

**COMMITTEE ON THE
RIGHTS OF THE CHILD**

**WRITTEN REPLIES BY THE GOVERNMENT OF CHINA CONCERNING
THE LIST OF ISSUES (CRC/C/Q/CHN/2) RECEIVED BY THE COMMITTEE ON
THE RIGHTS OF THE CHILD RELATING TO THE CONSIDERATION OF THE
SECOND PERIODIC REPORT OF CHINA**

Part I:

**SPECIAL ADMINISTRATIVE REGION OF HONG KONG
(CRC/C/83/Add.9)**

[Received on 30 August 2005]

CRC/C/RESP/89 (II)

**Implementation of the Convention of the Rights of the Child:
Hong Kong Special Administrative Region Government's Response to
the List of issues to be taken up by the United Nations
Committee on the Rights of the Child in connection with the consideration of
the second periodic report of CHINA (CRC/C/83/Add.9, Part I and Part II)**

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**Government of the Hong Kong Special Administrative Region's
Response to the List of Issues raised by the United Nations
Committee on the Rights of the Child**

[NOTE: in this response, we have omitted questions that do not apply to the Hong Kong SAR.]

PART I

A. Data and statistics, if available

1. Please provide disaggregated statistical data (by gender, age groups, ethnic groups, urban and rural areas) covering the years 2002, 2003 and 2004 on the number and percentage of children under 18 living in mainland China and the Special Administrative Regions of Hong Kong and Macau respectively.

Age group	Sex	Population			Percentage distribution of population		
		2002	2003	2004	2002	2003	2004
0-4	Male	138 600	135 700	134 600	2.0	2.0	2.0
	Female	129 000	127 200	125 400	1.9	1.9	1.8
5-9	Male	202 800	192 600	181 400	3.0	2.8	2.6
	Female	189 500	180 000	170 200	2.8	2.6	2.5
10-14	Male	223 700	223 000	220 500	3.3	3.3	3.2
	Female	210 800	210 700	207 600	3.1	3.1	3.0
15-17	Male	132 900	131 600	135 100	2.0	1.9	2.0
	Female	125 300	125 000	129 000	1.8	1.8	1.9
0-17	Male	698 000	682 900	671 600	10.3	10.0	9.8
	Female	654 600	642 900	632 200	9.6	9.5	9.2
18 and above	Male	2 601 900	2 611 100	2 643 900	38.3	38.4	38.4
	Female	2 832 500	2 866 200	2 934 900	41.7	42.1	42.6
Overall	Male	3 299 900	3 294 000	3 315 500	48.6	48.4	48.2
	Female	3 487 100	3 509 100	3 567 100	51.4	51.6	51.8

2. In the light of Article 4 of the Convention, please provide disaggregated data on budget allocations and trends (in absolute figures and percentages of the national budget) for the years 2003, 2004 and 2005 regarding the implementation of the Convention evaluating also the priorities for budgetary expenditures given to the following:

(a) education (different types of education, i.e. pre-primary, primary and secondary education, and vocational training): the position is as follows –

(i) overall education budget¹

(Figures are rounded to the nearest HK\$5 million)

	2002-03		2003-04		2004-05	
	Budget Allocation		Budget Allocation		Budget Allocation	
	HK\$ million	%	HK\$ million	%	HK\$ million	%
Pre-primary	850	0.31	855	0.31	835	0.31
Primary	11,200	4.10	11,735	4.20	11,065	4.17
Secondary	16,520	6.05	16,530	5.92	16,545	6.24
Special	1,455	0.53	1,405	0.50	1,310	0.49
Adult	90	0.03	50	0.02	35	0.01
Teacher Training	1,470	0.54	1,505	0.54	1,305	0.49
Vocational Education	1,705	0.62	1,625	0.58	1,560	0.59
Higher Education	12,900	4.72	13,580	4.86	11,990	4.52
Others ²	1,800	0.66	1,870	0.67	2,825	1.06
Total	47,990	17.58	49,155	17.61	47,470	17.90

(ii) **pre-school education:** financial assistance is available to low income families with children aged under six years and who have a social need to place their children in full day care. The cost of such assistance has been as follows –

¹ Expenditure on education comprises recurrent expenditure and capital expenditure (non-works items) under General Revenue Account, capital expenditure under Capital Works Reserve Fund (mainly for capital works projects) and Loan Fund. As the expenditure under Capital Works Reserve Fund and Loan Fund fluctuates considerably year to year, we consider it more meaningful to base our analysis on budget allocations on recurrent expenditure and capital expenditure under the General Revenue Account only.

² 'Others' include expenditure on home-school co-operation activities, school uniformed group activities, bureau support, and other non-recurrent expenditure.

	2002-03 (HK\$ million)	2003-04 (HK\$ million)	2004-05 (HK\$ million)
Child Care Centre Fee Assistance Scheme	368	355	356
Subvention to aided child care centres	90	93	90
Total	458	448	446

(b) health care (different types of health services, i.e. primary health care, vaccination programmes, adolescent health care, HIV/AIDS and other health-care services for children, including social insurance): spending on health care services for children was as follows –

	2002-03 (HK\$ million)	2003-04 (HK\$ million)	2004-05 (HK\$ million)
Family Health Service ³	402.3	374.4	376.4
School Dental Service	179.3	174.5	170.5
Student Health Service	149.4	144.4	130.3
Adolescent Health	102.2	90.3	90.2
Child Assessment Service	79.4	76.1	73
AIDS Counselling and Education*	21.9	18.8	18.4
HIV Management*	65.5	68.2	77.5
Total	999.8	946.7	936.3

*The AIDS/HIV services are not specifically tailored for children but are available to them if needed.

³ Two of the core services provided by the Family Health Service (FHS) that are specifically child-related are the immunization service and the developmental surveillance service. The FHS also provides pre-natal and post-natal services and parenting programmes.

(c) programmes and services for children with disabilities:

(i) from birth to the age of 6, the Government provides a comprehensive range of pre-school services to enhance the physical, psychological and social development of children with disabilities or children at risk of becoming disabled. School-aged children have access to a range of primary and secondary education programmes, depending on their individual capacities. Through early intervention, we seek to reduce developmental delay, increase opportunities for participating in ordinary schools and daily activities, prepare students for post-school training and adult life, and help families to meet their special needs. The budgetary allocation for these services is as follows –

Services	2002-03 (HK\$ million)	2003-04 (HK\$ million)	2004-05 (HK\$ million)
Early Education & Training Centre	84.878	94.758	92.258
Special Child Care Centres	169.283	169.058	161.230
Integrated Programme in Child Care Centres	81.835	78.589	76.578
Occasional Child Care Service for Disabled Children	2.452	2.362	2.225
Special provision for children with autistic Features	8.961	8.674	8.194
Residential Special Child Care Centre	18.307	17.182	15.925
Small Group Homes	10.553	10.268	8.232
Education for disabled children in the public school sector	1,572.7	1,525.8	1,428.8

(d) support programmes for families: such programmes include the services provided by the Integrated Family Service Centre, the Family Life Education Unit, Family Aide, and the Family Crisis Support Centre. The budgetary allocation for these programmes is as follows –

2002-03 (HK\$ million)	2003-04 (HK\$ million)	2004-05 (HK\$ million)
663.5	649.8	612.5

(e) support for children living below the poverty line: our policy is to ensure that the healthy and balanced development of children in Hong Kong is not compromised by the financial situation of their families.

Hong Kong does not recognise an official poverty line. At present, we view the matter pragmatically and provide various forms of social and other welfare benefits (such as subsidised rental accommodation) to families who meet the prescribed criteria, which include such things as such as household income levels. Our policies and practices in this regard are explained in our report.

However, with the advice of the newly established Commission on Poverty (see Part III, (b) below), we are developing a set of poverty indicators to gauge the multi-dimensional nature of poverty. These will help us better to understand and hence tackle the specific and diverse needs of children from disadvantaged families.

As we explained in section VIIE of the report (paragraphs 360 to 367) children from needy families have access to the benefits provided under the Comprehensive Social Security Assistance scheme. In the last three years, the numbers were as follows –

	2002-03		2003-04		2004-05	
	No. of recipients	(HK\$ million)	No. of recipients	(HK\$ million)	No. of recipients	(HK\$ million)
<i>CSSA recipients aged under 15</i>	109,650	3,257	120,757	3,443	120,602	3,544
<i>CSSA recipients aged under 18</i>	136,445	4,070	152,657	4,362	155,146	4,568

There are also other support services for children and youth from low income families, these are –

Service	2002-03 (HK\$ million)	2003-04 (HK\$ million)	2004-05 (HK\$ million)

Extended Hours Service for families and working parents	19	14	13
The After School Care Programme ⁴	21	21	10 ⁵

Additionally, mutual help child care centres provide informal child care services at the neighbourhood level. The service is operated by local organizations, church groups, and so forth. It operates on a non-profit-making, self-financing basis with volunteers or group members serving as carers for families that need ad hoc or short-term child care arrangements.

(f) protection of children who are in need of alternative care including the support of care institutions: see the response to A2(a)(i) below.

(g) programmes and activities for the prevention of and protection from child abuse, child sexual exploitation and child labour: taking each area seriatim -

(i)child abuse: the Social Welfare Department's six Family and Child Protective Services Units provide integrated services⁶ for families with problems of child abuse, spouse battering and child custody disputes. The related budgetary provision is as follows –

2002-03 (HK\$ million)	2003-04 (HK\$ million)	2004-05 (HK\$ million)
97.4	94.1	102.2

(ii)child sexual exploitation: every two years, the Police Force's Child Protection Policy Unit (see paragraph 281 of our report) holds three two-week training programmes on child protection for police officers and social workers designated to deal with child abuse cases. Between 2003 and 2005, five such courses were conducted for a total of 73 police officers and social workers trained. Other new programmes are explained in Part III below. The cost of the training programmes and the initiatives in Part III is met from the overall annual budget allocated to the Police Force, which draws on those

⁴ Supportive services for students whose parents are unable to provide proper care for them after school hours due to work or other reasons. The services provided include homework guidance, parental guidance, meal service, skills learning, and other social activities.

⁵ The adjustment of resources in 2004-05 reflects service revamping and efficiency savings.

⁶ Social investigation, statutory protection, counselling, group work service, outreaching and educational programmes

resources in accordance with the prevailing crime situation and operational need. We cannot, therefore, provide disaggregated financial data.

(iii)child labour: the budget allocation for the prevention of child labour is included in the general budget for the protection of rights and benefits of employees. The budget does not lend itself to disaggregation. The relevant law is contained in the Employment of Young Persons (Industry) Regulations and the Employment of Children Regulations, which are subsidiary legislation under the Employment Ordinance (Chapter 57). The Labour Department rigorously enforces their provisions through routine and surprise inspections of workplaces. In 2004, it conducted a total of 131,727 inspections to ensure compliance with the law.

(h) programmes and services for children belonging to minority groups, and refugees: the 1951 Convention Relating to the Status of Refugees does not apply to Hong Kong. Claims for refugee status which are lodged in Hong Kong are dealt with by the United Nations High Commissioner for Refugees (UNHCR) Office here. Where persons have been mandated by the UNHCR as refugees, the Director of Immigration may, on a case-by-case basis, grant them recognizance so that they may continue their presence in Hong Kong pending their resettlement in other countries arranged by the UNHCR. Those whose claims are denied and who have no permission to remain here have to leave Hong Kong in accordance with our laws. Requests for schooling are considered on a case-by-case basis. Mandated refugees may also receive assistance from the UNHCR and local NGOs.

But Hong Kong is now home to several thousand children of mainly South and Southeast Asia, many of whom, for cultural reasons and because of language differences - find it difficult to adapt to the local way of life. They and their communities are of priority concern to us and we have introduced several initiatives to address their difficulties and to facilitate their integration into the wider community. Those initiatives cover several policy areas and not all of them readily lend themselves to disaggregation. The key ones are as follows –

(1) The educational mainstream

The Education and Manpower Bureau's Initiation and Induction Programmes are support services provided to newly arrived children, including those from the ethnic minorities, to help them integrate to Hong Kong society and the local, mainstream, education system. Schools admitting such children may also apply for a 'School Based Support Scheme Grant' to run additional school-based courses to support the learning process. The budget allocation is as follows -

Year	(HK\$ million)
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2002-03	3
2003-04	4
2004-05	4

(2) Race relations: services for minority children

Our programmes are designed to help the minority communities adapt to life in Hong and it is not always possible to disaggregate expenditure by age group as most of the specific projects are designed for the benefit of whole communities rather than for any particular age group. However, there are a few that are either specifically designed for the benefit of children or contain sub-elements that serve that purpose. In the period in question, the total budget for race relations was –

	2003 (HK\$ million)	2004 (HK\$ million)	2005 (HK\$ million) (estimate)
Total budget	5.47	5.83	6.57
Approximate amount allocated for children	0.57	0.77	1.01
(% of overall programme)	(10.5%)	(11.1%)	(15.4%)

Details of the programmes that benefit minority children are as follows –

(i) 2003 –

- **the Equal Opportunities (Race) Funding Scheme:** an annual programme to encourage community-based initiatives to promote awareness and to encourage contact between the minorities and the majority population. Projects sponsored included 16 that were specifically child-oriented at a total cost of about \$428,000. These included home visits, camping, and recreational activities for minority youth; and
- **a drawing competition-cum-mural project:** we enrolled 100 young participants of different ethnic origins, trained them in a series of mural workshops and painted a highly visible mural. The aim of the project was to encourage awareness of racial harmony among multi-racial groups.

(ii) 2004 –

- **the Equal Opportunities (Race) Funding Scheme (as explained above):** the 2004 exercise included 15 child-oriented projects at a total cost of about \$359,000. As in 2003, these included home visits, city tours, camping, and recreational activities for minority youth;
- **an education kit:** a classroom teaching aid on race relations;
- **the after-school support programme:** to help minority children and their parents to adapt to school life in Hong Kong. The programme is paid for by the Home Affairs Bureau delivered by an experienced NGO. It comprises such elements as language lessons, assistance with homework, and focus groups for parents; and
- **The Harmony Scholarship Scheme:** a programme to give recognition to schools that have made a special effort to diversify their enrolment and further the education of minority children.

These initiatives will continue in 2005.

(3) Health and welfare programmes

Minority children also access to the health and welfare programmes and services that are available to all children in Hong Kong. But the related costs form an integral part of the programmes that are in place for families and children. Their share of overall expenditure cannot be disaggregated.

(i) programmes and services for abandoned children, including street children: residential child care services (institutional and non-institutional) are provided for children and young persons because of family problems or their own behavioural, emotional or relationship problems and who cannot be adequately cared for by their families. These include abandoned children, victims of abuse and violence, and children/young persons exhibiting suicidal behaviour, psychological problems or facing other life crises.

Non-institutional services include foster care and small group homes. Institutional services include residential crèches and nurseries, children's reception centres and homes, and boys'/girls' homes and hostels. Budgetary provision in the period under review was as follows -

Service	2002-03 (HK\$ million)	2003-04 (HK\$ million)	2004-05 (HK\$ million)
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Service	2002-03 (HK\$ million)	2003-04 (HK\$ million)	2004-05 (HK\$ million)
Foster care (Under 18)	64.2	72.2	72.1
Small group homes (4-18)	140.3	137.1	131.8
Residential home (Over 6)	133.0	134.8	130.3
Residential home (Under 6)	60.3	56.3	53.0
Total	397.8	400.4	387.2

(j) juvenile justice and the rehabilitation of juvenile offenders: community-based rehabilitation services for juvenile offenders include the Probation Service, the Community Service Orders Scheme, and the Community Support Services Scheme for offenders. These services are delivered through 13 Probation Offices, one Community Service Orders Office, and one Community Support Service Centre. They comprise -

(i) residential services with educational and vocational training on the premises for juvenile offenders: these include Probation Homes, Reformatory schools, and Remand Homes. The Social Welfare Department operates a total of six such institutions with the following budgetary provision -

2002-03 (HK\$ million)	2003-04 (HK\$ million)	2004-05 (HK\$ million)
172.5	164.8	152.0

The slight budgetary decrease over the three-year period principally reflects civil service salary adjustments, efficiency savings, and service re-structuring. The same factors explain the budgetary decreases under the Community Support Service Scheme in (ii) below; and

(ii) the Community Support Service Scheme (CSSS): as explained in paragraph 491 (c) of our report (in relation to Article 39, under section IX(B)), the purpose of the Scheme is to help young offenders who have been

cautioned under the Police Superintendents' Discretion Scheme⁷ to reintegrate into the education system or work force and so reduce the likelihood of their re-offending. Budgetary provision for the last three years was as follows –

2002-03 (HK\$ million)	2003-04 (HK\$ million)	2004-05 (HK\$ million)
9.33	9.01	8.53

Additionally, both the Police Force and the Correctional Services Department conduct programmes and activities in the interests of juvenile justice and for the rehabilitation of juvenile offenders. But these are undertaken within the overall annual budget allocated to the two departments and again, therefore, we are unable to provide disaggregated statistics or financial data for them.

(k) Please also indicate the estimated expenses of the private sector, in particular for health and education: the national accounts estimates indicate that private expenditure on education amounted to HK\$17,837 million in 2003 and HK\$18,115 million in 2004. Figures for 2005 are not yet available. The figures include households' out-of-pocket payment for educational services (mainly school fees, tuition fees, examination fees, boarding and lodging expenses at university campuses and miscellaneous educational expenses) provided by public and private educational institutions. However, the figures do not include the cost of textbooks, school uniforms, and transport to school.

Private expenditure on medical care and health totalled HK\$31,424 million in 2003 and HK\$35,553 million in 2004. Figures for 2005 are not yet available. The figures cover households' out-of-pocket payment for health-care goods and services, including Chinese and Western medicines, pharmaceutical and health-care products; hospital and clinic care; services of physicians, nurses, dentists, herbalists and other medical practitioners (both public and private health-care service providers).

3. With reference to children deprived of a family environment and separated from parents, please provide disaggregated data (by gender, age groups, if possible ethnic groups, urban and rural areas) for the years 2002, 2003 and 2004 on the number of children: we cannot provide data disaggregated by rural and urban cases as the distinction has long since ceased to be meaningful

⁷ The Police Superintendent's Discretion Scheme enables police officers of or above the rank of Superintendent to issue cautions to juvenile offenders aged under 18 rather than initiate criminal prosecution. Inter alia, the scheme is also applicable to underage offenders who have engaged in unlawful sexual intercourse with underage persons and those who have committed assault.

in Hong Kong. Nor can we disaggregate by ethnicity as we have never categorised children in this way (non-ethnic Chinese comprise just 5% of the population and their ‘contribution’ to the categories embraced by question A3 would be a negligible percentage of the total). That said, and except as regards question A3(a), we can disaggregate by age and sex, as follows (all figures as at the end of December each year) -

(a) **separated from their parents:** we cannot provide statistical data on such children because there are numerous reasons why children may be separated from their parents, and not all of them are necessarily to their detriment. For example, they might be studying overseas, or living with relatives following the divorce or separation of their parents. Children who are deprived of a family environment are, of course, of concern to us. But they only appear on our ‘radar screen’ when they are not looked after.

(b) **children placed in institutions** (figures as at the end of December each year) -

(i) *Children placed in institutions with no school on site*

2002

Age	Male	Female	Total
0-6	252	238	490
7-12	414	326	740
13-18	221	204	425
Total	887	768	1655

2003

Age	Male	Female	Total
0-6	243	219	462
7-12	415	341	756
13-18	215	203	418
Total	873	763	1636

2004

Age	Male	Female	Total
0-6	234	222	456
7-12	457	349	806
13-18	241	219	460
Total	932	790	1722

(ii) children placed in institutions with schools on site⁸

Year	Male	Female	Total
2002	336	129	465
2003	346	129	475
2004	344	163	507
Total	1026	421	1447

(c) placed with foster families (average figures of 12 months in each year⁹)–

2002

AGE	Male		Female		Subtotal	
	Normal	Mildly mentally handicapped	Normal	Mildly mentally handicapped	Normal	Mildly mentally handicapped
0-6	174	3	150	6	324	9
7-12	120	5	97	6	217	11
13-18	11	2	15	0	26	2
Subtotal	305	10	262	12	567	22
Total	315		274		589	

2003

AGE	Male		Female		Subtotal	
	Normal	Mildly mentally handicapped	Normal	Mildly mentally handicapped	Normal	Mildly mentally handicapped
0-6	177	6	162	7	339	13
7-12	136	5	115	9	251	14

⁸ The service is available for children aged 7 to 16.

⁹ In 2004 the number of foster care places was increased from 670 to 795.

13-18	19	1	17	0	36	1
Subtotal	332	12	294	16	626	28
Total	344		310		654	

2004

AGE	Male		Female		Subtotal	
	Normal	Mildly mentally handicapped	Normal	Mildly mentally handicapped	Normal	Mildly mentally handicapped
0-6	214	6	193	6	407	12
7-12	145	8	133	13	278	21
13-18	20	2	12	1	32	3
Subtotal	379	16	338	20	717	36
Total	395		358		753	

(d) adopted domestically or through intercountry adoptions -

2002

Age	Local		Overseas ¹⁰		Total	
	Male	Female	Male	Female	Male	Female
Under 1	25	23	0	0	25	23
1 – under 2	4	8	0	0	4	8
2 – under 3	5	1	1	0	6	1
3 - 5	4	3	12	8	16	11
6 – 18	6	2	18	11	24	13
Subtotal	44	37	31	19	75	56
Total	81		50		131	

2003

Age	Local	Overseas	Total
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¹⁰ As it may take some time before an adoption order made overseas reaches the Social Welfare Department, we have used the date of actual receipt of the adoption order for compilation of the statistics above.

	Male	Female	Male	Female	Male	Female
Under 1	31	36	0	0	31	36
1 – under 2	5	11	1	0	6	11
2 – under 3	2	3	2	3	4	6
3 - 5	5	4	3	2	8	6
6 – 18	4	2	5	8	9	10
Subtotal	47	56	11	13	58	69
Total	103		24		127	

2004

AGE	Local		Overseas		Total	
	Male	Female	Male	Female	Male	Female
Under 1	39	36	0	0	39	36
1 – under 2	15	10	1	1	16	11
2 – under 3	3	5	3	1	6	6
3 - 5	1	10	3	2	4	12
6 – 18	1	2	6	3	7	5
Subtotal	59	63	13	7	72	70
Total	122		20		142	

4. Please specify the number of children with disabilities, up to the age of 18, disaggregated by gender, age groups and, if possible, ethnic groups, urban and rural areas, covering the years 2002, 2003 and 2004: the position is as follows -

(a) living with their families: the most recent survey of persons with disabilities living in Hong Kong (conducted in 2000 by our Census & Statistics Department: See **Annex A**) indicated that, at that time, 12,300 of the persons identified as being disabled were aged under 19. However, the survey did not reveal how many of them were living with families.

(b) living in institutions: the 2000 survey did not provide a basis on which this data might be disaggregated. But the table below provides the best disaggregation

that the available data allows in relation to children with disabilities living in institutions¹¹ -

Age	2002		2003		2004	
	Male	Female	Male	Female	Male	Female
under 6	59	46	59	48	59	40
6 - 11	23	15	20	14	16	17
12 - 14	12	12	15	12	14	13
15-18	74	41	68	36	53	45
Subtotal	168	114	162	110	142	115
Total	282		272		257	

(c) placed with foster care: the remarks in (b) above apply equally here. But see the response to question A3(c) above in relation to the number of mildly mentally handicapped children placed with foster families.

(d) attending regular schools: we do not know how many disabled children are attending ordinary classes in mainstream schools. But the position of those attending special classes in ordinary schools is as follows¹² -

Level	2002/03	2003/04	2004/05
Kindergarten	0	0	0
Primary	157	52	46
Secondary	84	43	42
Total	241	95	88

(e) attending special schools: the position is as indicated in the table below. But it should be noted that the figures include students in 'mainstreamed' classes that have been established in some special schools. Those students may or may not be disabled. Again, we are unable to disaggregate the figures by age -

¹¹ That is, under-6-year-olds in Residential Special Child Care Centres, under-19-year-olds in Small Group Homes, and under-18-year-olds living in half way houses and care and attention homes for the severely disabled, hostels for the severely mentally handicapped, hostels for the moderately mentally handicapped, hostels for the severely physically handicapped, and supported hostels.

¹² We are unable to disaggregate these figures by age.

Level	2002/03	2003/04	2004/05
Kindergarten	65	73	56
Primary	4090	4019	3923
Secondary	5493	5990	4424
Total	9648	10082	8403

(f) **not attending schools:** we have no relevant statistics.

5. Please provide disaggregated statistical data (by gender, age groups, if possible ethnic groups, urban and rural areas) covering the years 2002, 2003 and 2004:

(a) **rates of infant and child mortality:**

	2002	2003 (provisional)	2004 (provisional)
Infant mortality rate (Number of deaths per 1,000 registered live births)	2.4	2.3	2.5

AGE	Crude death rate (Number of registered deaths per 100,000 population of respective age group and sex)					
	2002			2003 (provisional)		
	Male	Female	Overall	Male	Female	Overall
0-4	62.8	52.7	57.9	58.2	60.5	59.3
5-9	10.8	7.9	9.4	10.4	7.2	8.9
10-14	17.9	10.4	14.3	12.1	10.4	11.3
15-17	20.3	11.2	15.9	21.3	14.4	17.9

(b) **rates of immunization:** children in Hong Kong have been adequately protected from common vaccine-preventable diseases (measles, mumps, rubella, diphtheria, tetanus, pertussis, polio, and hepatitis B) for the past decade. The table below – which derives from a territory-wide cross-sectoral survey conducted in 2003 - reveals the coverage rates among children aged 2 to 5 (born in 1997-2000). Figures for those born in 2001 to 2005 are not yet available –

Local born children	Year born
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		1997 (%)	1998 (%)	1999 (%)	2000 (%)
BCG Vaccine		99.90	100.00	100.00	100.00
Polio	Type I	99.60	99.70	99.90	100.00
Polio Trivalent	1 st dose	100.00	100.00	99.80	100.00
	2 nd dose	99.80	99.70	99.70	100.00
	Booster	98.90	98.50	98.20	97.80
Diphtheria, Pertussis and Tetanus Vaccine	1 st dose	99.90	100.00	99.90	100.00
	2 nd dose	99.90	100.00	99.90	100.00
	3 rd dose	99.90	99.70	99.90	100.00
	Booster	98.70	98.40	98.10	97.80
Hepatitis B Vaccine	1 st dose	100.00	100.00	100.00	100.00
	2 nd dose	100.00	100.00	100.00	100.00
	3 rd dose	99.80	99.80	99.70	100.00
Measles, Mumps and Rubella Vaccine or Measles Vaccine		99.20	99.40	99.40	100.00

Type of vaccine		Mainland born children			
		Year born			
		1997 (%)	1998 (%)	1999 (%)	2000 (%)
BCG Vaccine		96.80	98.90	100.00	100.00
Polio	Type I	16.00	9.00	14.80	12.70
Polio Trivalent	1 st dose	99.40	100.00	100.00	100.00
	2 nd dose	99.40	100.00	98.10	100.00
	Booster	97.40	96.30	98.00	79.50
Diphtheria, Pertussis and Tetanus Vaccine	1 st dose	99.40	100.00	100.00	100.00
	2 nd dose	99.40	98.90	100.00	100.00
	3 rd dose	98.80	98.90	100.00	100.00
	Booster	95.60	96.80	98.00	79.50
Hepatitis B Vaccine	1 st dose	96.90	100.00	100.00	100.00
	2 nd dose	96.30	100.00	100.00	100.00

	3 rd dose	96.30	98.90	100.00	100.00
Measles, Mumps and Rubella Vaccine or Measles Vaccine		92.20	89.70	96.30	100.00

The following tables derive from administrative records. They indicate the coverage rates among Primary 1 (normally 6 years old) and Primary 6 (normally 11 years old) students in 2002 to 2003. The figures for 2004 are not yet available -

	Vaccine	Immunization coverage rate	
		2002 (%)	2003 (%)
Primary 1	Diphtheria and Tetanus Vaccine	99.3	99.1
	Polio Trivalent	99.3	99.0
	Measles, Mumps and Rubella Vaccine	98.6	98.4
Primary 6	Diphtheria and Tetanus Vaccine	99.3	99.2
	Polio Trivalent	99.2	99.2
	Measles, Mumps and Rubella Vaccine	99.5	99.4
	Hepatitis B Vaccine – 1 st dose	99.8	99.9
	Hepatitis B Vaccine – 2 nd dose	99.5	99.7
	Hepatitis B Vaccine – 3 rd dose	98.9	98.6

(c) **rates of malnutrition:** no data is available.

(d) **children infected with and/or affected by HIV/AIDS:** between 2002 and 2004, no patient aged below 18 was reported as infected with AIDS. However, in 2002, three male patients aged below 18 were found to be infected with HIV. No new cases were discovered in 2003 and 2004.

(e) **adolescent health, including early pregnancy and sexually transmitted infections, abortions, mental health and suicide, drug, alcohol and tobacco abuse:** the position is as follows –

Early pregnancy:

Mother's age when the child was born (year)	2002	2003	2004
<15	7	14	9
15-17	185	191	181
Total	192	205	190

Sexually transmitted infections:

Age	Number of cases					
	2002		2003		2004	
	Male	Female	Male	Female	Male	Female
<15	3	9	0	9	2	9
15-19 ¹³	342	408	228	412	248	423
Total	345	417	228	421	250	432

Abortions:

Number of legally induced abortions

Age of mother	2002	2003 (data for 2004 is not yet available)
<15	54	31
15-17	494	420
Total	548	451

Mental health:

Number of in-patient discharges and deaths in hospitals due to mental and behavioural disorders

Age	Number of in-patient discharges and deaths			
	2002		2003 (Data for 2004 is not yet available)	
	Male	Female	Male	Female
0-4	265	148	112	61

¹³ Figures for the 15-17 age group cannot be disaggregated from those for the 15-19 group.

Age	Number of in-patient discharges and deaths			
	2002		2003 (Data for 2004 is not yet available)	
	Male	Female	Male	Female
5-9	207	99	132	65
10-14	227	233	186	189
15-19 (The 15- 17 age group cannot be disaggregated from this grouping)	487	576	456	486

Suicide:

Number of in-patient registered deaths due to intentional self-harm

Age	Number of registered deaths			
	2002		2003 (provisional: data for 2004 is not yet available)	
	Male	Female	Male	Female
0-4	0	0	0	0
5-9	1	0	0	0
10-14	1	4	2	2
15-17	6	1	3	6

Drug abuse:

Number of in-patient discharges and deaths in hospitals due to poisoning by drugs, medicaments and biological substances

Age	Number of in-patient discharges and deaths			
	2002		2003 (Data for 2004 is not yet available)	
	Male	Female	Male	Female
0-4	62	44	33	21
5-9	11	10	6	3
10-14	13	59	10	44

15-19 (The 15- 17 age group cannot be disaggregated from this grouping)	139	429	55	201
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Alcohol abuse

Number of in-patient discharges and deaths in hospitals due to mental or behavioural disorders due to the use of alcohol/alcoholic liver disease¹⁴

Age	Number of in-patient discharges and deaths			
	2002		2003 (Data for 2004 is not yet available)	
	Male	Female	Male	Female
0-4	0	0	0	0
5-9	0	0	0	0
10-14	3	4	2	4
15-19 (The 15- 17 age group cannot be disaggregated from this grouping)	46	37	23	28

Tobacco abuse

Number and percentage of daily cigarettes smokers 2002

Age	Number		Percentage of age group (%)	
	Male	Female	Male	Female
15-17 (No figures are available for smokers aged under 15)	2,960	2,040	2.2	1.6

(f) percentage of health professionals working in the health-care services for children.

In all good faith, we are unable to provide a meaningful response to this question because there are different types of health professionals in both the public and private sectors who work for the benefit of children. Inter alia, they include those working in the dedicated paediatric units of the Hospital Authority, the Department of Health's Maternal and Child Health Centres, and those who provide the child

¹⁴ These figures form part of the totals above in relation to mental health.

and youth health-related services in both within the Department and the Authority. Children also have access to the general medical and specialist services that are available to persons of all ages. Against this background, it is simply not possible to ‘disaggregate’ child-specific provision from the total and, in our view and with every respect to the Committee, any attempt to do so would be unduly difficult and the results inaccurate. That said, the fact remains that - regardless of the impracticality of providing the percentages requested - children’s health is well-provided for within the overall framework of Hong Kong’s health services.

6. With reference to child abuse, please provide disaggregated data (by age, gender, if possible ethnic groups, and types of violations reported) covering the years 2002, 2003 and 2004 on the:

Note: the Social Welfare Department’s statistics on 'child abuse' are based on the definitions in its manual ‘Procedures for Handling Child Abuse Cases’. Those definitions focus on the relationship between the victimised child and the abuser. By contrast, the Police - and the statistics they compile - are concerned with 'Crimes Against Children' (as defined in the footnotes below). Essentially, therefore, the two departments maintain statistics for different purposes: welfare in the one case, crime detection in the other. There are also some differences as to what the two bodies would regard as a recordable incident, or ‘case’. For example, the Social Welfare Department would not regard an instance of unlawful sexual intercourse between under-aged lovers as a case of child sexual abuse. But the Police would record the same instance as an offence.

Together these factors account for the differences between the data sets presented here and their nature is such as to preclude amalgamation. We have therefore found it necessary to adduce both sets of figures as parallel data.

(a) number of child abuse cases reported: the statistics for the period 2002 to 2004 are as follows –

(1) Police data

No. of cases by type of crime	2002	2003	2004
Physical crimes against children¹⁵			

¹⁵**‘Physical crimes against children’:** refers to murder and manslaughter, wounding, serious assault, and cruelty committed against victims aged under 14 years, irrespective of the nature of the relationship between the victims and the offenders (for example, whether known or unknown to the victims, or whether the perpetrators were responsible for the care of the victims. Cases where the victims suffered in the course of other crimes are not included.

No. of cases by type of crime	2002	2003	2004
murder and manslaughter	19	7	9
Wounding and assault	244	261	266
Cruelty	182	149	205
Sub-total	445	417	480
Sexual crimes against children¹⁶			
Rape	33	23	29
Indecent assault (on females)	316	312	318
Indecent assault (on males)	15	16	15
Intercourse with a girl under 13 or 16	202	226	254
Incest	5	2	7
Indecent conduct towards a child under 16	21	27	37
Others	7	5	7
Sub-total	599	611	667
Total	1,044	1,028	1,147

Police data: No. of cases by age and gender

Victim's age	2002				2003				2004			
	Physical crimes against children		Sexual crimes against children		Physical crimes against children		Sexual crimes against children		Physical crimes against children		Sexual crimes against children	
	M	F	M	F	M	F	M	F	M	F	M	F
0-2	20	22	1	1	14	15	0	2	20	14	0	1
3-5	10	18	2	12	20	18	5	10	23	16	0	10
6-8	53	32	3	32	36	23	8	25	49	35	9	31
9-11	63	31	7	63	82	21	5	60	72	37	22	51
12-13	146	50	7	134	148	40	7	107	163	51	10	170
14-16	-	-	7	330	-	-	10	372	-	-	6	357
Sub-total	292	153	27	572	300	117	35	576	327	153	47	620

¹⁶**'Sexual crimes against children'**: refers to crimes such as rape, indecent assault, unlawful sexual intercourse, incest and so forth committed against victims aged under 17 years, irrespective as to whether the victims gave consent and the nature of relationship between the victims and the offenders.

Total	445	599	417	611	480	667
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(2) Social Welfare data¹⁷

Social Welfare data: cases by type of abuse

Types of abuse	2002		2003		2004	
	No. of Cases	%	No. of Cases	%	No. of Cases	%
Physical abuse	292	56	277	58	345	56
Neglect	17	3	20	4	40	6
Sexual abuse	179	35	150	31	189	30
Psychological abuse	11	2	4	1	9	2
Multiple abuse	21	4	30	6	39	6
Total	520	100	481	100	622	100

Social Welfare data: cases by age distribution

Age	2002		2003		2004	
	No. of Cases	%	No. of Cases	%	No. of Cases	%
0 - 2	47	9	32	7	45	7
3 - 5	56	11	66	14	69	11
6 - 8	114	22	96	20	134	22
9 - 11	112	21	102	21	127	21
12 - 14	118	23	98	20	139	22
15 - 17	73	14	87	18	108	17
Total	520	100	481	100	622	100

Social Welfare data: cases by sex distribution

Sex	2002		2003		2004	
	No. of Cases	%	No. of Cases	%	No. of Cases	%
Boys	189	36	178	37	260	42
Girls	331	64	303	63	362	58
Total	520	100	481	100	622	100

¹⁷ Social Welfare data comprises child abuse cases newly reported to the Child Protection Registry in the period under examination.

(b) number and percentage of reports which have resulted in either a court decision or other types of follow-up: the statistics are as follows –

(1) Police data

	2002	2003	2004
No. of crimes against children reported	1,044	1,028	1,147
No. of persons charged to court (% of no. reported)	320 (30.7%)	333 (32.4%)	239 ¹⁸ (20.8%)
No. of persons dealt with by Police Superintendent's Discretion Scheme¹⁹ (% of no. reported)	178 (17.0%)	159 (15.5%)	156 (13.6%)
Total	498 (47.7%)	492 (47.9%)	395 (34.4%)

(2) Social Welfare data

	2002		2003		2004	
	No. of Cases	%	No. of Cases	%	No. of Cases	%
Cases under Care or Protection Order after and as a result of the abuse	Statistics not available		103	21	130	21

(c) number and proportion of victims that have received counselling and assistance in recovery: where they are known to the Social Welfare Department's six Family and Child Protective Services Units or to relevant NGOs, *all* child abuse victims and family members receive counselling services. Assessment and treatment by clinical psychologists are enlisted if so required.

¹⁸ Only cases concluded on or before 31 December 2004 are included.

¹⁹ The Police Superintendent's Discretion Scheme enables police officers of or above the rank of Superintendent to issue cautions to juvenile offenders aged under 18 rather than initiate criminal prosecution. Inter alia, the scheme is also applicable to underage offenders who have engaged in unlawful sexual intercourse with underage persons and those who have committed assault.

7. With reference to the right to education, please provide disaggregated statistical data (by gender, age groups, urban and rural areas, ethnic minorities and immigrant children) covering the years 2002, 2003 and 2004 in percentage of the relevant age group on the:

(a) rates of literacy, below and over 18 years: the crude rate for the whole population was 93.2% as at the end of 2004; a rate that has steadily improved at the rate of about 0.1% a year over the last decade and more²⁰. We are unable to disaggregate this figure in the ways requested but take the opportunity to observe that primary education has been free and compulsory in Hong Kong since 1969 and that junior secondary education since 1978. Therefore, with the exception of persons who are congenitally unable to read or write (for such reasons as mental other relevant disabilities, dyslexia, and so forth) – an exception that must be common to all jurisdictions – the 6.8% of the population that was recorded as being illiterate is likely to comprise mainly elderly persons and, perhaps, persons who have migrated to Hong Kong from places where education was unavailable to them.

(b) rate of enrolment in pre-primary schools, primary schools and in secondary schools: the position is as follows -

(i) Pre-primary [Note: all figures in this section indicate the position as at 31 December of the year in question] -

Number of children enrolled in pre-primary schools (child care centres)

Age group	2002	2003	2004
0-1	323	288	272
1-2	767	853	817
2-3	11,438	9,778	10,551
3-4	94,75	9,463	8,774
4-5	8,040	7,683	8,080
5-6	8,607	7,861	7,603
Total	38,650	35,926	36,097

New arrival children in pre-primary school (child care centres)

2002	2003	2004

²⁰ The General Household Survey indicates that, in 2004, the proportion of persons aged 15 and over having attended primary education and above was 93.2%. Those with no schooling/kindergarten education only constituted the remaining 6.8%. This shows incremental progress since 2002, when the proportion of persons aged 15 and over having attended primary and above education was 93.0% and in 2003, when it was 93.1% (thus, the respective proportions of those with no schooling/kindergarten education only were 7.0% and 6.9%). This confirms the trend of the last decade, with the proportion of persons aged 15 and over with no schooling or kindergarten education only dropping from 11.0% in 1994 to the present 6.8%.

518	336	370
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(c) percentage of children completing primary and secondary education: the policy of nine years free and compulsory education ensures a near-100% completion rate for primary education and junior secondary education²¹. At the senior secondary level, we provide subsidized Secondary 4 places or vocational training places for all Secondary 3 students in publicly funded schools who have the ability to progress with their education and wish to do so, and subsidized Sixth Form places for up to one-third of students entering subsidized Secondary 4 places. The number of Secondary 6 students in September 2004 as a percentage of Secondary 4 students entering subsidized schools two years earlier was 39%.

(d) number and percentage of dropouts, repetition and retention: taken seriatim with the question, the statistics for ordinary primary and secondary day schools were as follows-

(i) Dropouts (%)

Statistics on drop-outs from all schools in Hong Kong

School year	2002/03			2003/04			2004/05			
	Age/sex	M	F	Total	M	F	Total	M	F	Total
6		19	13	32	20	14	34	Figures can be available by mid October 2005		
7		17	12	29	17	16	33			
8		10	16	26	20	12	32			
9		19	8	27	21	11	32			
10		29	21	50	20	12	32			
11		35	17	52	18	21	39			
12		94	50	144	71	46	117			
13		195	143	338	180	111	291			
14		322	190	512	423	264	687			
Total		740	470	1210	790	507	1297			

²¹ In common with other jurisdictions, a very small percentage of students (about 0.17%-0.18% of the total enrolment) drop out from Hong Kong schools each year: see the response to question 7(d) below. These students have usually experienced problems with learning, conduct, their families, their health, social/development, and/or emotional/psychological stress. When this happens, their schools report the matter to the Educational and Manpower Bureau, which makes every effort to help students who have dropped out to overcome their problems and help them to resume class as quickly as possible.

	<u>Dropout rate: 0.17 %</u> of the total student enrolment from Primary 1 to Secondary 3	<u>Dropout rate: 0.18 %</u> of the total student enrolment from Primary 1 to Secondary 3	Figures can be available by mid October 2005
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(ii) Repeaters

Level	No. of repeaters			Repetition rate		
	2002/03	2003/04	2004/05	2002/03	2003/04	2004/05
Primary	4154	4011	3974	0.9%	0.9%	0.9%
Secondary	21223	21674	19236	4.6%	4.6%	4.1%

(e) **number of children in private schools:** the number of students in ordinary private day schools by level for the school years 2002/03 to 2004/05 was as follows -

(i) All schools (total enrolment)

Level	2002/03	2003/04	2004/05
Child care centres²²	38650	35926	36097
Kindergarten			
Male	74368	70175	67104
Female	69357	65921	63053
Total	143725	136096	130157
Primary			
Male	25326	25237	25237
Female	25434	25210	25096
Total	50760	50447	50333
Secondary			
Male	27029	29596	31445
Female	25594	26032	28161
Total	52623	55628	59606

(ii) Pre-primary gender ratio (kindergartens: figures for 2004/05 are not yet available).

Kindergarten	2002/03	2003/04
Male	79.5%	80.2%
Female	79.2%	80.4%

²² Total enrolment: gender disaggregation unavailable

Total	79.4%	80.3%
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(iii) Primary schools, gender ratio (figures for 2004/05 are not yet available.)²³

Primary	2002/03	2003/04
Male	101.3%	100.7%
Female	100.2%	99.3%
Total	100.8%	100.0%

(iv) Secondary schools, gender ratio (figures for 2004/05 are not yet available.)

Secondary	2002/03	2003/04
Male	82.7%	83.7%
Female	83.3%	84.3%
Total	83.0%	84.0%

Immigrant children: we can only provide statistics on the number of students from the Mainland of China newly admitted to ordinary private day schools (that is, other than international schools). The position for the years in question was as follows -

Level	2002/03	2003/04	2004/05
Primary			
Male	16	8	10
Female	13	8	11
Total	29	16	21
Secondary			
Male	299	356	248
Female	441	472	337

²³ The percentages cited in the table refer to the 'Gross enrolment ratio', which UNESCO defines as the "Total enrolment in a specific level of education, regardless of age, expressed as a percentage of the official school-age population corresponding to the same level of education in give school-year." By definition, therefore, the ratio in any given year may be larger or smaller than 100%, since the nominator is not part of the denominator. At the primary level, for example, not every student is aged 6-11 and some children aged 6-11 may be studying at either the secondary or kindergarten levels: a phenomenon referred to as 'age-grade mismatch' (the existence of over-age and under-age students). Thus, the sub-100% gross female enrolment ratio at the primary level in 2003/04 does not mean that there some girls aged 6-11 were not attending school at that time.

Total	740	828	585
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(f) ratio teacher per children and number of children per class: the ratios are as follows –

Level	Pupil-teacher ratio ²⁴			Average class size		
	2002/03	2003/04	2004/05	2002/03	2003/04	2004/05
Child care centres²⁵	9 : 1	9 : 1	9 : 1			
Kindergarten	10.2 : 1	10.2 : 1	10.2 : 1	19.7	19.5	19.5
Primary	20.3 : 1	19.2 : 1	18.8 : 1	32.5	32.4	32.0
Secondary²⁶	18.0 : 1	17.7 : 1	17.6 : 1			
Secondary 1 to Secondary 5	-	-	-	38.0	38.0	37.7
Secondary 6 to Secondary 7	-	-	-	29.3	29.0	29.0

8. Please provide disaggregated statistical data (including by gender, age and type of crime) covering the years 2002, 2003 and 2004, in particular on the number of:

(a) persons below 18, who have allegedly committed a crime, reported to the police: see Annex B.

(b) persons below 18 who have been charged with a crime and of them those who are sentenced, and the type of punishment or sanctions related to offences including length of deprivation of liberty: see Annexes C and D.

(c) detention facilities for persons below 18 in conflict with law and their capacity: the position is as follows –

²⁴ Calculated on the basis of half-day equivalent unit and exclude international kindergartens.

²⁵ We cannot provide the number of children per class because Child Care Centres do not operate within the classroom concept.

²⁶ Secondary school teachers can teach in both S1-S5 and S6-S7 levels and thus the pupil-teacher ratio cannot be disaggregated.

Correctional institutions for detention of persons aged below 21

Gender	Type of institution	Certified accommodation as at year-end		
		2002	2003	2004
Male	Prison	711	711	711
	Training Centre	452	452	452
	Detention Centre ²⁷	164	164	164
	Rehabilitation Centre	140	140	140
	Half-way House	50	50	40
	Sub-total	1,517	1,517	1,507
Female	Prison	160	160	160
	Rehabilitation Centre	64	64	64
	Half-way House	24	24	24
	Sub-total	248	248	248
Total		1 765	1 765	1 755

(d) persons below 18 detained in these facilities and persons below 18 detained in adult facilities: offenders aged under 21 who are detained by the Commissioner of Correctional Services are not accommodated in adult facilities. Male offenders aged under 18 are separated from those aged 18 or above. But that is not possible in the Training Centres for female inmates because of overcrowding. Young offenders aged 14 to 17 years and 18 to 20 years attend the 'young prisoners' programme' together. Separation is not possible due to the lack of suitable detention facilities, though as far as practicable, the two groups are accommodated separately at night. **Annex D** provides the number of persons aged 14 to 17 detained in correctional facilities.

(e) persons below 18 kept in pre-trial detention and the average length of their detention: the Police do not maintain statistics relating to the length of pre-trial detention. But Police guidelines clearly stipulate that persons

²⁷ The Correctional Services Department (CSD) does not maintain dedicated detention facilities for offenders aged under 18. Young offenders aged 21 and over but under 25, and who have been sentenced to a Detention Centre are detained in the CSD's sole Detention Centre. But they are not permitted contact with those detainees aged under 21.

who have been arrested should not be detained for longer than necessary. There is also statutory provision that persons detained in custody shall be brought before a magistrate as soon as practicable. Persons arrested in connection with an offence may, if inquiries are not completed, be released on bail to re-appear at a police station as directed. Objections to police bail will be considered only in special circumstances and following established guiding principles.

(f) reported cases of abuse and maltreatment of persons below 18 occurred during their arrest and detention: the relevant law enforcement agencies are the Police and the Correctional Services Department. The respective statistics are as follows -

(i) Police Force

Complaints against the Police by persons under 18	2002	2003	2004
(a) Allegations of assault	77	72	52
(b) Allegations of fabrication of evidence	11	10	8
(c) Allegations of threat	6	3	14
(d) Unnecessary use of authority	6	0	2
(e) Others	32	39	36
Total²⁸	132	124	112

(ii) Correction Services Department

	2002	2003	2004	Remarks
No. of complaints	1	1	3	All complaints received concerned the unnecessary use of force by CSD officers. After investigation, all five cases were found unsubstantiated.

(g) percentage of recidivism cases: in Hong Kong, the recidivism rate is defined as the percentage of re-admissions to penal institutions within three years after discharge of all local convicts released from detention in penal institutions. The most recent statistics are as follows -

²⁸ Between 2002 and 2004, only one complaint was substantiated on investigation by the Independent Police Complaints Council. Of the rest, some were found to be either false, not pursuable, or un-substantiated; others were either withdrawn, or informally resolved.

Discharged in 1999			Discharged in 2000			Discharged in 2001 ²⁹		
Male	Female	Overall	Male	Female	Overall	Male	Female	Overall
29.7%	10.0%	27.7%	26.4%	10.0%	25.3%	28.4%	10.0%	27.3%

9. With reference to special protection measures, please provide statistical data (including by gender, age, if possible ethnic group, urban and rural areas) for the years 2002, 2003 and 2004 on the number of children:

(a) involved in sexual exploitation, including prostitution, pornography and trafficking and the number of children provided with access to recovery and other assistance: the position is as follows –

(i) **sexual exploitation:** we have addressed the issue of sexual crimes against children in our response to question 6(a) above.

(ii) **prostitution** the position is essentially as advised in paragraph 524 of our report in relation to Article 34, under section IX(C). That is, prostitution as such is not a crime in Hong Kong. But provisions of the Crimes Ordinance (Chapter 200) protect children from procurement or coercion into prostitution. The Police continue to conduct frequent raids on - and inspections of - vice-related entertainment establishments and the figures for related arrests remain low, with no cases in 2001 and 2002, and one each in 2003 and 2004. We therefore remain confident that underage prostitution - that is, where children are either working as prostitutes or are otherwise exploited for sexual purposes - is not serious in Hong Kong.

As explained in paragraph 525 of the report, there are rare cases where children exploit others for sexual purposes. Between 2001 and 2004, no under-15 year-olds were arrested for this offence. But there were some occurrences among 16 to 18 year-olds –

No. of defendants aged under 19³⁰ charged with offences related to prostitution

Sentence pattern	Year of sentence			
	2000	2001	2002	2003
Not convicted	1	1	0	2

²⁹ Provisional figures.

³⁰ In practice, all defendants recorded in the period were aged 16 to 18.

Sentence pattern	Year of sentence			
	2000	2001	2002	2003
Convicted	13	7	5	6
Immediate imprisonment	1	0	1	0
Training centre	0	1	0	0
Detention centre	3	4	1	1
CSD rehabilitation detention order	0	0	1	1
Probation order	0	2	2	1
Community service order	7	0	0	2
Suspended imprisonment	2	0	0	1

No. of defendants (aged under 19) sentenced with immediate imprisonment by duration of imprisonment

Duration of imprisonment	Year of Sentence			
	2000	2001	2002	2003
Less than 3 months	1	0	0	0
3 months - less than 6 months	0	0	1	0
6 months - less than 9 months	0	0	0	0

(iii) **pornography:** the table below indicates the number of pornography and trafficking cases involving children –

Sexual exploitation	2002	2003	2004
No. of cases related to child pornography	N/A ³¹	3	32
No. of trafficking cases involving children for the purpose of prostitution	0	0	0

(iv) **access to recovery and assistance:** where they are known to the Social Welfare Department's six Family and Child Protective Services Units (or other relevant service units, or to relevant NGOs), all child abuse victims

³¹ The Prevention of Child Pornography Ordinance Cap. 579 came into effect on 19 December 2003.

and family members receive counselling services. Assessment and treatment by clinical psychologists are enlisted if so required.

(b) involved in substance abuse and the number of children who received treatment and recovery assistance: the position is as follows -

(i) number of drug abusers reported to the Central Registry of Drug Abuse
: the position is as follows –

Number of drug abusers reported to the Central Registry of Drug Abuse, 2002 – 2004

	2002	2003	2004
Aged under 18			
<i>By gender</i>			
Male	954	745	648
Female	564	322	322
Both sexes	1 518	1 067	970
<i>By major ethnic group</i>			
Chinese	1 453	924	823
Vietnamese	3	-	1
Nepalese	9	7	11
Indian, Pakistani, Bangladeshi, Sri Lankan	-	-	3
Filipino	2	-	-
British	4	1	2
Others	5	7	-
Number of reported drug abusers with known ethnicity	1 476	939	840

(ii) number of admissions to treatment and rehabilitation programmes for under 21 year-olds: the position is as follows –

Type of treatment programmes	2002	2003	2004
Substance abuse clinics	239	158	184
Voluntary residential treatment programmes	171	110	198
Counselling centres for psychotropic substance abusers	84	260	249
Total number of reported drug abusers receiving treatment and rehabilitation programmes	698	677	790

(c) child labour: the illegal employment of children is rare in Hong Kong and what little exists is on a decreasing trend. In the last three years, the number of persons convicted for breaching the Employment of Young Persons (Industry) Regulations and the Employment of Children Regulations were –

2002	2003	2004
31	14	14

Most of these cases involved children or young persons employed as part-time in operatic or film productions, helpers in restaurants, and distributors of leaflets for bookstores.

(d) unaccompanied asylum-seeking, refugee and displaced children: the position is as follows -

Period	Statistical data ³²
July – Dec 2003	A Ghanaian boy aged 15, was removed to Ghana after withdrawal of his refugee application.
2004	A Sri Lankan girl aged 17, recognised as refugee under the mandate of the UNHCR and is now in Hong Kong pending resettlement by the UNHCR.

B. General measures of implementation

1. The Committee would appreciate to receive detailed information on activities meant to implement recommendations contained in the Committee’s previous concluding observations (CRC/C/15/Add.56 of 7 June 1996 on mainland China, and CRC/C/15/Add.63 of 30 October 1996 with respect to Hong Kong) on the initial reports of China (CRC/C/11/Add.7) and Hong Kong (CRC/C/11/Add.9), which have not yet been fully implemented.

[Question for the Central People’s Government omitted.]

³² Since the 1951 Convention Relating to the Status of Refugees does not apply to Hong Kong, claims for refugee status that are lodged in Hong Kong are dealt with by the local office of the United Nations High Commissioner for Refugees. The statistical data provided here is based on information known to the Immigration Department. The Immigration Department does not have statistical data for the period prior to July 2003

With regard to the Special Administrative Region of Hong Kong, the Committee would like to inquire whether the State party has changed, or foresees a change in its position with regard to the non-implementation of the Committee's concluding observations on the development of a comprehensive child policy (para. 20), the establishment of an independent monitoring mechanism (para. 20) and the coordination of policies on child abuse (para. 22).

Our position remains as explained in paragraphs 56 to 62 of the report, in relation to Article 4 of the Convention. Taking the three proposals seriatim –

(a) a comprehensive child policy: having carefully examined the proposal, we remain of the view that they are not necessary either to give effect to the Convention or as a practical response to its requirements. We also remain of the view that no new arrangements – such as an accompanying assessment of the impact of policy proposals on children are necessary for the purpose of policy formulation. The best interests of the child are necessary considerations in all relevant decision-making in Hong Kong, whether respecting legislative proposals or policies, and are taken into account as a matter of course.

By way of illustration, we have a clear policy concerning children's welfare and comprehensive measures to address their needs. We believe that children are best protected and nurtured within a loving family and our policy is to preserve and strengthen the family as a unit, to develop caring interpersonal relationships, to enable individuals and family members to prevent personal and family problems, and to deal with them when they arise. To these ends, our policy is to provide services to meet needs that cannot be adequately met from within the family.

(b) the establishment of an independent monitoring mechanism: specific laws deal with different aspects of the Convention. The impact of legislation and the execution of policies are monitored by the Legislative Council, the Ombudsman and the press, and are reviewed by the bureaux concerned. The Convention covers areas of government that are the responsibility of several different policy bureaux. Advisory boards and committees and NGOs assist those bureaux in the planning and decision-making process. Where a particular area overlaps the responsibilities of more than one bureau, there are established arrangements for co-ordination between them.

These arrangements are conducive to flexibility and a swift response to changing circumstances and to the concerns of the public. We remain unconvinced that there would be any advantage in replacing them with some unified administrative system, a single children's ordinance, or a single monitoring system, such as a Children's Commission as some have proposed but see below in relation to the question of review).

(c) the coordination of policies on child abuse: as explained in (b) above, there are arrangements for co-ordination between policy bureaux where areas of responsibilities overlap. In the case of child abuse, the issue itself and strategies for addressing it are under continuous scrutiny by the Committee on Child Abuse, which is chaired by the Director of Social Welfare³³. Within this framework, we continue to accord priority to protecting the best interests of children in all relevant policy making process. Our policy on child abuse is one of zero-tolerance. Our objectives are to –

(i) **prevent child abuse as far as practicable:** we believe that the problem of family violence should be tackled at source. Child abuse is a complex phenomenon with its roots in the interaction of many factors at the level of the individual, of relationships, of the family, and of society. We therefore seek to strengthen the protective factors (such as education and community support) and to minimise the occurrence of the risk factors (such as the lack of empathy, social isolation, and so forth). In these ways we aim to reduce child abuse as far as is humanly feasible. Public education is a vital component of the strategy and our programmes to that purpose are designed to increase public awareness of the issues and to encourage individuals to seek early assistance from professionals where necessary;

(ii) **ensure safety and provide support for victims of child abuse:** the focus is to provide an immediate response to violence. Our first priority is the safety of the victims: that is, to ensure their safety and to provide all necessary support to help through their periods of difficulty, reduce the trauma associated with violence, and to live a new life. A wide range of legal and other services are available for these purposes; and

(iii) **stop child abusers from committing abuse:** counselling, group programmes, psychological, and other services are available for this purpose. And legislation is in place to protect victims from domestic violence, abandonment, and neglect. We have discussed these measures in paragraphs 267 to 284 of our report, in relation to Article 19, under section VI(I).

To summarise, therefore, the mechanisms for ensuring co-operation at the highest level of the Administration remains as explained in paragraph 62 of the report and we continue to take advice from the Government's experts on human rights and international law to ensure compliance with the Convention. For these reasons, we remain of the view that the existing arrangements for institutional co-operation adequately meet Hong Kong's needs. These things said, we are aware that some

³³ The Committee is the multi-disciplinary, cross-sectoral co-ordinating body described in paragraph 269 of our report in relation to Article 19, under section VI.

members of the community – notably NGOs, children’s representatives, and some legislators – feel strongly to the contrary. We have taken note of their views and have undertaken – though without prejudice to the outcome – to review our position and will do so with an open mind as time and other resources permit.

2. Please provide information on cases, if any, where the Convention has been directly invoked in domestic courts in mainland China or the Special Administrative Regions of Hong Kong and Macau, and if so, please provide examples of such cases.

Both government and private litigants have invoked the Convention in their submissions. So too have the domestic courts: see the examples below - .

- (a) In *Cheung Lai Wah (an infant) and others v Director of Immigration* [1998] 1 HKC 617, the Court held that the definition of the relation between father and child in paragraph 1(2)(b) of Schedule 1 to the Immigration Ordinance (Cap 115) contravened the provisions of the Convention. This was because it excluded the relationship between an unmarried father and his child. As a result of this decision, the Legislative Council amended Schedule 1 by repealing paragraph 1(2)(a) and (b) of the Schedule and providing that the relationship of parent and child is taken to exist “between a person and a child born to such person *in or out of wedlock*”;
- (b) In *Hong Kong SAR v Hiroyuki Takeda* [1998] 3 HKC 411, the Court dismissed an appeal against sentence for publishing obscene articles involving very young children after the prosecution had submitted that there must not only be effective laws at the state level but also appropriate sentencing at the court level if Hong Kong was to honour its commitment to the CRC;
- (c) In *Ngo Thi Minh Huong (an infant) v Director of Immigration* [2000] 9 HKPLR 186, the Court referred to the reservation with regard to Article 22 of the CRC and decided that the applicant had not made out an arguable case in so far as she sought to rely on her claim for refugee status or protection under the Convention. [Note: The declaration made by the PRC with respect to the application of Article 22 to Hong Kong concerning children seeking asylum in Hong Kong was withdrawn on 10 April 2003];
- (d) In *Chan Mei Yee v Director of Immigration* HCAL 77/1999, in granting the applicant permission to apply for judicial review, the Court referred to Articles 2, 3, 9 and 10 of the Convention and said that the applicant had a legitimate expectation that the Director of Immigration would have regard to the Convention when dealing with her case. However, at the substantive hearing, the Court referred to the reservation regarding immigration control and held that other members of the family who were Hong Kong permanent

residents could not resort to the Convention on behalf of the applicant who was not a Hong Kong resident;

- (e) In *Yu Pik Ying and Joseph Iyke Orizu v Director of Immigration* [2000] 740 HKCU 1, one of the complaints was that the Director had failed to take into account the ICCPR, the ICESCR and the CRC. The Court observed that there was no direct evidence that the Director had not taken these matters into account, and that the international treaties did not create any actionable individual rights against the Government in respect of immigration control;
- (f) In *Mok Chi Hung and Lau Wan Sze (an infant) v Director of Immigration* [2001] 9 HKCU 1, the Court held that ratification of an international covenant, absent statutory or executive indications to the contrary, gave rise to a legitimate expectation that administrative decision-makers would act in conformity with the international covenant. However, the Court decided that the reservations against the CRC were binding on the domestic courts. Those reservations pre-empted (in respect of all persons) the emergence of any legitimate expectation in matters concerning illegal immigrants;
- (g) In *Chan To Foon v Director of Immigration* [2001] 320 HKCU 1, the Court reached a similar conclusion to that in (f) above;
- (h) In *Xie Xiaoyi v Director of Immigration* [2000] 82 HKCU 1, the Court of Appeal held that the Government was not obliged under the Convention to unite families that were split or to allow those with no right of abode to enter to establish a family. The relevant provisions of the Convention did not protect those who had no established family life here and those who had no right to enter;
- (i) In *Yau Kwong Man v Secretary for Security* [2002] 1065 HKCU 1, the Court held that a sentence of detention at Executive discretion was not a sentence of life imprisonment without the possibility of release. It was a discretionary sentence which in principle was more lenient than a sentence of life imprisonment imposed upon an adult. The Court commented on Article 37 of the Convention, but declared the type of sentence to be invalid for other reasons. Legislation was subsequently enacted to provide for minimum terms of imprisonment to be imposed by the Judiciary instead of the Executive; and
- (j) In *Lai Hung Wai v Superintendent of Stanley Prison* [2003] 969 HKCU 1, the Court observed that life imprisonment might be imposed on a person under the age of 18 years provided that the sentence did not literally mean “for life” and therefore contained the “possibility” of release at some future date. The Court commented on Article 37 of the Convention.

3. [Question for the Central People's Government omitted.]

4. Please provide updated information on efforts to develop a National Plan of Action or similar child policy in the Special Administrative Regions of Hong Kong and Macau.

Our position is as explained in our response to question B1 above, in relation to the question of a comprehensive child policy.

5. Please explain whether there are any plans to establish a national human rights institution with a specific mandate on children's rights in conformity with the Committee's general comment No. 2 in mainland China or either of the Special Administrative Regions. With regard to the Special Administrative Region of Hong Kong, please provide additional information on the specific mandate of the Ombudsman and the Equal Opportunities Commission as related to children and the extent to which children may file a complaint with these bodies.

We have no immediate plans to establish a regional human rights institution with a specific mandate on children's rights. As the Committee is aware, an institution purporting to be a regional human rights institution must conform to the Paris Principles in order to secure international recognition as such an institution. In principle, we endorse the Paris Principles and, together, the existing institutions for the protection of human rights – principally, the Equal Opportunities Commission, the Ombudsman and the Privacy Commissioner for Personal Data - conform quite closely to those Principles.

We are moving towards the gradual realisation of the Paris Principles and are examining the various possible approaches to that goal. As regards children's rights, one option would be to include a specific mandate on such rights among the powers and functions of a putative future national institution. Another approach might be to establish a separate, dedicated body for that purpose. However, while we endorse the Paris Principles, we have not committed ourselves to a timetable for the establishment of a Human Rights Commission, nor are we ready to commit to a timetable in respect of an institution with a mandate for children's rights. These are decisions that we are not yet ready to take and must be deferred to the future.

Neither the Ombudsman nor the Equal Opportunities Commission has a specific mandate in respect of children. But children have the same rights to approach those bodies as do adults.

6. Please provide updated information on the dissemination of the Convention and the State party report and on efforts made to provide training, awareness on the Convention and on human rights in general, to children, parents, teachers, social workers and other professionals working with and for children in all parts of the State party: the position is as follows –

(a) **general:** we disseminate the report in the ways explained in paragraphs 69 and 70 of our report, in relation to Article 44 of the Convention. That is, in preparing the drafts, we draw on information from internal and outside sources and the views of Legislative Councillors, NGOs and concerned individuals³⁴ on the state of implementation of the Convention. That information was acquired through our practice of conducting pre-drafting consultations, whereby we publish an outline of the report – including topic headings – in accordance with the Committee’s instructions in the Manual on Human Rights Reporting. We invite comments on the implementation of the treaty against each topic heading. We also invite commentators to propose headings that we have not included in the outline and to comment on them in similar vein. The relevant parts of the report seek to give due regard to the views received. We explain that we cannot undertake to address all views received, particularly where they appear to us to be either concerned with minutiae, expressed too broadly to admit of ready response, or of no, or only tenuous relevance to the Convention. But, to ensure that the Committee is in a position to make its own assessment of those views, we undertake to submit the original contributions to the Committee Secretariat under separate cover³⁵. Accordingly, we forwarded original copies of all written submissions so received to the Committee’s Secretariat on 4 August 2003.

Following its submission to the Committee on 27 June 2003, we distributed the report to Legislative Councillors and made it available to the public free of charge. Hard copies and CD-ROM versions were available on request from any of the 18 District Offices and we posted it on the Internet. Website and collection details were published by way of a press release. Copies were also sent to all Hong Kong schools and interested organisations. We also arranged for the report to be deposited in public libraries.

We explained how we disseminate the Convention in paragraphs 63 to 68 of the report, in relation to Article 42. The initiatives described there continue, though they have since been augmented by the convening of the Hong Kong’s first Children’s Council in March 2003, an initiative organised by our NGO partners in

³⁴ Including the Child Ambassadors.

³⁵ This follows the practice of the Canadian Government commended on page 51 of the United Nations Manual on Human Rights Reporting.

the Child Ambassadors Scheme (see paragraph 64 of the report) and funded by the Home Affairs Bureau. The ongoing aim of the project is to promote awareness of the Convention and of children's rights in Hong Kong. It also aims to provide children with the opportunity to develop their understanding of the legislative process by encouraging them to participate in public affairs and decision making on issues such affecting them. With that in view, the key aim is to create the core group of children who are willing actively to support the promotion of children's rights.

The Second Council met in May 2004 and, in December, the NGO-Government partnership collaborated on the convening of an international Children's Forum, the first of its kind in Hong Kong. The Third Council is tentatively scheduled to meet at a date in November 2005; and

(b) **the schools:** human rights education is an essential part of Hong Kong's school curriculum and greater effort has been focused on this over the last ten years, through -

(i) **curriculum development:** the current curriculum provides ample opportunities for the development of right-related concepts and values. The main vehicles for this purpose are moral and civic education. But many other school subjects also serve the same goals, particularly through the discussion (at various learning levels) of such key concepts as the right to life, the liberty and equality of persons, the freedoms of speech, religion (and so forth), and respect for all peoples - their cultures and ways of life, which naturally entails the concept of non-discrimination and so forth are discussed and developed through the teaching and learning of many school subjects. Relevant subjects in this regard are General Studies, Social Studies, Economic and Public Affairs, Government and Public Affairs, Liberal Studies and Integrated Humanities.

But these lessons go beyond the classroom: students' experience of life - at home, in the school, in the community, and in their social life - can be used to provide them with authentic illustrative contexts for the discussion of human rights;

(ii) **teacher training:** training courses for teachers on human rights education, civic education, and the Basic Law help to develop teachers' understanding of this cross-curricular theme. Additionally, the Education and Manpower Bureau has commissioned local tertiary institutes to run courses on human rights education for teachers and principals; and

(iii) **resource support:** initiatives in this area have been a feature of our human rights promotional strategy for many years. To illustrate: in 1996, we distributed our 'Human Rights Teaching Kit for Children' to all primary

schools in Hong Kong. The kit was augmented in 1998, with two video programmes for both primary and secondary schools and in 1999, when new reference materials were distributed to all primary and secondary schools. These materials are complemented by audio-visual materials, such as Education Television. A more recent initiative was the introduction in 2003 of the annual (HK\$10 million) ‘Moral and Civic Education Grant’ for all public primary and secondary schools.

7. Please indicate the issues affecting children that the State party considers to be priorities requiring the most urgent attention with regard to the implementation of the Convention: the immediate priorities of the Hong Kong SAR Government – in no particular order – are –

(a) **language acquisition by ethnic minority children:** minority children whose parents see their futures as lying in Hong Kong need to acquire a sound working knowledge of at least one of Hong Kong’s official languages (Chinese and English), preferably both, if they are to compete for employment opportunities on equal terms with their Chinese-speaking peers. As some 95% of Hong Kong people are primarily Cantonese-speaking³⁶, most of the local-level (as opposed to international) business conducted in Hong Kong is conducted in that language and in written Chinese. In recent years, business with the Mainland has grown to such an extent that knowledge of Putonghua is of increasing importance. That trend can only continue. Thus, the position is that the ability to speak/write English provides access to some careers, the ability to speak Cantonese and to read/write Chinese provides access to many more. For many jobs, the ability to speak Putonghua would be a definite advantage.

Language acquisition is therefore essential for the successful integration and welfare of the ethnic minorities, particularly the children. Adults must depend on home study, evening/weekend courses, and so forth. The best hope for the children is integration into the schooling system, where they will have access to basic and remedial language resources and the wider knowledge of language that comes through the educational process as a whole.

We discussed this topic in paragraphs 411 to 416 of the report, in relation to Article 28;

³⁶ Cantonese is the principal dialect of Guangdong Province, which geographically surrounds Hong Kong. Putonghua (literally ‘the Common Tongue’ and sometimes referred to overseas as ‘Mandarin’) is the official language of the People’s Republic of China. Written Chinese is common to all literate Chinese speakers, whatever their home dialect though, in its modern form, it follows the grammatical structure and conventions of Putonghua.

(b) **the developmental needs of the child:** in 2005, we announced the launch of the ‘Comprehensive Child Development Service’ for to provide comprehensive and timely support for children aged five and below and their families. The Service is a pilot scheme and will target four selected communities. It will be based in the Maternal and Child Health Centres, which provide services to over 90% of newborn babies³⁷. The aim is to augment the Centres’ existing services through better alignment of the delivery of health, education and social services to ensure early identification of the varied needs of children and their families so that appropriate services can be made available to them in a timely manner. The pilot Scheme will introduce four new components to the existing service ‘portfolio’, namely the early –

- identification and holistic management of at-risk pregnant women (substance abusers, those with mental illness, teenage or single mothers, and so forth);
- identification and management of mothers with post-natal depression;
- identification of children and families for social service intervention; and
- referral and feedback for pre-school children with physical, developmental, and behavioural problems, or those with family problems.

The pilot scheme was launched in one of the selected communities in July 2005. It will be extended to the three other selected communities in early 2006.

PART II

Please provide the Committee with copies of the text of the Convention on the Rights of the Child in all official languages or the State party as well as in other languages or dialects, when available. If possible, please submit these texts in electronic form.

We despatched electronic copies the Chinese and English versions of the Convention (as disseminated in Hong Kong) to the Committee’s Secretariat on 25 July. Hard copies are attached herewith.

³⁷ We discussed these Centres in paragraphs 298, 306, and 308 of our report, in relation to Articles 6(2) and 24, under sections VII(A) and (B).

PART III

Under this section, the State party is to briefly (3 pages maximum) update the information provided in its report with regard to:

[Note: there are several developments to report in respect of the areas covered in this part of the List and to stay within the limits that the Committee has set us, we have restricted explanations to the minimum. We will be pleased to provide further details of any or all of the entries should the Committee so wish.]

(a) New bills or enacted legislation

Article 8 (preservation of identity) - Human Reproductive Technology Ordinance 2000³⁸.

Article 18(2) (child care services) - Child Care Services (Amendment) Ordinance 2005³⁹.

Article 19 (violence, abuse or neglect) – Evidence (Amendment) Ordinance 2000⁴⁰ and Evidence (Miscellaneous Amendments) Ordinance 2003⁴¹.

Article 21 (adoption) - Adoption (Amendment) Ordinance 2004⁴².

Article 24 (health) - Smoking (Public Health) (Amendment) Bill 2005⁴³.

Article 27(4) (recovery of maintenance for the child) - Attachment of Income Orders (Amendment) Ordinance 2001⁴⁴.

Article 32 (work likely to be hazardous or harmful) - Legal Notice 91/2002⁴⁵.

³⁸ Provides a framework to ensure the safe and informed practice of reproductive technology in a way that respects, inter alia, the welfare of children born through reproductive technology. Under the Ordinance, the resulting children may apply to the Council on Human Reproductive Technology established in 2001 on reaching the age of 16 to ascertain whether they were born in consequence of such technology.

³⁹ Harmonises the services provided to children by child care centres, nurseries and kindergartens.

⁴⁰ Abrogated the requirement whereby it is obligatory for the judge to give the jury a warning about convicting the accused of a sexual offence on the uncorroborated evidence of the alleged victim.

⁴¹ (a) Unless both spouses are tried together for the same offence, the spouse of an accused can be compelled to give evidence for the prosecution or on behalf of a co-accused in respect of a sexual offence where a child of the family is the victim; (b) the Court of Appeal may take evidence by way of a live television link from vulnerable witnesses, including children.

⁴² (a) New procedure for a step-parent of a child to apply as the sole applicant for an adoption order; (b) gives effect to Convention on Protection of Children and Co-operation in respect of Intercountry Adoption; (c) prohibits privately arranged adoption or placement for adoption where the prospective adopter is neither a parent nor a relative; (d) regulates arrangements for sending out of Hong Kong any child for adoption by a person who is neither its parent nor relative.

⁴³ To expand the list of no-smoking areas to include child care centres, schools, reformatory schools, and indoor areas in shops, restaurants, maternity homes, hospitals, and post-secondary schools.

⁴⁴ Courts may make attachment of income orders when there are reasonable grounds to believe that maintenance payers will not make full and punctual payment in compliance with maintenance orders.

Article 34 (sexual exploitation and sexual abuse) - Prevention of Child Pornography Ordinance 2003⁴⁶.

Article 40 (administration of juvenile justice) - Rehabilitative Centres Ordinance 2001⁴⁷; Juvenile Offenders (Amendment) Ordinance 2003⁴⁸; and Criminal Procedure (Amendment) Ordinance 2004⁴⁹.

(b) New institutions

Children's Council - First met in 2003: a project to foster awareness of children's rights and other concerns among children and the general community.

Children's Forum - Convened in late 2004: provided an opportunity for Hong Kong children to exchange ideas and share their experiences with their international peers (see also the response to question B6).

Commission on Poverty - Established in early 2005 to advise the Government on policy integration in regard to measures to prevent and alleviate poverty.

(c) newly implemented policies

Article 2 (non-discrimination) – we aim to introduce the Race Discrimination Bill before the end of 2005.

Article 6(2) (survival and development) - the Comprehensive Child Development Service: see the response to B7 above.

Article 13 (freedom of expression) - Code of Practice for Internet Computer Services Centres Operators 2003⁵⁰.

Article 33 (narcotic drugs and psychotropic substances) - Code of Practice for Dance Party Organizers 2000⁵¹.

⁴⁵ No person shall employ young persons aged 15 to 17 in any dangerous trade: Employment of Young Persons (Industry) Regulations 2002, regulation 5.

⁴⁶ (a) Prohibits the production, possession and publication of child pornography; (b) prohibits the use, procurement or offer of persons under 18 for making pornography or for live pornographic performances; (c) extends the application of certain sexual offence to acts committed against children outside Hong Kong; and (d) prohibits the making of arrangements relating to the commission of those acts and the advertisements of such arrangements. In 2004, 24 persons were prosecuted under the Ordinance and 18 were convicted.

⁴⁷ Provides for the appointment of rehabilitation centres for the reformation and training of offenders of or over 14 and under 21 years of age. The rehabilitative programme provides an intermediate sentencing option between the longer term Training Centre Programme of the Correctional Services Department and the non-custodial measures administered by the Social Welfare Department.

⁴⁸ Minimum age of criminal responsibility raised from seven to 10.

⁴⁹ Minimum terms of prisoners serving long-term indeterminate sentences of imprisonment in respect of convictions of murder committed under the age of 18 shall be assessed in accordance with a judicial as opposed to administrative process.

⁵⁰ Requires operators to install devices that filter pornographic, violent and gambling contents on the Internet and to ensure that customers below 18 are not allowed access to indecent articles.

⁵¹ Encourages the management of "rave" type dance parties to impose a minimum age limit of 18 years and to inform the police if there is evidence of drug dealing or abuse.

Article 34 (sexual exploitation and sexual abuse) - Police officers regularly attend international seminars, workshops and conferences relating to crimes against children⁵².

Article 37 (legal assistance) - Legal Representation Scheme for Children and Juveniles Involved in Care or Protection Proceedings (2003).

Article 39 (physical and psychological recovery and social reintegration) - The Rehabilitation Centres Ordinance (2001)⁵³.

Article 40 (juvenile justice) - Pilot Family Conference Scheme⁵⁴; Police community-based initiatives⁵⁵.

Reservations and declarations - Withdrawal of declaration on the application of Article 22 of the Convention in 2003.

(d) newly implemented programmes and projects and their scope

Law Reform Commission reports - The Law Reform Commission has published the following reports with a view to their implementation: (a) *Guardianship of Children* (2002)⁵⁶; (b) *International Parental Child Abduction* (2002)⁵⁷; (c) *Family*

⁵² In 2004, the Police Force and Interpol co-hosted a training course on “Computer Facilitated Crimes Against Children” which was attended by about 80 local and overseas law enforcement officers. In early 2005, two police officers attended the “Transnational Sex Crime Course” organised by the International Law Enforcement Academy in Bangkok, Thailand. The Police also actively participate in public seminars, forums and talks for community organisations and schools to promote child protection.

⁵³ The Ordinance provides the courts with an additional sentencing option for dealing with young offenders aged between 14 and 21 who need a short-term residential rehabilitation programme. The aim is to: deter young offenders from committing further crimes; correct their values and behaviour; help them develop socially-acceptable behaviour and respect for law; equip them with necessary social and life skills to enhance their problem solving capacity; and provide them with opportunities to learn the necessary skills for reintegration into society.

⁵⁴ Introduced in 2003, Family Conferences are conducted for children/juveniles aged 10 and below 18 who, having infringed the law, have been cautioned under the Police Superintendent’s Discretion Scheme. They bring together the cautioned children/juveniles, their family members and professionals of relevant expertise to assess the needs of the cautioned children/juveniles and to formulate a follow-up plan.

⁵⁵ Examples include the Police School Liaison Programme, youth initiatives at the district level to engage unruly children and juvenile offenders in meaningful activities to help foster their sense of civic responsibility and self-esteem, and the ‘Intensive Community Mentoring Scheme’, which provides mentorship for secondary students.

⁵⁶ Recommendations in regard to Article 12 (take account of views of child on appointment of guardian).

⁵⁷ Recommendations in regard to Article 35 (restrict removal of child without consent of parent who has custody where proceedings have been issued or court orders made concerning the child; power to order disclosure of whereabouts of child; police may hold a child being removed in breach of court order; specific provisions to prohibit publication of information relating to proceedings under the Hague Convention and restrict searching of court files in these proceedings by the public).

*Dispute Resolution Process (2003)*⁵⁸; and (d) *Child Custody and Access (2005)*⁵⁹. The Administration is studying the Commission's recommendations.

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People's Republic of China
July 2005**

⁵⁸ Recommendations in regard to Article 3 (priority given to hearing of disputes concerning children); Article 12 (mechanism for considering views of child in mediation process); Art 40 (all identifying details about children to be deleted from all judgments in disputes concerning children).

⁵⁹ Recommendations in regard to Article 3 (adopt "best interests" principle for all proceedings concerning children); Article 4 (provisions dealing with disputes relating to children, arrangements on divorce, guardianship etc be consolidated into one ordinance; a single policy bureau for policies for families and children); Article 9 (court should have regard to views of child in divorce proceedings; parents to show that arrangements for child are the best that can be arranged; separate representation for child in dispute relating to parental responsibility or proceedings concerning him; parents be granted legal aid in care or protection proceedings); Article 12 (all matrimonial legislation should refer to the need to hear views of child and set out the mechanisms for doing so; views of child treated in confidence; no age limit); Article 16 (review data protection arrangements for victims of family abuse); Article 18 (concept of parental responsibility to replace that of guardianship; set out list of parental responsibilities and rights in the legislation); Article 19 (adopt all-encompassing definition of domestic violence; court may suspend prior access or contact order or determine residence of child in making an injunction under the domestic violence legislation; training and research on effects of domestic violence on children); Article 35 (mutual legal assistance with mainland China for enforcement of orders for return of child removed unlawfully from Hong Kong and vice versa).

Annexes

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Annex A

Persons with disabilities by age/sex and selected type of disability

Age group/Sex	Selected type of disability								
	Restriction in body movement			Seeing difficulty			Hearing difficulty		
	No. of persons ('000)	%	Rate*	No. of persons ('000)	%	Rate*	No. of persons ('000)	%	Rate*
Age group									
< 18	2.2	2.1	0.2	2.8	3.8	0.2	2.6	3.8	0.2
≥ 18	101.3	97.9	1.9	71.1	96.2	1.3	67.1	96.2	1.3
Overall	103.5	100.0	1.5	73.9	100.0	1.1	69.7	100.0	1.0
Sex — for persons aged below 18 only									
Male	1.1	53.1	0.2	1.3	45.6	0.2	1.4	51.7	0.2
Female	1.0	46.9	0.1	1.5	54.4	0.2	1.3	48.3	0.2
Overall	2.2	100.0	0.2	2.8	100.0	0.2	2.6	100.0	0.2

Note : * As a percentage of all persons in the respective age/sex groups. For example, among all persons aged below 18, 0.2% were persons with restriction in body movement.

(To be cont'd)

Persons with disabilities by age/sex and selected type of disability

Age group/Sex	Selected type of disability (Cont'd)								
	Speech difficulty			Mental illness			Autism		
	No. of persons ('000)	%	Rate*	No. of persons ('000)	%	Rate*	No. of persons ('000)	%	Rate*
Age group									
< 18	3.9	20.9	0.3	1.2	2.4	0.1	1.5	50.2	0.1
≥ 18	14.6	79.1	0.3	49.2	97.6	0.9	1.5	49.8	#
Overall	18.5	100.0	0.3	50.5	100.0	0.7	3.0	100.0	#
Sex — for persons aged below 18 only									
Male	2.5	65.2	0.3	0.8	66.3	0.1	1.4	91.7	0.2
Female	1.4	34.8	0.2	0.4	33.7	0.1	0.1	8.3	#
Overall	3.9	100.0	0.3	1.2	100.0	0.1	1.5	100.0	0.1

Notes : * As a percentage of all persons in the respective age/sex groups. For example, among all persons aged below 18, 0.3% were persons with speech difficulty.

Less than 0.05.

(To be cont'd)

Persons with disabilities by age/sex and selected type of disability

Age group/Sex	All persons with disabilities (excluding mentally handicapped persons) [@]			Total population
	No. of persons (^{'000})	%	Rate*	%
Age group				
< 18	11.7	4.3	0.8	21.3
≥ 18	257.8	95.7	4.8	78.7
Overall	269.5	100.0	4.0	100.0
Sex — for persons aged below 18 only				
Male	7.1	61.0	1.0	51.6
Female	4.6	39.0	0.7	48.4
Overall	11.7	100.0	0.8	100.0

Notes : [@] A person might have more than one selected type of disability and hence the overall number of persons with disabilities is smaller than the sum of the number of persons with individual types of disability.

* As a percentage of all persons in the respective age/sex groups. For example, among all persons aged below 18, 0.8% were persons with disabilities.

Some estimates are based on only a small number of observations and thus should be interpreted with caution.

Annex B

Persons aged under 18 arrested for criminal offences

Crime	2002			2003			2004		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Rape	11	1	12	16		16	3		3
Indecent Assault	104	7	111	93	2	95	109	4	113
Murder & Manslaughter	5	1	6	3		3	6	7	13
Attempted Murder				1		1			
Wounding	214	12	226	229	7	236	221	19	240
Serious Assault	695	178	873	824	158	982	791	125	916
Assault on Police	10	4	14	19	2	21	8	2	10
Criminal Intimidation	47	20	67	57	22	79	81	11	92
Robbery with Pistol Like Object	1		1				1		1
Other Robberies	595	105	700	543	76	619	439	104	543
Aggravated Burglary	1		1				1		1

Crime	2002			2003			2004		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Blackmail	140	33	173	125	31	156	148	35	183
Arson	35	2	37	41	2	43	47	8	55
Burglary with Breaking	85	13	98	60	10	70	62	9	71
Burglary without Breaking	44	8	52	98	12	110	50	15	65
Theft (Snatching)	72	6	78	81	5	86	72	5	77
Theft (Pickpocketing)	10	1	11	1	6	7	8	3	11
Theft (Shop Theft)	1151	1105	2256	912	1090	2002	907	895	1802
Theft from Vehicle	63	3	66	94	1	95	60		60
Taking Conveyance without Authority	32	7	39	42	5	47	24	2	26
Abstracting of Electricity								1	1
Theft from Construction Site	9		9	8	4	12	8		8
Other Miscellaneous Thefts	959	242	1201	1065	219	1284	1184	275	1459
Handling Stolen Goods	47	16	63	37	4	41	58	7	65
Deception	46	12	58	40	16	56	48	11	59
Business Fraud	3		3						
Forgery and Coinage	7	3	10	14	4	18	10	3	13
Unlawful Sexual Intercourse	109		109	117		117	127		127
Keeping Vice Establishment		1	1	1	3	4	3	1	4
Procuration, Abduction of Female	2	1	3						
Unnatural Offences	3		3	2		2			
Other Offences Against Public Morality	5		5	2		2	11		11
Trafficking in Dangerous Drugs	68	29	97	57	14	71	34	12	46
Possession of Dangerous Drugs	88	23	111	75	31	106	81	21	102
Mislead/Giving False Information to Police	21	17	38	26	17	43	12	18	30
Perjury		1	1						
Resisting Arrest	10		10	4		4	12	2	14
Escape and Rescue	3		3	1		1	2	1	3
Other Off. Against Lawful Authority	3		3	8		8	4		4

Crime	2002			2003			2004		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Using ID Card Relating to Another	20	54	74	18	39	57	12	33	45
Other Serious Immigration Offences	2	8	10	1	1	2		9	9
Criminal Damage	204	36	240	261	22	283	223	23	246
Other Offences Against Person	10	2	12	18	1	19			
Disorder/Fighting in Public Place	193	34	227	251	29	280	220	28	248
Offences Against Public Order	353	23	376	279	6	285	244	7	251
Unlawful Society Offences	307	20	327	233	16	249	239	10	249
Money Lending	1		1						
Serious Gambling Offences	1		1						
Conspiracy	28	3	31	16	3	19	24		24
Object Dropped from Height	13		13	14	4	18	21	2	23
Other Crime	45	5	50	37	2	39	33	2	35
Possession of Arms and Ammunition	3	1	4	6		6	4		4
Possession of Offensive Weapon	156	11	167	129	6	135	106	7	113
Going Equipped for Stealing	49		49	46	3	49	46		46
Possession of Unlawful Instrument	9		9	9		9	15		15
Tampering with Vehicle	9		9	16		16	13		13
Unlawful Pawning Offences							1		1
Loitering	7		7	15		15	16		16
Total	6108	2048	8156	6045	1873	7918	5849	1717	7566

Annex C

Defendants aged under 18 prosecuted for criminal offences

(a) By age group

Age group	Year of sentence		
	2002	2003	2004

Below 12	38	26	26
12	77	80	63
13	261	203	204
14	388	347	407
15	566	551	587
16	596	549	597
17	624	563	577
Total	2,550	2,319	2,461

(b) By sex

Sentence pattern	Year of Sentence		
	2002	2003	2004
Male	2118	1919	2069
Female	432	400	392
Total	2,550	2,319	2,461

(c) By type of offence charged

Type of offence charged	Year of sentence		
	2002	2003	2004
Rape	4	6	2
Indecent Assault	29	19	51
Murder & Manslaughter	2	3	5
Wounding	83	74	61
Serious Assault	319	323	325
Assault on Police	18	14	9
Kidnapping & Child Stealing	1	0	0
Criminal Intimidation	28	21	17
Robbery with Pistol Like Object	6	0	2
Other Robberies	382	335	316
Aggravated Burglary	1	0	1
Blackmail	52	52	73
Arson	10	11	4
Burglary with Breaking	36	25	37
Burglary without Breaking	63	40	47
Theft (Snatching)	26	45	45
Theft (Pickpocketing)	14	5	2
Theft (Shop Theft)	173	275	248
Theft from Vehicle	32	55	35
Taking Conveyance without Authority	21	19	15
Theft from Construction Site	5	3	3

Type of offence charged	Year of sentence		
	2002	2003	2004
Other Miscellaneous Thefts	452	365	471
Handling Stolen Goods	25	35	29
Deception	20	16	11
Business Fraud	0	1	0
Forgery and Coinage	3	7	5
Unlawful Sexual Intercourse	48	49	50
Keeping Vice Establishment	0	3	5
Unnatural Offences	1	1	1
Other Offences Against Public Morality	3	2	4
Trafficking in Dangerous Drugs	97	41	28
Possession of Dangerous Drugs	62	48	73
Mislead/Giving False Information to Police	7	13	7
Perjury	1	0	0
Resisting Arrest	14	14	13
Escape and Rescue	3	1	5
Other Offences Against Lawful Authority	2	5	2
Aiding and Abetting of Illegal Immigrants	1	0	0
Using ID Card Relating to Another	40	18	24
Other Serious Immigration Offences	4	3	7
Criminal Damage	62	68	56
Other Offences Against Person	3	0	2
Disorder/Fighting in Public Place	39	53	40
Offences Against Public Order	15	19	13
Unlawful Society Offences	141	106	186
Serious Gambling Offences	1	0	0
Conspiracy	7	9	30
Object Dropped from Height	2	2	0
Other Crime	75	13	18
Possession of Arms and Ammunition	2	2	0
Possession of Offensive Weapon	84	57	53
Going Equipped for Stealing	10	24	14
Possession of Unlawful Instrument	4	7	9
Tampering with Vehicle	3	6	2
Loitering	14	6	5
Total	2,550	2,319	2,461

Convicted defendants aged under 18 prosecuted by Hong Kong Police with criminal offences

(a) By sentencing outcome

Sentencing outcome	Year of sentence		
	2002	2003	2004
Immediate imprisonment	85	91	116
Other custody under Correctional Services Department	376	378	475
Probation order	1004	981	1078
Suspended imprisonment	4	11	12
Fine	94	130	102
Others	230	142	115
Total	1,793	1,733	1,898

(b) Defendants sentenced with immediate imprisonment by duration of imprisonment

Duration of imprisonment	Year of sentence		
	2002	2003	2004
Less Than 3 Months	31	36	40
3 Months - Less Than 6 Months	6	20	18
6 Months - Less Than 9 Months	10	8	13
9 Months - Less Than 1 Year	4	0	4
1 Year - Less Than 3 Years	15	11	18
3 Years - Less Than 6 Years	12	8	20
6 Years or More	7	8	3
Total	85	91	116

Annex D

Young persons aged 14 to 17 in penal custody¹

(A) By type of correctional programme	2002			2003			2004		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Prison	110	328	438	115	253	368	158	254	412
Drug Addiction Treatment Centre	45	3	48	31	2	33	25	8	33

¹ The Correctional Services Department (CSD) does not maintain dedicated detention facilities for offenders aged under 18. Young offenders aged 21 and over but under 25, and who have been sentenced to a Detention Centre are detained in the CSD's sole Detention Centre. But they are not permitted contact with those detainees aged under 21.

Training Centre	77	14	91	47	9	56	70	18	88
Detention Centre	232	N.A.	232	173	N.A.	173	191	N.A.	191
Rehabilitation Centre	44	21	65	111	39	150	121	43	164
Overall	508	366	874	477	303	780	565	323	888

(B) By type of offence	2002			2003			2004		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Against Lawful Authority									
a. Unlawful society	11	0	11	17	0	17	32	7	39
b. Possession of offensive weapons	34	0	34	29	0	29	25	0	25
c. Perjury	6	21	27	3	19	22	5	19	24
d. Others	7	0	7	5	0	5	6	0	6
Sub-total	58	21	79	54	19	73	68	26	94
Against Public Morality									
a. Rape	1	0	1	1	0	1	0	0	0
b. Indecent assault	2	0	2	2	0	2	7	1	8
c. Keeping a vice establishment	0	0	0	0	1	1	2	0	2
d. Others	5	0	5	3	0	3	4	0	4
Sub-total	8	0	8	6	1	7	13	1	14
Against the person									
a. Murder	0	0	0	0	0	0	0	0	0
b. Manslaughter/ Attempted murder	0	0	0	0	0	0	0	0	0
c. Wounding/Serious assault	36	2	38	55	6	61	66	8	74
d. Others	3	0	3	5	0	5	1	0	1
Sub-total	39	2	41	60	6	66	67	8	75

(B) By type of offence	2002			2003			2004		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Against property									
a. Robbery	75	3	78	72	4	76	94	4	98
b. Burglary	23	1	24	17	0	17	18	3	21
c. Theft	72	15	87	78	20	98	93	23	116
d. Others	16	2	18	26	3	29	21	4	25
Sub-total	186	21	207	193	27	220	226	34	260
Against the Penal Code									
a. Possession of a forged ID	29	35	64	11	19	30	15	12	27
b. Forgery/Counterfeiting	0	1	1	1	0	1	0	1	1
c. Others	1	0	1	0	0	0	1	0	1
Sub-total	30	36	66	12	19	31	16	13	29
Against Local Laws									
a. Remaining in HK unlawfully	14	57	71	37	8	45	39	11	50
b. Breach of condition of stay	4	203	207	3	192	195	17	195	212
c. Publishing of obscene articles	5	0	5	0	0	0	4	0	4
d. Soliciting for immoral purpose	0	7	7	0	8	8	0	10	10
e. Possession of dutiable commodities	16	1	17	14	4	18	14	3	17
f. Others	93	10	103	57	15	72	68	17	85
Sub-total	132	278	410	111	227	338	142	236	378
Narcotics Offences									
a. Trafficking in dangerous drugs	30	5	35	25	2	27	12	1	13
b. Simple possession of dangerous drugs	25	3	28	16	2	18	21	4	25
c. Others	0	0	0	0	0	0	0	0	0
Sub-total	55	8	63	41	4	45	33	5	38

(B) By type of offence	2002			2003			2004		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Total	508	366	874	477	303	780	565	323	888

Average length of detention of persons aged 14 - 17 on admission

Type of correctional programme/year of discharge	Male		Female		Overall	
	No. of Months	No. of Days	No. of Months	No. of Days	No. of Months	No. of Days

Prison

2002	8	13	2	14	3	28
2003	12	1	1	18	4	18
2004	8	12	1	15	3	27

Drug Addiction

Treatment Centre

2002	5	25	7	14	6	0
2003	6	7	5	27	6	7
2004	6	2	5	22	6	1

Training Centre

2002	17	13	20	28	18	1
2003	17	14	19	23	17	20
2004	16	9	13	18	15	25

Detention Centre

2002	4	21	N.A.	N.A.	4	21
2003	4	29	N.A.	N.A.	4	29
2004	5	5	N.A.	N.A.	5	5

Rehabilitation

Centre (started operation on 11 July 2002)

Type of correctional programme/year of discharge	Male		Female		Overall	
	No. of Months	No. of Days	No. of Months	No. of Days	No. of Months	No. of Days
	2003	5	12	5	23	5
2004	5	3	5	19	5	6

Type of correctional programme/year of discharge	Male		Female		Overall	
	No. of Months	No. of Days	No. of Months	No. of Days	No. of Months	No. of Days

Overall

2002	8	10	3	18	6	7
2003	8	28	2	21	6	15
2004	7	9	2	14	5	18