

HKJA's Response to the Outline of the Third Report of the Hong Kong Special Administrative Region (HKSAR) under the United Nations International Covenant on Economic, Social and Cultural Rights

The People's Republic of China (PRC) is going to present her second periodic report on the implementation of the United Nations' International Covenant on Economic, Social and Cultural Rights (ICESCR), which includes the respective implementation in Hong Kong.

After reading the consultative outline of the report prepared by the Constitutional and Mainland Affairs Bureau (CMAB), the Hong Kong Journalists Association would like to state our concerns in relation to the trade union issues and the guarantee mechanism of the overall enjoyment of the ICESCR.

Minimum Wages Needed

According to the Article 7(a)(ii) of the ICESCR, all workers' remuneration should be enough for a decent living for themselves and their families, but the labour conditions in Hong Kong are far from fulfilling this end. With the failure to protect the job opportunities of the local workers against illegal workers from mainland China and abroad, the wages level of labour workers is steadily going down. The figures say it all. The Gini coefficient, which demonstrates the disparity between the rich and the poor, of Hong Kong has grown from 0.476 in 1991 to 0.533 in 2006. It has surpassed most of the advanced countries, United Kingdom, USA, Canada and Australia, to name a few, in the world.

Moreover, the wages level has slipped despite inflation. To earn more to feed the family, labour workers have to work overtime continuously at the expense of their time for rest. By failing to maintain the resting hours and the leisure for the work force, the Hong Kong government has not kept to its obligations under Article 7(d).

The HKJA therefore calls for the setting up of a minimum wage scheme to protect the labour force and to ensure the workers enjoy'

their rights guaranteed by Article 7. We are concerned that if the enjoyment of Article 7 is not protected, the enjoyment of Article 11 of the ICESCR, namely, right to an adequate standard of living, may be jeopardized, too.

Lack of Collective Bargaining Power

The Hong Kong government noted in its outlines of the report of the promotion of effective communications, consultation and voluntary negotiation between employers and employees in reporting the implementation of Article 8 of the ICESCR. However, the HKJA holds the view that it should contain the promotion of collective bargaining power by a trade union.

While the Labour Advisory Board may discuss industrial wide matters, workers in individual corporations have not been properly protected. It is mainly the result of a lack of collective bargaining powers of trade union in different companies. As a matter of fact, lack of this power reciprocally dragged down the development of trade union. The workers are thus deprived of the right to be protected by collective power in their work place although it is guaranteed by core treaties of the International Labour Organisation.

Human Rights Commission Should be Established

The HKJA regrettably notes the lack of any mention of the setting up of a human rights commission. According to the Concluding observations compiled by the Committee on Economic, Social and Cultural Rights in 2005 regarding Hong Kong, the Committee had expressed concern over the repeated failure of the Hong Kong government on setting up a human rights institution with a broad mandate. Such concern had been expressed in the Committee's 2001 Concluding observation but was ignored by the Hong Kong government.

The failure of the setting up of such human rights institution may weaken the enjoyment of rights stated in the ICESCR. The HKJA therefore strongly urges the Hong Kong government to include in its periodic report of progress in this regard. At this juncture, we call upon the government to positively consider the setting up of a human rights commission as soon as possible.

As a trade union safeguarding journalists' rights, the HKJA will make our submission to the Committee on ICESCR in due course.

Executive Committee
Hong Kong Journalists Association