

Second Report under the Convention on the Elimination of All Forms of Discrimination against Women

Preface

The Convention on the Elimination of all Forms of Discrimination against Women (the 'Convention' or CEDAW) was extended to Hong Kong, at the consent of the People's Republic of China and the United Kingdom of Great Britain and North Ireland, on 14 October 1996. The Government of the People's Republic of China notified the Secretary-General of the United Nations that the Convention would apply to the Hong Kong Special Administrative Region of the People's Republic of China (HKSAR) with effect from 1 July 1997.

2. As part of the combined third and fourth periodic reports of China, the Initial Report on the implementation of the Convention in the HKSAR was submitted in August 1998. This was later considered by the Committee on the Elimination of Discrimination against Women in February 1999.

The Second Report

3. In accordance with Article 18 of the Convention, the Government of the People's Republic of China is obliged to submit its Second Report on the implementation of the Convention in the HKSAR. The report is divided in two parts. Part I is a 'General Profile of the Hong Kong Special Administrative Region' and provides background information on HKSAR. Part II provides specific information in relation to each provision of the Convention.

4. In preparing the Second Report, the HKSAR Government consulted widely with the public and received comments and views from many interested parties, including local women's groups. Many of their views have been addressed in the Report.

5. Since the HKSAR's previous report, a number of administrative and legal measures have been taken to advance the status of women in Hong Kong. Some of the more important measures are highlighted in this preface to give a more comprehensive picture of women's status and well-being. Details of these and other initiatives are included in Part II of this report.

General State of Women in Hong Kong

6. Hong Kong is a free and vibrant city that offers ample opportunities for women. These can be seen in the ever increasing contribution that women in Hong Kong are making to the development of economic, political and social life of the community. Many of them are prominent leaders in their fields. In the HKSAR Government, the Secretary for Justice, the Secretary for Environment, Transport and Work, and the Secretary for Security are women. The President and House Committee Chairperson of Legislative Council are women, and the women Members are among the most active and forceful ones in the Council. Many influential opinion leaders in Hong Kong are women. The Ombudsman is also a woman. In the private sector, the number of women entrepreneurs has been increasing, and more and more women are occupying senior management and professional positions.

7. Since mid-1997, the proportion of women in Hong Kong¹ has risen from 50.1% of the population to 51.5%² by end 2002. Women made up 44% of the labour force, or 1.5 million people, in 2002. Despite an economic downturn over the past four years, the labour force participation rate for females rose from 47.9% in 1997 to 52% by 2002. Women also make significant contributions through unremunerated work, in particular looking after their families and voluntary service. Women are entitled to equal pay for the same work as male counterparts. Pregnant employees are entitled to maternity leave, maternity leave pay, employment protection and health protection. More than one-third of civil servants are females, while women account for 24% of top-level posts (i.e.

¹ including foreign domestic helpers, who amount to around 237,000 people in end 2002

² provisional figure

director level). More women are also entering traditional male-dominated fields such as medicine, engineering and law.

8. As noted in our Initial Report, the introduction of nine years' free and universal basic education in 1978 provided girls with equal education opportunities to boys. In recent years, more than half of university first-degree graduates have been women. More women are entering professional studies at university, and more are taking up government-funded post-graduate studies. In 2000-01, females accounted for 54% of all graduates of University Grants Committee funded undergraduate programmes and 47% of post-graduate programmes.

9. We are, however, not complacent about the present situation. Despite the progress made, obstacles still remain to the advancement of women in Hong Kong. In moving towards a more globalised and knowledge-based society, Hong Kong, like many other economies, is faced with the challenge of economic restructuring. Although the unemployment rate of women³ (6.8% in 2002) is lower than that of men in general (8.4% in the same period), many middle-aged women, in particular those with lower education levels, have encountered difficulties entering or rejoining the workforce or accessing continuing education opportunities. A relatively larger proportion of women are engaged in lower-income jobs and casual labour. We are aware of the need to upgrade their skills so that they can fully participate in the economy and develop their potential. We are also mindful that women's median monthly employment earnings had dropped from 83% in 2001 to 79% in 2002 in respect to that of men's which could reflect increasing disparity between female and male population, and hence a need to empower the less privileged women in the community.

10. The advancement of women could be further enhanced if the root of the problem, i.e. gender prejudices and stereotyping, was removed. While traditional values are changing, nonetheless, there are still prejudiced misconceptions on the roles, values, images and abilities of the two sexes, which hinder women from developing their potential to the full. Changing these

³ excluding foreign domestic helpers

misconceptions and stereotyping are long-term tasks that will require sustained public education efforts.

Legislative Protection for Women and the Equal Opportunities Commission

11. As stated in the Initial Report, the Sex Discrimination Ordinance (SDO), which protects women against discrimination, came into full effect in December 1996. It prohibits unlawful discrimination on the grounds of sex, marital status or pregnancy in specified areas of activity, such as employment and education. The Ordinance outlaws sexual harassment as well as discriminatory practices, including the publication of discriminatory advertisements. It provides for the establishment of an independent statutory body, the Equal Opportunities Commission (EOC), with the Chairperson and Members appointed by the Chief Executive of the Government of HKSAR. The EOC is responsible for eliminating sex discrimination and promoting equal opportunities between women and men.

12. The EOC is tasked to handle complaints, encourage conciliation between parties in dispute, provide assistance to aggrieved persons, and undertake public education and research programmes to promote equal opportunities in the community. It organises training programmes, talks and seminars to stakeholders and the general public on equal opportunities and anti-discrimination ordinances. It also conducts reviews on existing systems and policies from the perspective of equal opportunities. In order to promote equal opportunities more effectively, EOC partners with stakeholders in conducting researches and publicity work. For example, to remove digital barriers and enhance the capacity of all women to become full members of the knowledge-based economy, the EOC relays the problems faced by women in accessing information technology (IT) training and facilities to the respective government departments and works closely with the IT industry.

13. The EOC plays a key role in promoting sex equality and its work is highly valued by Government. To support its effective and efficient operation, the Government allocates an annual funding of over HK\$80million (US\$10.26million) to the EOC (which is the main source of funding) for its work, which includes

undertaking strategic litigation to provide redress to individual grievances and systemic defects and to establish legal principles. Strategic litigation also serves as a means to educate the public on the anti-discrimination laws. Being the anti-discrimination watchdog, EOC enjoys a high degree of independence, as evidenced by the fact that it actually advised and even litigated against Government departments. A famous example is the court case of Secondary School Places Allocation System, the details of which is at Annex C.

14. Over the past four years, the Government has introduced various legislative amendments to further protect women's well-being. The Dangerous Drugs, Independent Commission Against Corruption and Police Force (Amendment) Bill 1999, passed in 2000, empowers law enforcement agencies to take intimate and non-intimate samples to combat serious crimes including sexual offences. Amendments to the Evidence Ordinance abolished the corroboration rules in sexual offence cases, which worked to the disadvantage of victims, who are mostly women. To address the problem that people are not allowed to testify against their spouses in criminal proceedings, including domestic violence and marital rape cases (in which most victims are women), the Evidence (Miscellaneous Amendments) Bill 2002 is introduced to enable and to compel the spouses to give evidence in certain criminal proceedings. The Bill is now being scrutinised by the Legislative Council. In 2002, amendments to the Crimes Ordinance made it clear that marital rape is unlawful. The beneficiaries of such amendments are likely to be women.

The Women's Commission

15. To further promote the well-being and interests of women, the Women's Commission was set up in January 2001. It is a high level, central mechanism tasked to advise the Government on a long-term vision and strategy for the development and advancement of women. It seeks to address women's needs and concerns more holistically and effectively. Annual funding of some HK\$20 million (US\$2.56 million) supports the work of the Commission, which is assisted by the Women's Division of the Health, Welfare and Food Bureau.

16. The Women's Commission's Mission is: "To enable women to fully realise their due status, rights and opportunities in all aspects of life". In pursuing this Mission, the Commission has identified three priority areas for action: incorporating women's needs and concerns in policy making, or gender mainstreaming; empowerment of women; and public education. The Government and the Commission are working closely together to help women realise their full potential and to eliminate gender prejudices.

Promoting the Advancement of Women : Gender Mainstreaming, Empowerment, and Public Education

Gender Mainstreaming

17. To provide an environment conducive to women's development, society needs to be sensitive to their needs and concerns. Gender mainstreaming is the integration of gender perspective in legislation, policies or programmes. It makes women's as well as men's concerns and experiences an integral dimension in the design, implementation, monitoring and evaluation of all legislation, policies and programmes. It seeks to ensure that women and men have equitable access to, and benefit from, society's resources and opportunities, with the aim of achieving women's advancement and gender equality.

18. As Government policies and programmes have a significant impact on women's well-being, it is important to take into account women's needs and perspectives in the formulation and review of public policies, programmes and legislation. By integrating gender perspectives in these processes, better decisions can be reached. The Women's Commission has already developed a gender mainstreaming 'checklist' that has been tested in a few policy areas and it is now being refined. It will be gradually introduced into more policy areas, with the full support of the Government.

19. The collection and compilation of sex-disaggregated data are important for gender analysis and gender sensitive policy-making. Since 2001, the Census and Statistics Department has produced two annual reports on key statistics on women and men in Hong Kong. To better understand the contribution made by

women in all spheres, including homemaking and unpaid voluntary work, a survey on the time use pattern of women and men in the economy was conducted in 2001-02. Another survey on positions occupied by women in the private and non-governmental sectors was conducted in 2002.

20. To facilitate the inclusion of women's perspectives in the policy formulation, legislation and implementation stages, gender-related training programmes are offered to civil servants to raise their awareness. By enhancing gender sensitivity in the decision making process, our goal is to ensure that women and men have equitable access to, and benefit from, society's resources and opportunities.

Empowerment

21. In empowering women, it is important to engage women in the community's decision-making process. Active measures are being taken to increase the participation of women in Government advisory and statutory bodies⁴, an important part of Hong Kong's governance structure. Enhancing women's participation enables women's views and perspectives to be fully reflected and taken into account in the decision making process. All Government bureaux and departments have been asked to take gender composition into consideration when making appointments to boards and committees. Bureaux and departments are expected to take proactive measures to reach out, identify and cultivate women who are able and willing to contribute to the work of the community. A special exercise has been conducted to include more female talent in the database from which candidates for boards and committees are often drawn.

22. The Women's Commission has taken the initiative to encourage and promote good empowerment practices across all sectors of the community. In supporting the development of new service models, the Women's Commission

⁴ There are about 600 advisory and statutory bodies in Hong Kong which advise the Government or discharge public functions on a wide range of matters affecting the lives of residents in Hong Kong. Members of the community are appointed to these bodies for their expertise, experience and interest in public service.

encourages women to engage in self-reliance and mutual help instead of relying on assistance.

23. The Women's Commission recognises that the empowerment of women involves two levels : capacity building for women at the individual level; and, the creation of an enabling environment within society for women to develop their potential. The Commission seeks to help Hong Kong women make informed choices, to develop and achieve their potential and meet future challenges. Through empowerment, the Commission aims to allow women to participate more fully in all aspects of community life.

Public Education

24. Efforts by the Government and the Women's Commission to promote gender mainstreaming and empower women will not be effective unless we address society's preconceived notions, roles and stereotypes of women. To address these problems, the Women's Commission has launched a large scale media publicity programme, and held a conference to raise public awareness of gender-related issues and to reduce gender stereotyping.

Services for Women

25. A comprehensive range of services are provided to meet the needs of women, including health, education, employment and welfare services. In respect of health services, a cornerstone of the Government's health care policy is that no one should be denied adequate medical treatment because of lack of means. With accessible and high quality public health care services in place, the health status of women in Hong Kong has steadily improved. The expected lifespan⁵ of women has increased from 83.2 years in 1997 to 84.7 years in 2002, compared to 77.2 years and 78.7 years for men over the same period. This compares favourably

⁵ The expected lifespan of women and men, and the maternal mortality rate in 2002 stated are provisional figures.

with those of most developed countries. The maternal mortality rate⁵ of 4.2 per 100,000 live births in 2002 was one of the lowest in the world.

26. Each year, the Government inject substantial resources to education. Nine-year free and compulsory basic education is provided to girls and boys. The Government also provides continuing education and retraining opportunities to those who wish to upgrade their skills and knowledge and enhance their employability. Women make up the majority of the participants of re-training programmes. Employment services are also in place to assist those who wish to seek placements. IT training and computer workstations are provided to the public, with women as an important target group to enable women to reap the benefits of the digital era. A safety net is also in place to meet the basic needs of those in financial difficulty.

Employment-related Services

27. Hong Kong is now in the midst of economic restructuring brought on by globalisation, advances in IT, China's entry into the World Trade Organisation, and closer links with southern China economies. All of these will have a far-reaching impact on Hong Kong society, and have brought challenges and opportunities for Hong Kong women. We are aware of the difficulties faced by unemployed women in seeking jobs and upgrading their skills. Working women shoulder the double pressure of work and taking care of their families. Some women are also in vulnerable positions and need assistance to help themselves.

28. The Government has been working hard to strengthen the IT capabilities of women so that they can seize new opportunities in the digital era. Under its Digital 21 Strategy, the Government has since 2000 introduced a package of initiatives to raise the IT awareness of women as well as their confidence and capability in using IT. Initiatives include provision of free IT awareness programmes to equip women with basic IT skills and provision of over 5,000 conveniently-located computer workstations with Internet connection throughout the city. In the 2002/03 financial year, the Government is spending HK\$677 million (US\$87 million) to promote IT awareness and use within the community.

29. The Government also plays a major role in providing training and retraining opportunities for women. Over the past two years, the Employees Retraining Board has each year provided over 100,000 training places, of which about three quarters were taken up by women. The courses, which include job-specific skills courses, clerical courses, computer applications and vocational languages, have helped increase the employability of women in Hong Kong.

30. The Government also provides a comprehensive range of free employment assistance and counselling services to help women job-seekers find suitable work. The services include a job matching programme that offers one-stop career counselling; job matching and referrals to relevant training and retraining programmes; a re-employment pilot programme for the middle aged; and the promotion of job opportunities in sectors with potential growth.

31. For women in more vulnerable positions, various forms of services and assistance are available to help them tie over their difficulties and integrate into society.

Services for Victims of Violence

32. Domestic violence is one of the most acute social problems. The Social Welfare Department tackles the problem through multi-disciplinary co-ordination, public education, co-ordination of community resources, and early identification and intervention activities. An inter-departmental Working Group on Combating Violence was set up in 2001, through amalgamation of two Working Groups to better address domestic and sexual violence issues. The Government adopts a 'zero-tolerance' approach to these and additional resources have been provided for services for victims, who are mostly women.

33. To enhance service delivery, additional social workers have been provided to the three refuge centres for women suffering from domestic violence as well as the Family and Child Protective Services Units, which are specialised units of the Social Welfare Department responsible for handling cases of child abuse, spouse battering and child custody disputes. To strengthen support provided

to domestic violence victims, an additional refuge centre was established in 2002. The Conditional Tenancy Scheme of the Housing Authority was extended in November 2001 to cover victims of spouse battering who are undergoing divorce proceedings, who have no offspring or bring along no dependent children when leaving their matrimonial homes, and who have genuine and imminent housing problems.

34. To provide a one-stop service for victims of sexual violence, a non-governmental organisation has started operating a pilot sexual violence crisis centre (the RainLily) with the support of the Government and funding support from the Hong Kong Jockey Club Charities Trust. Services include a hotline, round-the-clock outreach and escorting, crisis intervention, counselling, therapeutic group, arrangement of medical examination, legal services, etc.

35. The Family and Child Protective Services Units and non-governmental organisations have also pioneered batterers intervention programmes that include group work and men's hotlines to help address the problem at source.

Services for Single Parents

36. The Government is concerned about the welfare of single parents. At end-December 2002, 80% of single parents receiving Government financial support through the Comprehensive Social Security Assistance (CSSA) Scheme were women. Many single parent families are in need of other forms of support and assistance apart from financial help, but are reluctant to seek help. To minimize social exclusion of this group, the Social Welfare Department launched an 'Ending Exclusion Project' in March 2002 to promote social inclusion of single parents receiving welfare payments, and to encourage them to participate in paid employment. By December 2002, 2,397 single parents had participated in the project.

37. Apart from the Ending Exclusion Project, support services for single parents have also been enhanced. This has required a change to more pro-active

service delivery that involves reaching out to families, matching them with appropriate supportive services (e.g. employment services, childcare services, etc) and building up a support network among themselves. As part of these enhanced support services, non-governmental organisations now operate five single-parent centres, with financial support from the Government, to provide one-stop service and support to single parents in need. The centres are focal points in providing a package of tailor-made services to assist single parents to overcome problems arising from single parenthood, restore resilience, build up a social network of support and mutual help and improve their capacity for employment and self-reliance. Services include parent education, stress management, family education, training and supervision on child-minding, job-related services, supportive groups, and outreaching to needy single parents to offer early intervention.

Services for New Arrival Women

38. To address the needs of new arrival women from the Mainland, the Hong Kong Government plays a co-ordinating role and maintains a close partnership with non-government organisations to facilitate early and smooth integration into society. A Steering Committee on New Arrival Services was set up to provide policy directives on services for new arrivals. Governmental and non-governmental organisations provide a wide range of services such as employment guidance, job-related training courses, orientation programmes, language classes, family and parent education programmes, counselling and referral services to reduce adjustment problems and enhance the self-reliance of women coming to live in Hong Kong from the Mainland. Regular surveys on the new arrivals are conducted to identify their service needs. Community education programmes are organised to promote community acceptance of new arrivals.

39. Supportive services to new arrival women have been strengthened by setting up four additional post-migration centres in February 2001, totalling eight. The centres focus on providing early intervention and strengthening the support network. The Administration also publishes handbook on information on various services to enable new arrivals to access various services when necessary. Two New Arrivals Employment and Guidance Centres have been established since 1997 to provide a comprehensive range of employment services tailor-made for

new arrivals. The residential requirement for public housing has been relaxed to help those newly arrived women who have housing problems because of unexpected family changes.

Services for Women with Disabilities

40. The Government aims to provide equal opportunities and full participation in the community for people with disabilities. To enable women with disabilities to fully participate in the community, the Government has been actively promoting a barrier-free environment. The Disability Discrimination Ordinance that came into effect in 1996 offers protection to people with disabilities against discrimination, harassment or vilification in areas including employment, accommodation, education, access to premises, partnerships, vocational training, clubs and sporting organisations.

41. Rehabilitation services offered by both Government and non-governmental organisations to disabled women include prevention and assessment of a disability, medical rehabilitation, pre-school training, integrated and special education, vocational training and social rehabilitation. The Government is actively promoting 'A Society for All' to arouse public attention and enhance acceptance of the disabled in the community. In promoting self-reliance, the Government actively encourages the open employment of disabled persons through various new initiatives such as the Self-help Integrated Placement Service and the Trial Placement cum Mentor Scheme. In addition, the Government has worked with employers to provide on-the-job training opportunities as well as seed money grants to NGOs to set up small businesses that employ people with disabilities. IT awareness and training programmes have also been provided.

Working in Partnership with the Community for Betterment of Women

42. The HKSAR Government and the Women's Commission recognise and appreciate the important contribution that the non-governmental sector and community groups make in advancing the interests of women in Hong Kong. We are committed to working hand-in-hand with all sectors of the community in this

cause. In order to adopt a more systematic approach, the Women's Commission is developing a model of collaboration in conjunction with the non-governmental sector on identified priority issues.

43. To promote joint efforts between community groups, the private sector and the Government, a Community Investment and Inclusion Fund was established in 2002 with a view to building up social capital and further promoting a compassionate, caring and cohesive society. The Fund provides seed money to projects initiated by community groups (including women's groups and service agencies) and the private sector. The Fund aims to accomplish its objectives by encouraging bottom-up solutions that promote the development of social capital, and by supporting local or territory-wide community projects.

44. Women in Hong Kong have come a long way in the past few decades. But more needs to be done, especially in the face of globalisation and the advent of the 'new economy'. The Government of the HKSAR is fully committed to advancing the interests and well-being of women in Hong Kong and we look forward to working closely with all sectors of the community in pursuing these goals.