakdown of public expenditure for the past ten years by all Policy Area Groups is at Annex 5.

33. The recurrent government expenditure amounted to HK\$472 billion in 2020/21, around 88% higher than the HK\$251 billion (at 2020/21 price) in 2010/11. The growth in the recurrent government expenditure on education, social welfare and health was even faster, almost doubled from the HK\$141 billion (at 2020/21 price) in 2010/11 to HK\$277 billion in 2020/21. These reflected the HKSARG's commitment and determination in improving people's livelihood.

Item 7

34. Article 25 of the Basic Law provides that all Hong Kong residents shall be equal before the law. In addition, Article 10 of the Hong Kong Bill of

Rights (“HKBOR”) guarantees that all persons are equal before the courts, and Article 22 of the HKBOR guarantees that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law.

35. The HKSARG is firmly committed to promoting equal opportunities for all and eliminating all forms of discrimination. The four anti-discrimination ordinances, namely the SDO, the DDO, the FSDO and the RDO protect equal opportunities in respective areas, and are enforced by the EOC, an independent statutory body. Any person subject to discrimination may lodge a complaint to the EOC and undergo conciliation with the EOC’s assistance. If conciliation fails, the aggrieved person may seek assistance from the EOC to make civil claims in court.

36. The HKSARG opposes age discrimination in employment, and attaches great importance to safeguarding employees’ rights and equal opportunities in employment. The Government continues to encourage employers to “Count On Talent, Not Age In Employment” and use consistent selection criteria to assess the abilities of job seekers and employees. Moreover, the Government has also published the “Practical Guidelines for Employers on Eliminating Age Discrimination in Employment” which provides best practices for employers and employment agencies to follow on a voluntary basis. Please also refer to paragraph 58.

37. Religious freedom is one of the fundamental rights enjoyed by Hong Kong residents as enshrined in Articles 32 and 141 of the Basic Law at the constitutional level. Religious organisations also have the freedom to conduct religious activities in accordance with the laws of Hong Kong.

38. The HKBORO prohibits the HKSARG from discriminating a person on the ground of, amongst others, sexual orientation. In respect of private sectors, our society is deeply divided as to whether legislation should be introduced to prohibit discrimination on grounds of sexual orientation and gender identity. The HKSARG will consider the legislation on the basis that a consensus is reached in society. The HKSARG will continue the relevant public education and publicity work with a view to promoting the message of “Eliminate Discrimination, Embrace Inclusion”.

39. The Rehabilitation of Offenders Ordinance (Cap. 297) (“ROO”) aims at facilitating the rehabilitation of persons who are convicted the first time and whose offences are minor in nature, and preventing unauthorised disclosure of their previous convictions. According to section 2(1) of ROO, where an individual has been convicted in Hong Kong of an offence in respect of which he was not sentenced to imprisonment exceeding three months or to a fine exceeding

HK\$10,000 and has not been convicted in Hong Kong on any earlier day of an offence, and a period of three years has elapsed without that individual being again convicted in Hong Kong of an offence, such a conviction shall be considered ‘spent’. Generally speaking, save for some limited exceptions provided in ROO, the individual shall be deemed to have no conviction record.

Item 8

40. The HKSARG is committed to promoting equal opportunities for persons with different sexual orientation and gender identity, with a view to nurturing the culture and values of inclusiveness and mutual respect in the community.

41. The HKSARG has been taking measures from various aspects including preparing training materials for personnel in specific fields, such as medical and healthcare professionals, to enhance their sensitivity towards sexual minorities, and providing funding to the Tung Wah Group of Hospitals to operate a 24-hour hotline for sexual minorities, Pride Line.

42. Intersex children generally refer to people with ambiguous genitalia, which are caused by many different underlying conditions, such as genetic or metabolic diseases. Since it is not a specific disease, the Hospital Authority (“HA”) does not have the statistical data on the number of intersex children who have undergone such medical interventions.

43. Surgical intervention for children with ambiguous genitalia is not compulsory. HA adopts a multi-disciplinary approach in providing service to patients with Gender Identity Disorder and intersex persons, with a team comprising paediatricians, paediatric endocrinologists, paediatric surgeons, psychiatrists, clinical psychologists, surgeons, gynaecologists, physicians, endocrinologists, occupational therapists and medical social workers, etc, in assessing the degree of severity and providing appropriate service according to patients’ specific conditions, including psychotherapy, hormonal treatment and surgery.

44. If ambiguous genitalia is found on a baby upon birth, the multi-disciplinary team will discuss with the parents of the baby and assess the sex and the sexual function which the baby may develop in the future. Treatment decision will be made in the baby’s best interests with consent of the parents. The factors to be taken into consideration include diagnostic results, masculinization of external genitalia secondary to prenatal androgen exposure, response to exogenous androgen stimulation and sexual function and fertility potential in the process of sex assignment. Although early surgical treatment

for timely gender determination will likely reduce the risks of surgery and discrimination by peers and broader society, the treatment should be determined on a case-by-case basis and is not coerced upon unless serious or life-threatening medical complications are found to have arisen from ambiguous genitalia and that necessary treatment is required in the best interest of the minors.

45. In cases where early surgical treatment is not conducted upon birth, a minor under 18 years old would receive ongoing counselling and will be the consenting party to all medical treatments when he has the sufficient understanding and intelligence to understand fully what has been proposed.

46. Regarding the matter of same-sex marriage/partnership, as there are ongoing judicial proceedings, it is not appropriate for the HKSARG to respond substantially to the issue.

Item 9

Non-refoulement claimants in Hong Kong

47. The United Nations Refugees Convention and its 1967 Protocol have never applied to Hong Kong, and non-refoulement claimants in Hong Kong are not treated as “asylum seekers” or “refugees”. They are illegal immigrants, overstayers or persons who were refused entry, and have no legal status to remain in Hong Kong.

48. The HKSARG will continue to work closely with the United Nations High Commissioner for Refugees (“UNHCR”), including the arrangement of resettlement of substantiated non-refoulement claimants to a third country by UNHCR.

49. Irrespective of the outcome of their claims, non-refoulement claimants have no right to work in Hong Kong. In February 2014, the Court of Final Appeal (“CFA”) ruled⁴ that substantiated claimants and refugees recognised by UNHCR have no constitutional or other legal rights to work in Hong Kong. Nevertheless, under exceptional circumstances, the Director of Immigration may exercise his discretion to consider, on a case-by-case basis, their applications for permission to take employment.

50. Since 2006, the HKSARG has been providing humanitarian assistance to non-refoulement claimants during their presence in Hong Kong pending outcome of their claims in order to avoid them from becoming destitute.

⁴ See *GA v Director of Immigration* (2014) 17 HKCFAR 60.

At the same time, we have to avoid any magnet effect which may have serious implications on the long-term sustainability of such assistance and the immigration control of Hong Kong.

51. The HKSARG will review the level of humanitarian assistance from time to time and make adjustment as necessary. Service users with extra needs may provide justifications and documentary proofs to the humanitarian assistance service contractor for consideration on a case-by-case basis. Information on the public healthcare services for people in Hong Kong including non-refoulement claimants is listed in **Annex 6**.

Item 10

Safeguarding women's rights

52. The HKSARG has all along spared no effort in promoting the well-being and interests of women. Since the extension of the Convention on the Elimination of All Forms of Discrimination against Women (“CEDAW”) to Hong Kong in 1996, the HKSARG has all along adhered to the principles and provisions of CEDAW. The HKSARG is committed to safeguarding women’s rights, including cultural rights, and promoting women’s development and advancement on all fronts. The HKSAR has been implementing CEDAW through the provisions of the Basic Law and local laws, and the necessary administrative measures.

53. The HKSARG and the Women’s Commission have all along been advocating gender mainstreaming as a key strategy to achieve gender equality. We also spare no effort in championing public-private partnership in the promotion of gender mainstreaming. Gender mainstreaming is the integration of gender perspectives and needs in legislation, policies or programmes, in any area and at all levels, in the design, implementation, monitoring and evaluation processes. Through gender sensitive decision-making processes, we seek to ensure that women and men have equitable access to, and benefit from, society’s resources and opportunities.

54. Labour Department (“LD”) provides comprehensive and free employment services for job seekers (including women). In view that some women cannot work full-time due to family commitments or other reasons, LD has set up a dedicated webpage on part-time vacancies under the Interactive Employment Service website, and organises district-based job fairs on part-time employment at job centres. Besides, LD’s Employment Programme for the Elderly and Middle-aged covers both full-time and part-time jobs. Employers engaging job seekers aged 40 or above (including women) in part-time jobs and

providing them with on-the-job training under the Programme are offered on-the-job training allowance.

55. The HKSARG has also been enhancing childcare services with a view to meeting the community needs. The details of the childcare services are set out at Annex 10D of the report.

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

Item 11

57. To enhance the employability of young people, LD has been implementing the Youth Employment and Training Programme (“YETP”) to provide one-stop pre-employment and on-the-job training for young school leavers aged 15 to 24 with educational attainment at sub-degree level or below. Over the years, LD enhances YETP timely in light of the economic conditions in Hong Kong to increase the effectiveness and attractiveness of the Programme.

58. LD has been promoting the message of equal employment opportunities through different channels, and issued the “Practical Guidelines for Employers on Eliminating Age Discrimination in Employment” to provide employers and employment agencies (“EAs”) with specific recommendations on the elimination of age discrimination in recruitment and in the workplace. These measures could enhance public awareness of eliminating age discrimination in employment, and encourage employers and EAs to safeguard equal employment opportunities.

Item 12

59. The HKSARG is committed to the fight against trafficking in persons (“TIP”). We established a Steering Committee, chaired by the Chief Secretary for Administration, in March 2018 to provide high-level policy steer on actions on this front. The Steering Committee swiftly promulgated the Action Plan to Tackle Trafficking in Persons and to Enhance Protection of Foreign Domestic Helpers in Hong Kong (“Action Plan”). By end 2019, all initiatives in the Action Plan were firmly in place. Additional funding amounting to HK\$62 million annually was also allocated to support the implementation of the Action Plan by creating 98 new posts in various departments since the 2019-20 financial year.

60. Hong Kong has a well-established legal framework to tackle

different aspects of TIP. There are over 50 legal provisions against various TIP conducts that form a comprehensive package of safeguards comparable to composite TIP laws found in other jurisdictions. Some of the offences attract penalty of up to life imprisonment. The HKSARG has no plan to introduce any legislative proposals, including a “Modern Slavery Bill” as mentioned in the list of issues.

Item 13

61. The Minimum Wage Ordinance (Cap. 608) (“MWO”) establishes the Statutory Minimum Wage (“SMW”) regime which provides a wage floor to protect grassroots employees against excessively low wages while sustaining Hong Kong’s economic growth and competitiveness, and minimising the loss of low-paid jobs.

62. Save for exceptions specified in MWO which include persons to whom the Employment Ordinance (Cap. 57) (“EO”) does not apply, specified student employees and live-in domestic workers, SMW applies to all employees, irrespective of whether they are monthly-rated, weekly-rated, daily-rated, hourly-rated, piece-rated, permanent, casual, full-time, part-time or other employees. Employees in the informal economy and in non-standard forms of employment are protected by SMW.

63. According to the results of the 2018 Annual Earnings and Hours Survey, the ratio of the SMW rate (HK\$34.5 per hour) to the median hourly wage of all employees in Hong Kong (HK\$70.5) was 48.9% in 2018. The average hourly wage of all employees was not compiled under the Survey.

Item 14

64. The HKSARG extended the statutory maternity leave (“ML”) under EO from 10 weeks to 14 weeks since December 2020 and implemented the new Reimbursement of Maternity Leave Pay Scheme on 1 April 2021. Employers may apply to the Scheme for full reimbursement of the additional ML pay paid under EO, subject to a cap of HK\$80,000 per employee. The Employment (Amendment) Bill 2021 was passed by the LegCo on 7 July 2021. The number of statutory holidays under EO will be increased progressively from existing 12 days to 17 days from 2022.

65. LD has engaged in continued dialogue with stakeholders in the sectors through sector-based tripartite committees with a view to identifying and formulating sector-specific guidelines with suggested working hours standards, overtime compensation methods and good working hours management measures

for employers' and employees' reference and adoption so as to improve employees' working hours arrangements. LD has also introduced supportive and publicity measures to promote the culture of reasonable working hours arrangements and enhance the transparency of the terms of employment on working hours. To monitor the working hours situation of employees in Hong Kong, LD is conducting the Working Hours Situation Household Survey.

66. The result of the latest statistical survey on employees with short duration or working hours released by the HKSARG in March 2021 indicated that a majority of employees in Hong Kong (93.1%) were employed under a continuous contract⁵. The Government reported the survey results to the Labour Advisory Board in April 2021.

67. A number of organisations engage employees with fixed-term contracts or deploy flexible rosters for arranging duties to employees according to their practical needs⁶. Employees in the fixed-term contract are likewise accorded protection under labour legislation during the contract period. According to EO, under the circumstances that an employee is regarded as continuing in the employment of his/her employer, if he/she does not work for 18 hours in a particular week due to the mutual arrangement with the employer, his/her continuous contract will not be affected. The latest statistical survey also recorded that “employees who do not work continuously”⁷ account only for 0.3% of all the employees, indicating that such situation was not common.

68. The HKSARG is undertaking various preparation work for the review of continuous contract under EO, and will continue to communicate with employees and employers as well as other stakeholders, to listen to various views. In the meantime, LD has launched a wide range of promotional activities to enhance public understanding of EO.

Item 15

69. Foreign domestic helpers (“FDHs”) enjoy the same employment rights and protection as local workers under Hong Kong laws. They are further protected by a government-prescribed Standard Employment Contract (“SEC”) which sets out the basic employment benefits that employers must provide to FDHs. In particular, SEC stipulates that the employer shall provide the FDH

⁵ According to EO, an employee who has been employed continuously by the same employer for four weeks or more, with at least 18 hours worked in each week, is regarded as being employed under a continuous contract.

⁶ Examples of organisations' practical needs include hiring staff for projects with a specific work completion date, or retaining flexibility to cope with market fluctuations, etc.

⁷ “Employees who do not work continuously” refer to those who had already worked for their employers for four weeks or more and usually worked 18 hours or more per week (but not continuously) in the present job at the time of enumeration.

with suitable and furnished accommodation and with reasonable privacy free of charge. The employer is also required to give an undertaking in the relevant visa application form that he/she will provide the FDH with suitable accommodation and with reasonable privacy. The application will be refused if the information provided by the employer fails to meet the requirement.

The live-in requirement and two-week rule

70. The legality of the “live-in requirement” was upheld by the Court of Appeal of the HKSAR in a ruling handed down in September 2020 in an appeal of a judicial review⁸.

71. FDHs are required to leave Hong Kong upon completion of their contract or within 14 days from the date of termination of their contracts, whichever is earlier. This ‘two-week rule’ is essential for maintaining effective immigration control and it helps prevent FDHs from changing employers frequently or taking up illegal work in Hong Kong after contract termination. The main purpose of the ‘two-week rule’ is to allow sufficient time for FDHs to prepare for their departure; it is not to assist them to find new employers.

72. The policy does not preclude FDHs from applying to work in Hong Kong again after returning to their places of origin and has allowed sufficient flexibility to cater for exceptional circumstances. Under exceptional circumstances where the employer is unable to continue with the contract, owing to, for example, the employer’s migration, external transfer, death or economic difficulty, or where there is evidence that the FDH has been abused or exploited, FDHs may apply for change of employer in Hong Kong without first returning to their places of origin.

73. If an FDH has been criminally intimidated or abused and is required to remain in Hong Kong for assisting in investigation or acting as a witness etc. after the termination or expiry of his/her contract; or he/she is awaiting the hearing of the Labour Tribunal or Minor Employment Claims Adjudication Board owing to a labour dispute; or if there are other compassionate grounds, ImmD may, based on individual merits, exercise discretion to allow him/her to extend his/her stay in Hong Kong as a visitor.

74. The HKSARG is committed to safeguarding the rights and benefits of FDHs. SEC stipulates the Minimum Allowable Wage (“MAW”) and the range of in-kind benefits available to FDHs, including free accommodation, free food (or food allowance in lieu), free medical treatment and free passage to and from the places of origin.

⁸ See *Lubiano Nancy Almorin v Director of Immigration* (2020) 5 HKLRD 107.

75. Under SEC, employers are required to pay FDHs a salary that is not less than the prevailing MAW when the contract was signed, and the agreed rate needs to be specified in SEC. Furthermore, employers shall provide FDHs with food free of charge, otherwise they are required to pay the FDHs a food allowance in lieu. The HKSARG regularly reviews the levels of MAW and food allowance, taking into account various factors including the general economic and labour market situation, employers' affordability and FDHs' livelihood, etc. The HKSARG will also consult relevant employer and FDH groups when conducting the review.

76. In addition, the SEC has a schedule setting out examples of unsuitable accommodation. These include made-do beds in the corridor with little privacy and sharing a room with an adult/teenager of the opposite sex.

77. LD set up a dedicated FDH Division in September 2020 to ensure effective co-ordination and implementation of measures to enhance protection of FDHs, and to provide better support to FDHs and their employers. Furthermore, LD has been enhancing FDHs' awareness of their rights and benefits and channels for seeking assistance through a series of publicity and education work. The dedicated FDH Portal (www.fdh.labour.gov.hk) and Employment Agencies Portal (www.eaa.labour.gov.hk) of LD contain information, publications and publicity videos on the employment of FDHs and their employment rights and benefits in Chinese, English and FDHs' native languages.

78. LD takes every complaint or allegation of breach of EO seriously and will take out prosecution where there is sufficient evidence and where the worker is willing to act as prosecution witness. The arrangement of handling FDHs' enquires and complaints is listed in Annex 7.

79. Clause 9(a) of SEC stipulates that the employer shall provide free medical treatment in the event that the FDH is ill or suffers personal injury during the period of employment, except for the period during which the FDH leaves Hong Kong of his/her own volition and for his/her own personal purposes. Under the prevailing policy, eligible FDHs enjoy public healthcare services at a highly subsidised rate provided by the Government. The support provided to FDHs during the epidemic is summarised in Annex 8.

Item 16

80. The Trade Unions Ordinance (Cap. 332) ("TUO") does not restrict the establishment and activities of trade unions for defending the occupational interests of their members. It helps ensure that trade unions are run in

accordance with their rules, so that the interests of both the unions and their members are properly safeguarded. The Registry of Trade Unions publishes information and organises educational courses to enhance trade unions' understanding of their rights under TUO.

81. EO safeguards employees' rights against anti-union discrimination. Employers are subject to criminal liability for dismissing, penalising or discriminating against employees for exercising the rights to trade union membership and to take part in trade union activities, and for preventing or deterring employees from exercising union rights. LD conducts in-depth investigation promptly on every complaint of suspected anti-union discriminatory act and will not hesitate to take out prosecution if, upon investigation, there is sufficient evidence supporting that the employer has contravened the EO. In 2005, two employers were convicted and fined for acts of anti-union discrimination.

82. Upon the implementation of the Employment (Amendment) (No. 2) Ordinance 2018 in October 2018, where an employee is dismissed unreasonably and unlawfully due to exercising union rights, the court or the Labour Tribunal may make an order for reinstatement or re-engagement without the need to secure the employer's agreement.

The Public Order Ordinance and HKNSL

83. In Hong Kong, the right of peaceful assembly is protected under the Basic Law. However, such right is not absolute and may be restricted by law in the interests of national security, public safety, public order (ordre public) and for the protection of the rights and freedoms of others, etc.

84. Like other metropolitan cities, the HKSAR has statutory regulation over public meetings and processions. The Public Order Ordinance (Cap. 245) ("POO") regulates matters in relation to assemblies and processions. The restrictions therein are consistent with the provisions in the ICCPR. The requirement and appeal system under the POO are listed in Annex 9.

85. The CFA has held that the statutory requirement for notification under POO is constitutional. It is required to enable the Police to fulfil the proactive duty resting on Government to take reasonable and appropriate measures to allow lawful demonstrations to take place peacefully.

86. The HKSARG emphasises that one must observe the law in force in exercising his or her right of peaceful assembly. The Police are duty bound to take appropriate actions against any illegal acts.

87. Please refer to paragraphs 20-23 for information on the HKNSL.

Item 17

88. It is the firm belief of the HKSARG that collective bargaining, if it is to be effective, should be voluntary. Employers and employees or their respective organisations are free to negotiate and enter into collective agreements on the terms and conditions of employment.

89. The HKSARG has all along taken measures appropriate to local conditions to promote voluntary and direct negotiations between employers and employees or their respective organisations. At enterprise level, LD promotes employer-employee communication and dialogue to human resources managers and corporate executives through 18 Human Resources Managers' Clubs covering various trades and industries. LD also promotes workplace consultation among different enterprises by organising seminars and producing publications, etc. At industry level, LD arranges sharing sessions and organisation visits for representatives of trade associations, employers and employee unions of various industries to enhance communication and understanding among the parties concerned.

90. The HKSARG's current approach of promoting voluntary and direct negotiations between employers and employees or their respective organisations has proved to be very effective. Collective agreements on issues related to the terms and conditions of employment were reached through voluntary negotiation in such trades or enterprises as printing, construction, public bus, aviation services, pig-slaughtering and food and beverage processing, etc. As the reporting of collective agreements reached between employers and employees is not mandatory, the Government does not keep the detailed information relating to collective agreements as requested.

Item 18

91. The Mandatory Provident Fund ("MPF") System fulfils the function of the second pillar of the multi-pronged retirement protection framework of Hong Kong by providing a mandatory, employment-based, privately managed, fully funded and defined contribution system. Except for exempt persons as defined under law, employees aged 18-64 and their employers are each required to make regular mandatory contributions to an MPF scheme calculated at 5% of the relevant income of the employees, subject to the statutory minimum and maximum relevant income levels which stand at HK\$7,100 and HK\$30,000 per month respectively. Self-employed persons aged 18-64 are also required to

make regulatory mandatory contributions calculated at 5% of their relevant income levels. As at July 2021, the estimated MPF enrolment rate of employers and relevant employees was 100%, while that of self-employed persons was 78%. The number of scheme members is over 4.5 million.

92. Scheme members accumulate MPF benefits during their working life up to their retirement age. A number of measures are taken with a view to ensuring adequacy of retirement benefits of scheme members under the MPF System. Please refer to Annex 10 for details.

Comprehensive Social Security Assistance Scheme

93. Under the Comprehensive Social Security Assistance (“CSSA”) Scheme, able-bodied adults have to participate in employment services in order to receive financial assistance. In April 2020, the Government launched the Employment Support Services (“EmSS”) to replace the Integrated Employment Assistance Programme for Self-reliance (“IEAPS”) with strengthened collaboration among various government departments, Employees Retraining Board and non-governmental organisations, so as to provide one-stop services to recipients.

94. From January 2013 to end-June 2021, there were a cumulative headcount of 122 958 persons participated in the IEAPS or EmSS, with 24 095 of them secured employment or returned to mainstream schooling. Among them, 5 976 participants left the CSSA net.

Guangdong Scheme and Fujian Scheme

95. The HKSARG launched the Guangdong Scheme and Fujian Scheme in 2013 and 2018 respectively. The Schemes are to enable Hong Kong elderly persons who choose to retire in the two provinces to receive the Old Age Allowance (now at HK\$1,475 per month). In 2020, the HKSARG extended the Old Age Living Allowance (“OALA”) to the two Schemes (now at HK\$2,845 and HK\$3,815 per month for Normal and Higher rates respectively). As at end-July 2021, there were about 19 000 and 2 000 recipients under the Guangdong Scheme and Fujian Scheme respectively.

96. It is worth noting that the social security system in Hong Kong is non-contributory in nature.

Item 19

97. In response to the challenges to elderly services arising from an ageing population, the HKSARG tasked the Elderly Commission to formulate the Elderly Services Programme Plan (“ESPP”), so as to strengthen the medium and long-term planning for elderly services. Among the 20 ESPP recommendations, 7 are completed/on-going while work has commenced for the other 13 recommendations. Major follow-up accomplished in the past few years include strengthening community care and residential care services, updating the Standardised Care Need Assessment Mechanism for Elderly Services, strengthening the financial sustainability of elderly services, promoting the use of information technology and increasing the supply of elderly service facilities. With regard to the perspective of safeguarding human rights, the Government has also made efforts to promote active ageing and healthy ageing, so as to build up a positive image of elderly persons and develop an age-friendly environment.

Item 20

98. The HKSARG has substantially enhanced cash welfare assistance for the needy in the recent years. The total recurrent expenditure in 2021-22 is estimated to reach HK\$67.4 billion, which is 56% higher than that in 2017-18.

99. As an integral part of HKSAR’s cash welfare assistance system, the CSSA Scheme has all along been serving its function as a safety net effectively to help those who cannot support themselves financially to meet their basic needs. According to the Court’s ruling, the HKSARG has reduced the CSSA pre-application residence in Hong Kong requirement from seven years to one year starting from December 2013.

100. The HKSARG has fully implemented a series of improvement measures to the CSSA Scheme in February 2021. These measures include relaxing the eligibility for a range of supplement and special grants, and significantly increasing the rent allowance.

101. As at end-July 2021, there were about 220 935 CSSA cases involving 316 598 persons, among which 64.4% were elderly/non-able-bodied recipients.

102. The Social Security Allowance Scheme has also been providing a monthly allowance to Hong Kong residents who are severely disabled or who are aged 65 or above to meet special needs arising from disability or old age. Amongst others, as stated in paragraph 127 of the report, the Government launched the Higher OALA in June 2018 to provide additional support to elderly

persons with financial needs. As at end-July 2021, there were over 610 000 OALA recipients, which was 24% more than that before the launch of Higher OALA. Over 90% of them (about 570 000 persons) were receiving the higher rate of HK\$3,815 per month.

103. Furthermore, the HKSARG launched the Working Family Allowance ('WFA') Scheme in April 2018 to implement a host of improvements to the former Low-income Working Family Allowance ("LIFA") Scheme. Our aim is to provide enhanced support to lower-income working households who are not on CSSA. As at end-July 2021, there were over 60 000 active WFA households under the WFA Scheme, nearly 120% more than that under the former LIFA.

Poverty alleviation impact of policy intervention measures

104. Based on the latest available statistics, 849 100 persons were lifted out of poverty⁹ after the HKSARG's recurrent cash, non-recurrent cash and means-tested in-kind policy intervention (all selected measures) in 2019, reducing the overall poverty rate by 12.2 percentage points to 9.2% (the corresponding size of the poor population was 641 500 persons).

105. The poverty alleviation impact of selected measures in 2019 is at Annex 11. In 2019, all selected measures reduced the poverty rate of children aged below 18 by 15.6 percentage points (to 9.3%), and reduced that of elders aged 65 and above by 25.2 percentage points (to 19.7%). All selected measures reduced the poverty rate of new-arrival households by 20.5 percentage points (to 14.6%).

106. According to the latest Hong Kong Poverty Situation Report on Disability 2013, the poverty rate of persons with disability was reduced by 15.8 percentage points to 29.5% after the Government's recurrent cash policy intervention in 2013, lifting 78 800 persons with disability out of poverty.

Reduction in income inequality via taxation and social transfer as measured by Gini Coefficient

107. The HKSARG has played a critical role in household income redistribution, actively via taxation and in-kind social benefits (including education, housing and medical services). If we measure income inequality in terms of Gini Coefficient ("GC"), which takes into account the entire income distribution (instead of only taking into account a portion of the households as

⁹ HKSAR adopts the concept of "relative poverty", and sets the poverty lines at 50% of the pre-intervention (i.e. before taxation and welfare transfer) median monthly household income by household size.

defined in item 6(b) of the list of issues), the GC compiled from post-tax post-social transfer monthly household income was 0.473 in 2016, lower than the 0.475 in both 2011 and 2006. Compared with the GC compiled based on original household income, taxation and social transfer reduced GC by 0.066 in 2016. This reduction was larger than the reductions in 2011 (0.062) and in 2006 (0.058), reflecting the increased strength and effectiveness of the Government's policies in narrowing income disparity:

Gini Coefficient	2006	2011	2016
(a) Original Household Income	0.533	0.537	0.539
(b) Post-tax post-social transfer	0.475	0.475	0.473
<i>Reduction ((a)-(b))</i>	0.058	0.062	0.066

Item 21

108. To meet Hong Kong people's demand for different types of housing, the HKSARG focuses on supply, and continues to increase housing supply on the basis of the Long Term Housing Strategy ("LTHS"). According to the latest housing demand projection in December 2020, the total housing supply target for the 10-year period from 2021-22 to 2030-31 was 430 000 units. Based on the public/private split of 70:30 for new housing supply, the public and private housing supply targets were 301 000 units and 129 000 units respectively. Within the public housing supply target of 301 000 units, the supply targets for Public Rental Housing ("PRH")/Green Form Subsidised Home Ownership Scheme ("GSH") and Other Subsidised Sale Flats ("SSFs") were 210 000 units and 91 000 units respectively.

109. Identifying land for housing construction continues to be the fundamental solution to increase the public housing supply. Upon years of efforts, the Government has identified 330 hectares of land required for providing 316 000 public housing units, which could satisfy the public housing demand of 301 000 units in the said 10-year period. The HKSARG has also been taking other measures to enhance the housing supply and alleviate the difficulties on livelihood faced by grassroots families who have been waiting for PRH for a prolonged period of time. Please refer to Annex 12 for details.

Measures in relation to the subdivided units

110. In addition, the HKSARG has introduced a bill into the LegCo with a view to implementing tenancy control on subdivided units ("SDUs") in Hong Kong. The bill aims to provide reasonable protection to SDU tenants through requiring the SDU landlords and tenants to sign a written tenancy agreement setting out their respective rights and obligations, providing SDU tenants with a

four-year security of tenure, restricting the level of rent increase upon tenancy renewal, and prohibiting SDU landlords from overcharging tenants on utility fees, etc. If the bill is passed, the new regulatory regime will come into operation in late 2021 or early 2022 at the earliest.

111. To safeguard the building safety of the SDUs, the Buildings Department (“BD”) takes enforcement action against building irregularities associated with SDUs through large scale operations and responding to reports from public and referrals from other Government departments. In general, BD will issue removal orders to the owners of the SDUs with actionable building irregularities identified, and instigate prosecution against the owners who fail to comply with the orders. These enforcement actions are carried out on an ongoing basis.

112. The HKSARG welcomes views and suggestions on our housing policy and measures and follows up on the complaints raised by members of the public. As for legal proceedings, eligible person may apply to the Legal Aid Department for legal aid.

Item 22

Healthcare manpower

113. The HKSARG published the Report of the Strategic Review on Healthcare Manpower Planning and Professional Development in June 2017, setting out ten recommendations to lay the foundation for healthcare manpower planning and the direction for professional development and regulation of healthcare professionals, with a view to ensuring that there are qualified healthcare professionals to support the healthy and sustainable development of the healthcare system in Hong Kong. The measures taken to address the shortage of doctors and other medical personnel are set out at Annex 13.

Collaboration with private sector

114. The Hospital Authority (“HA”) has introduced a number of public-private partnership (“PPP”) initiatives over the years to provide more healthcare choices for patients. One notable example is the General Outpatient Clinic Public-Private Partnership Programme (see Annex 14).

115. The HKSARG introduced the Voluntary Health Insurance Scheme (“VHIS”) on 1 April 2019 to regulate the individual indemnity hospital insurance products and improve market transparency, providing consumers with greater confidence in purchasing health insurance and using private healthcare services when in need, thereby alleviating pressure on public hospital services in the long

run.

116. As of 31 May 2021, there were 33 insurance companies registered as VHIS Providers, altogether offering 78 Certified Plans (including 33 Standard Plans and 45 Flexi Plans) with 296 product options for consumers. As of 31 March 2021, the number of VHIS policies reached 791 000.

117. The HKSARG progressively increased recurrent funding on public health having regard to population growth and demographic changes. In 2021-22, the estimated government expenditure on public health is more than HK\$110 billion, in which over HK\$80 billion is provided to HA's recurrent funding, representing an increase of 45% over the provision in 2017-18.

Item 23

118. Based on the recommendation of the Mental Health Review Report ("Review Report"), the Advisory Committee on Mental Health ("Advisory Committee") was set up by the HKSARG in December 2017 to, among others, follow up on and monitor the implementation of the 40 recommendations of the Review Report. The Advisory Committee monitors the progress of the recommendations under the purview of respective bureaux/departments and the HA through its regular meetings. Under the steer of the Advisory Committee, there have been significant enhancements in mental health services, including mental health promotion, child and adolescent mental health services, adult mental health services, and dementia services for the elderly persons. As at 31 July 2021, there are 16 recommendations at advanced stage of implementation, 13 recommendations underway and 11 recommendations subject to further deliberation. The Advisory Committee will continue to follow up on the implementation progress of the recommendations, particularly those subject to further deliberation, according to service needs and priorities.

Item 24

Children/ students in an irregular immigration situation

119. The HKSARG is committed to providing nine years of free universal basic education to children aged between six to fifteen. School-age children who do not have a legal stay in Hong Kong but are released on recognizance in lieu of detention may apply to the Education Bureau ("EDB") for attending a secondary or a primary school during their presence in Hong Kong. Holders of recognizance forms may approach direct post-secondary institutions for the admission arrangements. The handling of concerned applications to EDB and information on admission to post-secondary programmes are listed in Annex 15.

Fine-tuned medium of instruction arrangements for secondary schools

120. The fine-tuned Medium of Instruction (“MOI”) arrangements have been implemented at the junior secondary levels since the 2010/11 school year. After reviewing the implementation in the past decade, the EDB considers that schools in general have professionally capitalised on the flexibility accorded and enabled each and every student to benefit from diversified MOI arrangements, under which schools have offered their students more opportunities for exposure to and use of English, while ensuring their efficacy in learning non-language subjects. To cater for learner diversity among students, schools have adopted suitable teaching strategies (including the teaching medium) in accordance with the needs, aspirations and capabilities of their students as well as school-based circumstances.

Additional funding for Chinese language learning

121. EDB has further reviewed and enhanced the funding models. Starting from the 2020/21 school year, all schools admitting a relatively small number of non-Chinese speaking (“NCS”) students are provided with a two-tiered additional funding with the amount increased to HK\$0.15 million or HK\$0.3 million per year, depending on the number of NCS students admitted. Application is no longer required. In other words, all schools admitting NCS students are now provided with additional funding to enhance the support for NCS students’ learning of Chinese and the creation of an inclusive learning environment.

Widening the school choices of parents of NCS students

122. With the implementation of the series of enhanced support measures for NCS students starting from the 2014/15 school year, the number of schools admitting NCS students has increased from about 590 in the 2013/14 school year to about 650 in the 2020/21 school year, which covers about 70% of the schools in the territory. In view of the above, the Government’s policy intent of encouraging and supporting the integration of NCS students into the community, including facilitating their early adaptation to the local education system, is being attained progressively.

Item 25

Academic freedom and institutional autonomy in higher education

123. Academic freedom is an important social value treasured by Hong Kong and a cornerstone of our higher education sector's success and renown in the world, and the HKSARG has been attaching great importance to upholding academic freedom and institutional autonomy which are enshrined in the Basic Law. Under Article 137 of the Basic Law, educational institutions continue to enjoy their autonomy and academic freedom. They may continue to recruit staff and use teaching materials from outside the HKSAR. Furthermore, Article 34 of the Basic Law provides that Hong Kong residents shall have freedom to engage in academic research, literary and artistic creation, and other cultural activities. The safeguards of academic freedom and institutional autonomy enshrined in Articles 34 and 137 of the Basic Law remain in full force.

124. The post-secondary education institutions are independent and enjoy autonomy in their administration. At the same time, they have the responsibility to make sure that their operations are in compliance with the law as well as meet the interests of students and the community at large. The institutions have all instituted good governance systems, and are thus capable of properly addressing the views of different stakeholders and accounting for the long-term interests and needs of both the institutions and students in their decisions.

125. The appointment of academic staff is a matter under the autonomy of post-secondary education institutions. The HKSARG does not have information on particular cases involving the dismissal of academics by individual institutions to provide.

Deregistration of a school teacher

126. Teachers have the responsibility of teaching the correct concepts, providing students with correct information and nurturing in them positive values with a view to fostering their healthy personal growth and contributing to the development of the society. It is totally not acceptable for teachers to impart to students distorted and biased views, concepts inconsistent to the constitutional status of a region or country, or bring to students any harm that would adversely affect their growth. Based on evidences as well as nature and severity of the misconducted cases, for persons found not fit and proper to teach, their registration would be cancelled. In this connection, it is also note-worthy that while freedom of expression is respected, it is subject to certain restrictions including national security, public order (*ordre public*), public health, morals, etc. While we would not comment on individual cases, it is a general and reasonable

expectation of the public that teachers should serve as role models of their students.

Item 26

127. The HKSARG actively promotes web/mobile app accessibility to facilitate persons with disabilities to access online information and services. We have been co-organising a recognition scheme biennially with a local public organisation to encourage and recognise wider adoption of web/mobile app accessibility designs among enterprises and public/private organisations. Free assessment and advisory support are also provided to participating organisations to facilitate their understanding and fulfilment of technical requirements.

128. To ensure that public services provided through Government websites and mobile apps are accessible to persons with disabilities, all Government websites are in compliance with Level AA standard of the Web Content Accessibility Guidelines Version 2.0 or 2.1 promulgated by the World Wide Web Consortium. All Government mobile apps are incorporated with accessibility features. Compliance audit is regularly conducted on the accessibility of Government websites and mobile apps.

129. In addition, the HKSARG has been implementing different measures to support grass-roots students' e-learning. The Subsidy Scheme for Internet Access Charges has been implemented since the 2010/11 school year to disburse Internet access subsidies to eligible families to facilitate needy students' online learning at home. Through the Community Care Fund, the Government implemented a 3-year assistance programme in the 2018/19 to 2020/21 school years to subsidise needy primary and secondary school students to purchase mobile computer devices for e-learning. A special one-off grant was provided in early 2021 for schools to acquire wifi routers and mobile data cards for needy students who have no access to appropriate Internet services at home. Starting from the 2021/22 school year, the HKSARG will, through the Quality Education Fund, provide extra resources for publicly-funded schools to purchase mobile computer devices for loan to needy students, and provide portable WiFi routers and mobile data cards for needy students.

Annex 1

Examples of court cases with the provisions of the Covenant applied or invoked

Court of Final Appeal

1. *Kong Yunming v Director of Social Welfare* (2013) 16 HKCFAR 950 (December 2013)
 - Article 2 (progressive realization of the rights recognized in the Covenant and the exercise of those rights without discrimination) and Article 9 (right to social security)
2. *GA v Director of Immigration* (2014) 17 HKCFAR 60 (February 2014)
 - Article 2 (progressive realization of the rights recognized in the Covenant and the exercise of those rights without discrimination), Article 4 (permissible limitation of Covenant rights) and Article 6 (choice of occupation and labour rights)
3. *Comilang Milagros Tecson v Director of Immigration* (2019) 22 HKCFAR 59 (April 2019)
 - Article 4 (permissible limitation of Covenant rights) and Article 10 (protection of the family)

Court of Appeal

4. *Leung Sze Ho Albert v Bar Council of Hong Kong Bar Association* (2016) 5 HKLRD 542 (October 2016)
 - Article 6 (choice of occupation and labour rights)
5. *Lubiano Nancy Almorin v Director of Immigration* (2020) 5 HKLRD 107 (September 2020)
 - Article 6 (choice of occupation and labour rights) and Article 7 (right to enjoy just and favourable conditions of work)

Court of First Instance

6. *Secretary for Justice v Liu Wing Kwong* (2014) 2 HKLRD 155 (July 2013)
 - Article 4 (permissible limitation of Covenant rights)
7. *Loh Ming Yin v Hong Kong Examinations and Assessment Authority* (2020) 6 HKC 565 (July 2020)
 - Article 13 (right to education)

Annex 2

Legal aid services and eligibility

1. Legal aid is available for civil proceedings in the District Court, Court of First Instance, Court of Appeal and Court of Final Appeal; applications to the Mental Health Review Tribunal; and death inquests if the interests of public justice so require. Criminal legal aid is also available in the Court of First Instance and the District Court, committal proceedings in the Magistrates' Courts, appeals from the Magistrates' Courts and appeals to the Court of Appeal and Court of Final Appeal.
2. In order to be eligible for civil legal aid, an applicant has to meet a statutory financial eligibility limit and to show that there are reasonable grounds for bringing or defending the proceedings. The Director of Legal Aid ("DLA") may waive the statutory financial eligibility limit in meritorious cases where a breach of the Hong Kong Bill of Rights Ordinance (Cap. 383) or an inconsistency with the International Covenant on Civil and Political Rights as applied to Hong Kong is an issue.
3. For applicants facing criminal trials, those who pass both means test and merit test (i.e. if it is desirable in the interests of justice to grant legal aid) are eligible for legal aid. For appeals, it must be shown there are reasonable grounds to appeal, except where the applicant has been convicted of murder, treason or piracy with violence. DLA has the discretion to grant legal aid in a criminal case where the applicant's financial resources exceed the eligibility limit, if it is desirable in the interests of justice to do so, subject to the payment of a contribution at higher rates calculated according to the applicant's financial resources.

Annex 3

Pre- and post-intervention poverty rate since 2009

Year	Pre-intervention poverty rate (%)	Post-intervention poverty rate (%)	Reduction in poverty rate (% points)
2009	20.6	9.9	-10.7
2010	20.1	9.4	-10.7
2011	19.6	7.1	-12.5
2012	19.6	7.8	-11.8
2013	19.9	8.4	-11.5
2014	19.6	8.8	-10.8
2015	19.7	8.6	-11.1
2016	19.9	9.7	-10.2
2017	20.1	9.8	-10.3
2018	20.4	9.3	-11.1
2019	21.4	9.2	-12.2

Tax Revenue from 2011-12 to 2021-22

(HK\$Million)

	2021-22										
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	Estimate
Direct tax											
Profits tax	118,600	125,638	120,882	137,847	140,227	139,238	139,100	166,620	155,900	135,540	126,650
Personal assessment	4,512	4,078	4,420	4,817	4,790	5,220	5,342	5,963	5,000	6,294	6,130
Property tax	1,949	2,259	2,584	2,939	2,998	3,372	3,448	3,624	2,807	3,957	3,500
Salaries tax	51,761	50,467	55,620	59,347	57,868	59,077	60,839	60,146	50,412	75,027	64,390
Earnings and profits tax	176,822	182,442	183,506	204,950	205,883	206,907	208,729	236,353	214,119	220,818	200,670
Indirect tax											
General rates	9,722	11,204	14,911	22,272	22,733	21,250	22,203	17,167	20,980	19,044	19,099
Stamp duties	44,356	42,880	41,515	74,845	62,680	61,899	95,173	79,979	67,198	89,045	92,000
Bets and sweeps tax	15,761	16,565	18,066	19,479	20,127	21,119	21,959	22,194	22,012	20,877	22,100
Duties	7,725	8,977	9,720	10,010	10,712	10,254	10,701	10,636	11,391	11,852	12,129
Fees and charges [tax-loaded fees]	6,769	5,127	4,951	7,480	7,651	5,390	8,150	8,029	4,832	4,362	5,198
Motor vehicle taxes	7,070	7,466	8,338	9,549	9,311	7,814	8,594	9,432	7,219	6,594	6,369
Air passenger departure tax	1,947	2,029	2,244	2,347	2,516	2,598	2,737	2,881	2,347	101	714
Royalties and concessions	4,849	2,736	4,426	2,916	2,955	10,545	3,242	3,500	3,202	3,529	3,567
Estate duty	94	137	388	178	30	19	31	89	53	7	10
Taxi concessions	-	-	-	-	-	-	141	-	-	-	-
	98,293	97,121	104,559	149,076	138,715	141,029	172,790	153,907	139,234	155,411	161,186
Total tax revenue	275,115	279,563	288,065	354,026	344,598	347,936	381,519	390,260	353,353	376,229	361,856
Tax revenue in terms of % of government revenue	62.9%	63.2%	63.3%	74.0%	76.6%	60.7%	61.6%	65.1%	59.8%	66.7%	61.2%

Total Public Expenditure by Policy Area Group from 2011-12 to 2021-22

(HK\$Million)														Revised Estimate		Estimate						
Policy Area Group	2011 -12		2012-13		2013-14		2014-15		2015-16		2016-17		2017-18		2018-19		2019-20		2020-21		2021-22	
	\$M	%	\$M	%	\$M	%	\$M	%	\$M	%												
Education	67,891	17.6	76,600	19.1	76,392	16.7	73,724	17.4	78,968	16.9	82,436	16.7	88,465	17.4	108,035	19.0	125,341	19.5	108,011	12.6	110,870	14.4
Social Welfare	43,346	11.2	45,894	11.5	55,352	12.1	58,091	13.7	64,893	13.9	68,151	13.8	70,316	13.9	90,126	15.9	92,249	14.4	100,066	11.6	120,555	15.6
Health	45,297	11.7	59,572	14.9	67,602	14.8	57,508	13.6	70,424	15.0	66,474	13.4	71,095	14.0	78,275	13.8	87,347	13.6	98,308	11.4	115,827	15.0
Security	31,522	8.2	33,937	8.5	35,293	7.7	38,906	9.2	43,108	9.2	43,162	8.7	45,833	9.0	50,455	8.9	56,732	8.8	64,609	7.5	62,392	8.1
Infrastructure	52,545	13.6	61,695	15.4	73,723	16.1	74,126	17.5	81,021	17.3	89,402	18.1	86,291	17.0	75,211	13.3	66,844	10.4	77,575	9.0	84,381	10.9
Environment & Food	17,733	4.6	18,911	4.7	23,762	5.2	21,521	5.1	20,839	4.4	20,834	4.2	21,586	4.3	24,291	4.3	30,680	4.8	35,129	4.1	35,324	4.6
Economic	47,302	12.3	33,298	8.3	37,298	8.2	20,529	4.8	19,037	4.1	29,365	5.9	20,585	4.0	26,034	4.6	40,035	6.2	116,002	13.5	88,059	11.4
Housing	18,98	4.9	20,501	5.1	21,268	4.6	24,349	5.7	29,405	6.3	28,875	5.8	32,780	6.5	31,159	5.4	31,099	4.8	36,005	4.2	42,110	5.5
Community & External Affairs	26,033	6.8	13,228	3.3	27,718	6.1	12,618	3.0	13,495	2.9	14,851	3.0	16,343	3.2	24,835	4.4	20,302	3.2	22,749	2.6	26,046	3.4
Support	35,054	9.1	36,543	9.2	38,938	8.5	42,734	10.0	46,838	10.0	51,266	10.4	54,280	10.7	59,157	10.4	92,053	14.3	201,682	23.5	85,827	11.1
Total Public Expenditure	385,641	100.0	400,179	100.0	457,346	100.0	424,106	100.0	468,028	100.0	494,816	100.0	507,574	100.0	567,578	100.0	642,682	100.0	860,136	100.0	771,391	100.0
Nominal GDP In term of % of Nominal GDP	1,934,430		2,037,059		2,138,305		2,260,005		2,398,280		2,490,438		2,659,384		2,835,119		2,844,560		2,710,730		2,859,800	
3 Major Policy Area Groups (Education, Social Welfare and Health)	156,534	40.5	182,066	45.5	199,346	43.6	189,323	44.7	214,285	45.8	217,061	43.9	229,876	45.3	276,436	48.7	304,937	47.5	306,385	35.6	347,252	45.0

Annex 6

Public healthcare services in Hong Kong

1. The provision of public healthcare services in Hong Kong is primarily prioritised to meet the needs of Eligible Persons (“EP”) ¹. Nevertheless, the Hospital Authority (“HA”) would provide medical services for Non-eligible Persons (“NEP”) ², including non-refoulement claimants, in emergency situations. In non-emergency situations, service provision for NEP is subject to HA’s capacity to provide such services without adversely affecting the services to EP on each episode. Medical services provided by HA for NEP are charged on cost recovery basis as published in the Gazette. Before settlement of all outstanding fees, NEP would only be provided with medical services related to major public health threats or in emergency situations. Once the NEP are stabilized, their care would be handed over to and continued by their own medical practitioners or their country of origin.
2. To ensure rational use of limited public resources, normally medical fees would not be waived for NEP unless there are exceptional circumstances and financial hardship. NEP in need may submit application for medical fee waiver to HA or the concerned service units of the Social Welfare Department. HA would consider the circumstances of each case and decide whether an application for medical fee waiver would be accepted. For approved applications, HA would exercise discretion to waive medical fees in full or partially.
3. Members of the public may access more information about the medical fee waiver mechanism for NEP and application procedures in HA’s internet website.

¹ Eligible Persons refer to (1) holders of Hong Kong Identity Card issued under the Registration of Persons Ordinance (Cap. 177), except those who obtained their Hong Kong Identity Card by virtue of a previous permission to land or remain in Hong Kong granted to them and such permission has expired or ceased to be valid; (2) children who are Hong Kong residents and under 11 years of age; or (3) other persons approved by the Chief Executive of the Hospital Authority.

² Persons who are not Eligible Persons are classified as Non-eligible Persons.

**Handling of enquiries and complaints
from foreign domestic helpers**

1. If an foreign domestic helper (“FDH”) considers that his/her employer has failed to provide suitable accommodation or has breached any of the terms concerning accommodation arrangements as provided in the Standard Employment Contract (“SEC”), or his/her employment rights are being infringed, he/she may approach Labour Department (“LD”) for free consultation and conciliation services. The FDH may also report the case to the Immigration Department (“ImmD”). If an employer breaches his/her undertaking to the Government and/or fails to provide the FDH with free, suitable and furnished accommodation as provided under SEC, it will be one of the factors in ImmD’s consideration of the employer’s future applications for employing an FDH. The adverse record may lead to any such application being refused. Furthermore, if an employer knowingly furnishes a false representation or statement to immigration officers in the course of a visa application, including the intended accommodation arrangement, he/she may be subject to criminal investigation and prosecution.
2. In 2019 and 2020, LD handled 1 077 and 785 claims involving FDHs respectively. LD does not keep a breakdown of whether the claims concern accommodation, food or other in-kind benefits. Around 75% of the claims were settled through conciliation, showing that the majority of the claims were only normal labour disputes.
3. If FDHs have any enquiries about Employment Ordinance (“EO”) and their employment rights and benefits, or would like to file employment-related complaints, they can contact LD through the dedicated 24-hour FDH hotline which provides interpretation service in seven languages, by sending emails to FDH Division or through the online form on the FDH Portal. In 2019 and 2020, LD received 4 840 and 14 268 enquiries/complaints from FDHs respectively, the majority of which concerned FDHs’ employment rights and benefits. Among which, 3 836 and 10 367 enquiries/complaints were received through the dedicated FDH hotline respectively. LD does not maintain a breakdown of the nature of the enquiries/complaints.

Annex 8

Support for foreign domestic helpers during COVID-19 epidemic

1. During the COVID-19 epidemic, the Labour Department (“LD”) continued to provide support to foreign domestic helpers (“FDHs”) and their employers, including providing several rounds of free, voluntary COVID-19 testing service to FDHs from August 2020 to July 2021, setting up mobile specimen collection stations at popular gathering places of FDHs. Furthermore, FDHs can get vaccinated in Hong Kong free of charge.
2. LD also undertook a wide range of publicity, including conducting mobile broadcasts in popular gathering places of FDHs on Saturdays and Sundays to call upon them to wear masks and not to gather in groups and disseminating the latest health information to them. Since early 2020, LD repeatedly issued press releases to remind employers of their obligations under Employment Ordinance (“EO”) and Standard Employment Contract. For example, employers were reminded that they must not compel their FDHs to work on the latter’s rest days. An employer who compels his/her FDH to work on a rest day without the agreement of the FDH or fails to grant rest days to the FDH is in breach of EO and is liable to prosecution and, upon conviction, to a maximum fine of HK\$50,000.

Annex 9

Requirement and appeal system under the Public Order Ordinance (Cap. 245)

1. Any public meeting with participants of more than 50 persons or any public procession with participants of more than 30 persons that are regulated under the Public Order Ordinance (“POO”) may be conducted only if a notice has been given to the Commissioner of Police (“the Commissioner”) who gives no prohibition or objection. The Commissioner will carefully examine each case based on all the relevant facts and circumstances. By law, the Commissioner may only prohibit or object a public meeting or public procession if it is necessary in the interests of national security, public safety, public order or the protection of the rights and freedoms of others, and when those interests could not be met by the imposition of conditions.
2. There is also a proper appeal system. If a person is aggrieved by the decision of the Commissioner to prohibit a public meeting, to object a public procession or to impose conditions on the holding of a public meeting or procession, he may lodge an appeal to the independent statutory Appeal Board on Public Meetings and Processions (“Appeal Board”). The Appeal Board is chaired by a retired judge. It may confirm, reverse or vary the prohibition, objection or condition imposed by the Commissioner. The decision of the Appeal Board is also amenable to the challenge of judicial review.

**Measures to ensure adequacy of retirement benefits under
Mandatory Provident Fund Scheme**

1. Under the Mandatory Provident Fund (“MPF”) System, a statutory mechanism is in place to review the minimum and maximum relevant income levels for the mandatory contribution not less than once in every four years. Furthermore, the Default Investment Strategy introduced in 2017 offers a default and low-fee investment solution for MPF scheme members by requiring trustees to offer funds that are subject to fee caps, global investment strategy for risk diversification and automatic de-risking as members approach retirement age.
2. The Government and the Mandatory Provident Fund Schemes Authority are taking forward the eMPF Platform project, being a major reform initiative since inception of the MPF System in 2000, to enhance operational efficiency and create room for fee reduction. The eMPF Platform is a common electronic platform to streamline, standardise and automate the MPF scheme administration processes through digital and innovative solutions. The Project is expected to achieve cost efficiency and savings to the benefit of scheme members, cumulating to an estimated range of HK\$30 billion-\$40 billion over a 10-year period. Our target is to complete the development work by end-2022 for phased migration of existing trustees to the centralised platform. The eMPF Platform is expected to be fully functional in around 2025.
3. The Government is taking steps to abolish the arrangement of using MPF benefits derived from employers’ mandatory contributions to offset severance payment and long service payment, and has proposed to pay mandatory contributions for low-income scheme members to enhance their retirement protection. These measures are to be implemented after the eMPF platform comes into full operation.

Annex 11

The poverty alleviation impact of selected measures in 2019

Selected measures	Reduction in overall poverty rate (percentage points)
All selected measures	12.2
<i>Of which:</i>	
Public rental housing	3.7
Recurrent cash measures	5.6
<i>Of which:</i>	
Comprehensive Social Security Assistance	2.2
Old Age Living Allowance	2.2
Working Family Allowance	0.6
Education benefits	0.6
Disability Allowance	0.4
Old Age Allowance	0.2
Non-recurrent cash measures	2.1

Measures to increase public housing supply and Assistance to families in need of public housing

1. In terms of housing construction, the Government departments concerned endeavour to expedite the development process and optimise the development potential of each public housing site where practicable. For example, where planning and infrastructure permit and without compromising the environment to an unacceptable extent, the Government will suitably relax development restrictions (e.g. plot ratio, building height) of sites through liaison with relevant departments or submission of planning applications; and enlarge and/or amalgamate sites to create larger development site area to increase housing production where appropriate.
2. In addition to building more Public Rental Housing (“PRH”), the Long Term Housing Strategy (“LTHS”) also underlines the importance of the rational use of existing PRH resources. From time to time, the Hong Kong Housing Authority reviews relevant policies and adopts appropriate measures to accord priority to allocating PRH resources to those with more pressing housing needs.

Assistance to families in need

3. As housing supply cannot yet fully meet demand, the Task Force on Transitional Housing under the Transport and Housing Bureau has been actively spearheading and collaborating with non-government organisations (“NGOs”) with a view to increasing the supply of transitional housing. In general, the target applicants of the transitional housing units are families waiting for public rental housing for a long time or those who live in inadequate housing. The NGO may also reserve not more than 20% of units for other types of applicants including those households that are reasonably considered to be in urgent need for community support.
4. In order to alleviate the difficulties on livelihood faced by grassroots families who have been waiting for public rental housing for a prolonged period of time, the Government launched the three-year Cash Allowance Trial Scheme launched in end-June 2021, and started to disburse cash allowance to eligible applicant households from late July 2021.

**Measures to enhance supply of
doctors and other medical personnel**

1. For healthcare manpower, given the projected shortage of various types of healthcare professionals, the Government increased the number of healthcare-related publicly-funded first-year-first-degree intake places by over 150 in the 2019/22 triennium. The Government has also subsidised over 1 300 students studying in qualified self-financing healthcare training programmes in the 2020/21 cohort.
2. To update the demand and supply projections of healthcare professionals, the Government conducts a new round of manpower projections once every three years in step with the triennial planning cycle of the University Grants Committee. The Government will consider further increasing the number of healthcare training places according to the latest projection results released in March 2021.
3. For admission of non-locally trained healthcare professionals, there are avenues for them to practise in Hong Kong. For those professions where full registration is granted to non-locally trained professionals through licensing examinations, the Medical Council of Hong Kong, the Dental Council of Hong Kong and the Nursing Council of Hong Kong had increased their frequency of licensing examinations and, where appropriate, introduced more flexibility for internship arrangement.
4. In view of the serious shortage of doctors in Hong Kong, the Government has introduced the Medical Registration (Amendment) Bill 2021 into the LegCo on 2 June 2021 in order to create a new pathway for admission of qualified non-locally trained Hong Kong doctors to practise in our public healthcare sector.

General Outpatient Clinic Public-Private Partnership Programme

1. The General Outpatient Clinic Public-Private Partnership Programme (“GOPC PPP”) launched in mid-2014 subsidises clinically stable patients with hypertension and/or diabetes mellitus attending the GOPCs of the Hospital Authority (“HA”) to opt for care from a private doctor of their choice to follow up on their chronic diseases, such that a long-term family doctor-patient relationship can be established for achieving the objectives of continuous and holistic primary care. Nearly 600 private doctors have participated in the Programme, which covers 18 districts of Hong Kong.
2. Patients fulfilling pre-defined clinical criteria and programme requirements and who have been attending HA Outpatient Clinic for at least 12 months, will be invited to join the Programme for receiving primary care service from the private sector. Each patient will receive up to 10 subsidised visits per year, including medical consultations and prescriptions covering both chronic and episodic illnesses; and X-ray and investigation services provided by HA as specified through private doctors’ referral.
3. Under the Programme, participating patients only need to pay the same fee as HA GOPC for each consultation. A participating patient who is eligible for a waiver may enjoy the same fee waiver arrangement as for HA’s service when he/she attends the private doctors for services under the Programme. Under mutual agreement, individual patients may receive further services and treatment at their own expenses. Those who have participated in the Elderly Health Care Voucher Scheme can meet such additional charges from their Health Care Voucher accounts.

**School placement assistance to children/ students
in an irregular immigration situation**

1. Upon receipt of application from school-age children who do not have a legal stay in Hong Kong but are released on recognizance for a placement in a secondary or a primary school, the Education Bureau (“EDB”) will take into account the circumstances of individual cases and consult Immigration Department (“ImmD”). If the children concerned will not be removed from Hong Kong shortly, and ImmD does not have any comment, EDB will vet the application and offer placement assistance having regard to factors like age, educational background, etc. of the children concerned. Their right to education is adequately protected under the existing mechanism.
2. For the purpose of admission to post-secondary programmes in Hong Kong, holders of recognizance forms are generally regarded as non-local students and their applications for admission, if any, will be processed in the same way as for other non-local students, outside the Joint University Programmes Admissions System (“JUPAS”). Post-secondary institutions enjoy a high degree of autonomy in admission of students; requirements for student admission may vary between institutions and programmes. Holders of recognizance forms are advised to contact the institutions direct on the admission arrangements of the programmes they are interested in.