

ARTICLE 11  
EQUALITY IN EMPLOYMENT AND LABOUR RIGHTS

*“1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:*

- a. The rights to work as an inalienable right of all human beings;*
- b. The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;*
- c. The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;*
- d. The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;*
- e. The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;*
- f. The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.*

*2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:*

- a. To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;*
- b. To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;*

c. *To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;*

d. *To provide special protection to women during pregnancy in types of work proved to be harmful to them.*

3. *Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.”*

### **Reservations entered in respect of this Article and the justification**

153. A reservation has been entered on the qualifying period of employment for the application of the provisions contained in Article 11(2). The Government of the PRC also reserves, for the HKSAR, the right to apply all its legislation and the rules of pension schemes affecting retirement pensions, survivors' benefits and other benefits in relation to death or retirement (including retirement on ground of redundancy), whether or not derived from a social security scheme. The position is the same as noted in the Initial Report.

### **Women's Participation and Standing in the Economy<sup>10</sup>**

154. Improved educational attainment, marriage postponement and increased prevalence of spinsterhood among women have been conducive to the growing participation of women in the labour force. In 2002, 49% of the female population aged 15 and above comprised economically active persons and they accounted for 41% of the labour force. The bulk of the female labour force was in the age group of 20-49. These persons together made up 34% of the labour force. Detailed statistics on labour force by sex and by age are given in Annex N.

155. Reflecting both the increasing aspiration of women to take up paid employment and the growing employment opportunities for them, the labour

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<sup>10</sup> The statistics under this section have excluded foreign domestic helpers.

force participation rate for females in the 20-39 age group has been rising steadily over the past decade. However, the labour force participation rate for females aged 15-19, same as their male counterpart, dropped over the years, as more young people preferred to pursue higher education, along with an increase in education opportunities. The labour force participation rate for females aged 60 and above also dropped, as more people in that age group retired. This shows that females, just as males, have been able to share the fruits of economic growth over the past decade. Detailed statistics on the labour force participation rate by sex and by age are given in Annex O.

156. In HKSAR, males and females have equal access to all levels of education. The nine-year universal basic education introduced since 1978 has provided opportunities for all members of society, including women, to acquire the necessary knowledge and skills for their areas of pursuit. By 2002, 30% of all the female employed persons had attained tertiary education. The corresponding figure for the male employed persons was 26% (Annex P).

157. The unemployment rate for females is generally lower than that for males. In 2002, the unemployment rates for females and males were 6.8% and 8.4% respectively (Annex Q).

158. In general, along with the expansion in education and training opportunities, there has been a steady rise in the proportion of women at the higher end of the occupation hierarchy (Annex R). Also, women have continued to enjoy a wide choice of occupations in recent years. Over the past decade, employment opportunities for married women have been on an increase. In 2002, married women accounted for 23.3% of the total employed population (excluding foreign domestic helpers).

159. The proportion of female employed persons in total employment rose to 41% in 2002 (Annex S). The increases in the number and also in the proportion of female employed persons were particularly notable in the service sectors. The proportion of female employed persons in managers and administrators and professional occupations has also been rising steadily (Annex R).

160. Notwithstanding the above, the median monthly employment earnings for females were HK\$9,500 (US\$1,218) in 2002, as compared with HK\$12,000 (US\$1,538) for males. Thus, the median monthly employment

earnings of females amounted to 79% of the corresponding figure for males in that year. Measures undertaken to enhance further women's employability are covered in paragraphs 182 – 190 and 203 – 211 below. The issue concerning women in public offices is reported under Articles 7 and 8 of the report.

## **Legislation against Discrimination in Employment Field**

### Equal Employment Rights and Opportunities

161. Generally, women enjoy the same rights as men to participate in the labour force and in the job of their choices. These rights, as well as the equal access to opportunities for promotion, transfer or training, are protected and ensured by the SDO<sup>11</sup>.

162. Equal employment opportunities presume equality in opportunities to prepare for employment through education and vocational training. Relevant sections are included in the SDO for the protection of women<sup>12</sup>.

### Discrimination based on Marital Status and Pregnancy

163. The SDO and the Employment Ordinance continue to protect women against discrimination based on marital status and pregnancy.

164. The SDO prohibits employers from using pregnancy or marital status as a criterion in the hiring or dismissal of women employees and as a reason for according different treatments to employees. Discrimination on the grounds of marital status and pregnancy in the employment field is generally prohibited.

165. The Employment Ordinance also provides protection against dismissal during pregnancy and maternity leave. A pregnant employee with a continuous contract of employment (i.e. a minimum of four weeks and no less than 18 hours worked in each week) who has served notice of pregnancy on her

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<sup>11</sup> Please refer to paragraphs 81 – 83 of the Initial Report for relevant sections in the Sex Discrimination Ordinance.

<sup>12</sup> Please refer to paragraphs 84 – 85 of the Initial Report for relevant sections in the Sex Discrimination Ordinance.

employer would be entitled to protection against dismissal. An employer who breaches the relevant provision would be liable to pay maternity leave pay, wages in lieu of notice and a further sum of one month's wages. The employer shall also be guilty of an offence and liable upon conviction to a fine of HK\$100,000 (US\$12,820).

166. If an employee is dismissed under the above circumstances and the employer cannot prove that the dismissal is due to a valid reason (i.e. the employee's conduct; capability or qualifications; redundancy; legal requirement; or other substantial reasons), the Employment Ordinance further provides that the employee is entitled to make a civil claim for remedies. Remedies may include a court order for reinstatement / re-engagement subject to mutual consent of both parties, or an award of terminal payments and an award of compensation up to a maximum of HK\$150,000 (US\$19,230).

#### Sexual Harassment

167. Under the SDO, women are protected from sexual harassment in the workplace. Relevant information is provided in paragraph 89 of the Initial Report.

#### Maternity Leave and Maternity Leave Pay

168. The provisions under the Employment Ordinance ensure that female employees are provided with adequate maternity benefits and protection. Details of the provisions are given in paragraphs 95 – 97 of the Initial Report. In 2002, five summonses relating to the termination of the employment contract of a female employee after she applied for maternity leave were taken out and 3 summonses were convicted.

#### Working Conditions

169. The Occupational Safety and Health Ordinance and its subsidiary regulations seek to ensure the safety and health of employees when they are at work. The legislation provides the same standard of protection of the health and safety of male and female employees in all sectors. Under the Occupational Safety and Health Regulation, pregnancy is specified as one of the factors to be considered in the risk assessment exercise in relation to manual handling operations.

170. The Factories and Industrial Undertakings Ordinance and its subsidiary regulations are HKSAR's principal law on industrial safety and health. They prescribe requirements for the prevention of accidents and diseases, including detailed rules for certain trades and work processes. The relevant provisions apply to industrial undertakings such as factories, mines, quarries, shipbuilding, construction work and catering establishments. Under the legislation, an employer has a general duty to ensure the safety and health of his / her employees and the same standard of protection is provided for female and male employees.

### Mandatory Provident Fund

171. With the coming into force of the Mandatory Provident Fund (MPF) Schemes legislation on 1 December 2000, there is now a system of privately managed, employment-based MPF schemes to accrue financial benefits for members of the paid workforce, irrespective of their genders, when they retire. Except for exempted persons, employees<sup>13</sup> and the self-employed aged between 18 and 65 are required to join MPF schemes. Mandatory contributions<sup>14</sup> are calculated on the basis of 5% of an employee's relevant income, with the employer matching the employee's contribution. Self-employed persons also have to contribute 5% of their relevant income. The participation rate of the relevant employers, employees and self-employed persons in MPF schemes, which are regulated by the Mandatory Provident Fund Scheme Authority (MPFA), reached 93.6%, 95.6% and 81% respectively at the end of 2002. Employers, employees and self-employed persons can opt to make extra, voluntary contributions in addition to the mandatory contributions. Female and male employees and self-employed persons have equal access to and are treated equally under the schemes.

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<sup>13</sup> Under the law, an employee is defined as any full-time and part-time employee who is employed for a continuous period of not less than 60 days under an employment contract.

<sup>14</sup> Mandatory contributions are subject to the minimum and maximum levels of income, which are HK\$5,000 (US\$641) and HK\$20,000 (US\$2,564) respectively. Employees earning less than the minimum monthly income do not need to contribute but their employers have to contribute 5% of the employees' income. For employees earning more than HK\$20,000 (US\$2,564) a month, mandatory contributions are capped at HK\$1,000 (US\$128). The above minimum and maximum income levels also apply to self-employed persons.

## **Administrative Measures to Address Sex Discrimination**

### Code of Practice on Employment

172. The EOC has drawn up two sets of Code of Practice on Employment under the SDO and the FSDO. For details, please refer to paragraph 94 of the Initial Report.

## **Administrative Measures to Address Discrimination based on Pregnancy**

173. The Labour Department promotes the awareness of female employees on their rights and benefits in respect of maternity protection through various channels including seminars, exhibitions and talks. Publications on relevant legislative provisions are also distributed free to female employees and their employers.

174. Legislative provisions in respect of maternity protection are set out in paragraphs 163 to 166 above.

## **Administrative Measures to Address Discrimination based on Age**

175. As mentioned in the Initial Report, the Government considered it prudent and appropriate to address discrimination based on age through a sustained programme of publicity, public education and self-regulation. Since then, the Government has continued with its effort in publicising to members of the public, including employers and employees, the principle of equal opportunities and in raising the public awareness on eliminating age discrimination in employment. The promotional activities included: (i) broadcasting of announcements of public interest on TV and radio; (ii) placing advertisements in prominent places; (iii) promoting measures to guard against age discrimination in the workplace through guidebooks, exhibitions and functions; and (iv) appealing to advertisers to advise customers against placing recruitment advertisements with unreasonable age requirements.

176. Since 1999, two opinion surveys were carried out to gauge the views of the public on age discrimination in recruitment in 1999 and 2002 respectively. The results of the 2002 survey indicated that there had been a

marked improvement in recruitment advertisements where only 8.3% advertisements had age restrictions, whilst previously the number was 23.4%. Moreover, the majority of the household and employer respondents were aware of the government's publicity campaign against age discrimination. The survey also showed that for companies exposed to more publicity materials, they were less inclined to link age with work performance and more inclined to have anti-age discrimination guidelines in recruitment. The results suggested that public education is effective in raising employer's awareness on eliminating age discrimination.

177. In fact, statistics published by the Census and Statistics Department indicate that, in the third quarter of 2002, the unemployment rates for the 30-39 and 40-49 age groups were 5.5% and 6.8% respectively. The unemployment rate for workers aged 20-29 was 10%, higher than the unemployment rate for females in the same age group of 8.7%. For women, the third quarter of 2002 unemployment rate was 5.8% for those aged 30-49 and the corresponding rate for men in the same age group was higher at 6.4%. These figures do not suggest that the position of older workers or women is worse than that of younger ones or males<sup>15</sup>.

178. Since the Labour Department extended its conciliation service to handle complaints related to age discrimination in employment in October 1997, only one such complaint has been received by the Labour Department as at December 2002.

### **Women and Poverty<sup>16</sup>**

179. The Government notes the CEDAW Committee's concern over the discrepancies in wages earned by men and women and the disproportionate number of women in the lowest wage levels when it reviewed the Initial Report in 1999. The median monthly employment earnings for females, at HK\$9,500 (US\$1,218) in 2002, were 21% lower than the median monthly employment earnings of HK\$12,000 (US\$1,538) for males in that year. Among those persons earning less than the overall median level of HK\$10,000 (US\$1,282) in

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<sup>15</sup> The statistics under this section have excluded foreign domestic helpers.

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2002, 49% were females. Yet, only 35% of those earning at or exceeding the overall median were females. According to the findings of a mailed questionnaire survey commissioned by the Women's Commission in 2002 on the extent and levels of positions taken up by women in the private and non-governmental sectors in Hong Kong, only about a quarter of the top or senior management positions were taken up by women. Furthermore, only 9% of the female working population were engaged at the top or senior management level, as compared to over 20% for the male working population.

180. It is noted that female workers taken together tend to be less experienced than male workers, as some of the working women may become homemakers and thus may not stay in the labour force for very long. In 2002, 39% of female employees were aged 40 and above, distinctly smaller than the proportion of 47% for male employees. Also, there is a higher proportion of women than men working in part-time, temporary or casual jobs. In 2002, 15% of female employees worked less than 35 hours per week, larger than the proportion of 10% for their male counterpart. For all the female workers as a whole, the median hours of work, at 44 hours per week in 2002, were shorter than those for male workers, at 48 hours per week. Conceivably, this was partly due to the need for some of the female workers to work part-time and to take care of their families at the same time.

181. To upgrade women's skills and raise their employability, continuing education and retraining opportunities are provided to women as reported under Articles 10 and 11 respectively. Employment services are also available to women who wish to obtain jobs, which is covered in paragraphs 183-185. Comprehensive Social Security Assistance (CSSA) is also provided to women who are financially vulnerable to meet their basic and essential needs as set out in Article 13.

### **Task Force on Employment**

182. The Task Force on Employment was set up by the Government in 1998 as a high-level forum to tap the views of the business community, labour sector, academia and the political parties on ways to tackle unemployment. The Task Force seeks to map out an overall strategy for tackling unemployment and to monitor its implementation. The Task Force examines the unemployment problems faced by different groups of the unemployed and devises measures to

help create jobs with a view to facilitating employment of women and men.

### **Employment Services for Women**

183. The Labour Department actively promotes equal opportunities in employment. It provides free employment services for all job-seekers including women, through a network of 11 job centres. In 2002, a total of 208,895 job-seekers were registered, of whom 109,030 were female. The proportion of female job-seekers increased from 45.3% in 1999 to 52.2% in 2002. The Job Matching Programme, introduced in April 1995, offers proactive services for the unemployed. These services include personalised in-depth interviews, counselling, job matching and, where appropriate, referrals to tailor-made retraining courses. Of the 16,679 registrants of the Programme in 2002, 59.8% were female, as compared with the corresponding figure of 59.6% in 1999.

184. Middle-aged women who are seeking employment may also join the Re-employment Pilot Programme for the Middle-aged. The Programme was launched in February 2001 to assist registrants of the Labour Department who are unemployed for more than 3 months, and aged 40 or above, to secure a job. Eligible female job-seekers, like their male counterparts, are offered pre-employment training, induction training and follow-up counselling services through the programme. As at the end of December 2002, a total of 13,524 job-seekers participated in the Programme and 8,209 of them were women. A total of 4,869 job-seekers were placed by referrals into employment, and 60.5% of these were women.

185. The Labour Department has taken on-going measures to eliminate discriminatory practices on recruitment. The Department vets information carefully to ensure that no restrictive requirements based on sex and age are included in the vacancies they receive. Employers will be advised to remove them should there be such requirements, or their request for placing such vacancies will be refused.

### **Youth Pre-employment Training Programme**

186. Since 1999, the Labour Department has launched the Youth

Pre-employment Training Programme (the Programme) to provide young school leavers aged 15-19 with a wide range of employment-related training and workplace attachment with a view to improving their employability and competitiveness. In 1999-2000, 2000-01 and 2001-02, some 10,700, 12,100 and 12,700 young people were trained, of whom 47.9%, 48.4% and 44% respectively were female.

### **Youth Work Experience and Training Scheme**

187. The Youth Work Experience and Training Scheme (the Scheme) provides work experience and job-related training for young people aged 15-24 with education attainment below degree level. The Scheme includes a 40-hour induction course on communication and interpersonal skills by non-governmental organisations; 50-hours counselling and case management services by registered social workers; and on-the-job training of 6 to 12 months by employers. The Scheme was officially launched on 24 July 2002 and will run for a period of two years. For the current phase of the Scheme, 48% of the trainees are female. As at 31 December 2002, 6,085 trainees have secured employment. Of these, 2,780 (45.7%) were females.

### **Retraining Programmes**

188. The Employees Retraining Scheme (ERS) provides retraining primarily for displaced employees affected by economic restructuring to enable them to re-enter the job market by acquiring new or enhanced skills. All retraining programmes are open to applicants of both sexes. Over the past ten years from October 1992 when the ERS started up to October 2002, about 77% of the 630,000 and more retrainees who have gone through these retraining programmes were female. These retraining programmes include job-specific skills, general or generic skills, job search skills as well as self-employment / business start-up skills. Courses are organized on both full-time and part-time basis to meet the specific needs of retrainees. The retraining programmes provide workers and those wishing to re-join the labour force with more job opportunities and wider choices of occupation, and possibilities of upward mobility.

189. In the past few years, a number of new initiatives have been launched in the ERS to enhance the employability and competitiveness of retrainees in the local labour market. These include the establishment of two Retraining Resource Centres to provide self-learning and job-seeking facilities for trainee graduates, a Self-employment Business Start-up Assistance Scheme to enable graduates of self-employment programmes to take out loans from lending institutions.

190. It is noted that many families in Hong Kong are in need of some form of domestic help to look after domestic chores or take care of family members. At the same time, many local workers and homemakers are interested in taking up domestic helper job. In view of that, ERS has provided domestic helper training places since September 1995. Most of the places are taken up by women who aspired to re-enter the labour market or to change fields. To facilitate effective referrals and minimize mismatch, an Integrated Scheme for Local Domestic Helpers to provide comprehensive services to employers of local domestic helpers and retrainees was initiated in March 2002. A Practical Skills Training and Assessment Centre to conduct practical skills assessment of the competency standards of retrainee graduates, with domestic helpers training as the pilot run, commenced in October 2002 as well. All these schemes are accessible to eligible retrainees, irrespective of gender, and have been useful in capacity building women and men in Hong Kong.

### **Imported Workers and Foreign Domestic Helpers**

191. As of end January 2003, there are about 236,000 foreign domestic helpers (FDHs) employed in Hong Kong. The CEDAW Committee has shown concern that the migrant workers might be exposed to abuse and custodial violence. In Hong Kong, imported workers and FDHs enjoy the same rights and protection as their local counterparts under the labour legislation. The Crimes Ordinance and Offences Against the Person Ordinance apply to protect FDHs against violence. Regardless of their nationality, the FDHs are eligible to apply for Legal Aid Scheme<sup>17</sup> provided by the Government. FDHs seeking redress on labour disputes may apply for extension of stay.

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<sup>17</sup> Details of the Legal Aid Scheme are in paragraph 317.

192. Like local workers, the statutory employment benefits and protection enjoyed by imported workers and FDHs include:

- (a) entitlement to payment of wages, rest days, holidays with pay, paid annual leave, sickness allowance, maternity protection, severance payment, long service payment, employment protection, and protection against anti-union discrimination as provided under the Employment Ordinance;
- (b) compensation for work-related injuries / death as provided under the Employees' Compensation Ordinance; and
- (c) entitlement to ex-gratia payment for recovery of outstanding wages, wages in lieu of notice and severance payment under the Protection of Wages on Insolvency Ordinance (PWIO) in case their employers become insolvent.

193. Employers are required to sign standard employment contracts with their imported workers and FDHs to safeguard the latter's employment rights and benefits. Employment terms such as post title, duration of employment, remuneration, place of employment and accommodation standard are clearly spelt out in the contract. The contract provides that accommodation, free medical treatment and passage as well as visa fee should be provided by employers. A minimum allowable wage is imposed in employment contracts of FDHs and is regularly reviewed. Notwithstanding periodic adjustments, the minimum allowable wage for FDHs in Hong Kong remains one of the highest in the region.

194. To cater for the social and recreational needs of FDHs, the Government launched a scheme in 1994 to establish a number of centres for FDHs to gather and carry out activities on their rest days.

195. The Administration identifies suitable sites for the establishment of these centres and oversees the implementation of the entire scheme. The finance, management and promotion of these centres are undertaken by the Hong Kong Bayanihan Trust (the Trust), a non-profit-making organisation formed by a group of Philippine businessmen working in Hong Kong. At present, there are six Sunday-only activity centres operating in selected school

premises and one full-time centre for FDHs which can cater for about 3,900 FDHs.

196. The full-time centre opens 7 days a week. It provides a wide variety of facilities such as library, beauty salon, cafeteria and computer rooms. Besides, a wide range of training courses and cultural and sport programmes are held in the centre. The centre is popular among the FDHs especially on Sundays while the Sunday-only activity centres are usually used by FDH organisations to hold activities involving a large number of participants. Other Government and Government-sponsored initiatives in helping FDHs adapt to life in Hong Kong and facilitating their integrating into the mainstream community are detailed in paragraphs 294 – 297 in Article 13.

197. There is in place an effective mechanism for imported workers and FDHs to seek redress if their statutory or contractual employment benefits are infringed. They may lodge claims with the Labour Department which will provide free conciliation service to assist them in resolving their disputes with employers. In 2002, the Labour Department handled 2,651 claims lodged by FDHs and two claims lodged by imported workers under the Supplementary Labour Scheme. If a claim cannot be resolved by conciliation, imported workers and FDHs may seek adjudication at the Labour Tribunal or the Minor Employment Claims Adjudication Board depending on the amount of claim.

198. The Labour Department conducts thorough investigation into every complaint regarding infringement of employment benefits of migrant workers with a view to prosecution so as to safeguard their rights. In 2002, 29 summonses were taken out against employers of imported workers for various offences under the Employment Ordinance and the Employees Compensation Ordinance, and 25 summonses were convicted. We also liaise closely with the relevant Consulates, and cooperate with migrant worker groups and non-governmental organisations providing support services to migrant workers, and encourage them to refer complaint cases to the Labour Department for investigation. To tackle cases of underpayment of wages to FDHs and other malpractices including the overcharging of commission by employment agencies, the Government has recently set up a task force comprising representatives from the Labour Department, Police and Immigration Department to take actions to crack down on such illegal practices.

199. Publicity materials containing information on their employment rights and benefits as well as the channels of complaint against their employers are published by the Labour Department in Chinese, English and several other languages. They are disseminated to imported workers and FDHs free of charge after their arrival. Briefing sessions are also organized for imported workers and FDHs to ensure that they are aware of their employment rights and obligations.

200. All the imported workers and FDHs in Hong Kong have free access to consultation and telephone enquiry services provided by the Labour Department in respect of information on their employment rights and benefits.

201. As a general policy, if an imported worker or FDH's employment is pre-maturely terminated, the worker is allowed to remain in the HKSAR for remainder of the permitted limit of stay, or for two weeks from the date of termination, whichever is shorter. The policy does not preclude imported workers or FDHs from working in Hong Kong again after returning to their place of domicile. The cost of return flight is fully borne by the employer. Suitable flexibility is allowed for special cases (such as the employer is in financial difficulty; the family is emigrating; or there is evidence that the FDH has been abused), the Government may exercise discretion to permit FDHs whose contracts have been prematurely terminated to change employment without having to return to their place of domicile. In 2002, 6,518 cases (71.6% of the total applications) were approved.

202. Measures are in place for workers to seek redress and assistance in case they suffer from maltreatment or abuse by their employers. The aggrieved worker may terminate the employment contract prematurely without notice or payment in lieu and lodge claims at the Labour Department for statutory and contractual entitlements against the employer. For FDHs, they may also approach the Immigration Department and apply for change of employers on ground of maltreatment. Where the maltreatment or abuse amounts to a crime or in case of custodial violence, the worker may report the case to the Police for assistance.

## **Child-care Facilities**

203. As at 31 December 2002, there were a total of 50,879 day nurseries places, among which 29,063 were Government aided places. The number of day crèche places available at the end of 2002 was 1,455, among which 1,113 were aided places. These were sufficient to meet the service demand, in view of the decline in the child population (children aged under 6) from 412,180 in 1996 to 355,197 in 2001. In addition, the number of kindergarten places provided in 2002/03 amounted to 207,900.

204. In addition to the regular centre services mentioned above, SWD has continued to develop a wide range of flexible child care services to meet the various needs of parents and to effectively prevent children from being left unattended at home. There are 241 occasional child care service units with a total of 723 placements providing short-term child care service to families with sudden engagements. The extended hours child care service, which allows parents to pick up their children from crèches or nurseries late after work, was expanded extensively from 210 in 2000 to 1,610 places in February 2001. These services facilitate parents having long or irregular working hours to sustain their employment and attain self-reliance. Some non-governmental organisations also organize training courses for women who are interested to take up childminding and arrange matching of the trainees with families in need of such service. SWD has stepped up the promotion on various child care services to needy families in 2002 through the publication of a Child Care Centre Information Booklet and publicity through the mass media.

205. In order to tackle the problem of leaving children unattended at home, the provision of occasional child care to parents in need has been strengthened. SWD provides support to social welfare agencies, church bodies, women's or

kaifong<sup>18</sup> associations to set up mutual help child care centres on a self-financing and non-profit-making basis. A mutual help child care centre (MHCCC) provides occasional child care and supervision to a maximum of 14 children under the age of six. The service is delivered by parents and volunteers in the form of mutual help in the neighbourhood. Funding support for MHCCC takes the form of concessionary welfare rental charged by the Housing

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<sup>18</sup> Note: The Cantonese word "Kaifong" literally means people living in a particular street. In common usage it refers to people living in the same neighbourhood.

Authority, reimbursement of rent and rates by SWD on an application basis subject to availability of resource, and Lotteries Fund grant for fitting-out work and purchase of furniture and equipment. As at December 2002, there were a total of 24 MHCCCs (with 9 operated by non-governmental organisations and 15 by SWD) in operation, and there will be 14 more such centres coming on stream.

206. Starting from September 2000, the Government subsidised 6,000 places of the After School Care Programme (ASCP) over the territory. The subsidised ASCP aims at providing supportive services for children aged six to 12 whose parents are unable to provide proper care for them after school hours due to work or other reasons. Services include homework guidance, meal service, parent guidance and education, skill learning and other social activities.

### **Carers Support Service**

207. It has been the government's policy to assist elders to age in the community as far as possible and to enable families to take care of elders aging at home.

208. Our long term care programme for frail elders is structured around two main forms of care delivery : community and residential care. Together, the community and residential care programmes offer older people and their families a broad range of services and support, depending on their needs and circumstances.

209. Various elderly units provide a range of carer services including information dissemination, training, emotional support and respite service. Since 2001/02, all newly established day care and residential elderly service units (including Enhanced Home and Community Care Services, Day Care Unit, Contract Residential Care Home for the Elderly) have incorporated carers support service as one of their service components. In addition, in re-engineering community support services for elders, all District Elderly Community Centres, Neighbourhood Elderly Centres and Integrated Home Care Services Teams will also provide carers support service as part and parcel of the service components. The implementation of these enhanced services will take place from April 2003 onwards.

210. Respite services (including day respite and residential respite services) have been strengthened and included in all newly set up residential care homes, as well as home and community care services to provide temporary relief to carers since 2001/02.

211. Academic institutions such as the University of Hong Kong, government departments such as the SWD and Department of Health and other organisations such as the Hospital Authority also provide training to both formal and informal carers.

### **Equal Pay for Work of Equal Value**

212. The Government notes the recommendation of the CEDAW Committee on the inclusion of the principle of equal pay for work of equal value (EPEV) in relevant legislation. Our position is that the SDO addresses the question of EPEV, though it defers adjudication on particular cases to the Courts. The EOC is planning a promotional drive to persuade employers of the merits of EPEV. But it must be accepted that the application of the concept of EPEV presents practical difficulties in the context of Hong Kong, where most business operations are small and medium enterprises. Employers would need to develop objective job classification and wage-fixing systems and employ qualified personnel to administer them. This and other possible implications for employers, particularly small and medium enterprises, require critical examination.

213. In 1997, the EOC commissioned an inter-university team of researchers to conduct a feasibility study on the implementation of EPEV in the context of Hong Kong. The study examined issues such as the gender gap in employment and earnings, problems faced by local firms in implementing EPEV, and how EPEV could be implemented in Hong Kong. These implementation recommendations were contained in the study report completed in October 1998. Against this background, a conference was held in March 2000 to introduce the EPEV concept into the public arena for discussion. More than 300 participants comprising government, employers, women's organisations, trade unions, human resource practitioners and academics attended the conference.

214. In 2001, with special funding from Government, the EOC commissioned a study on EPEV with a view to promoting the implementation of EPEV in Hong Kong. The first phase of the study involves the public sector while the second and third phases focus on the private sector. In addition, a second conference on EPEV was held in October 2001. The conference brought together a panel of experts from Australia, Canada and the United Kingdom to focus on international best practices in the field of pay equity. The conference helped participants to better understand the implementation of EPEV in Hong Kong through examining good overseas practices of the concept. About 200 participants comprising employers, human resource practitioners, policy-makers and labour and human rights activists attended the conference.