

**Submission from the Hong Kong  
Underprivileged Children and NGOs to  
the United Nations Committee on the Rights  
of the Child on the Second Report of  
the Hong Kong Special Administrative Region  
of the People's Republic of China under  
the Convention on the Rights of the Child**



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## Table of Content

	<b>Page</b>
<b>Executive Summary</b>	<b>3-5</b>
<b>Introduction</b>	<b>6</b>
<b>Significant issues raised in the concluding observations That has NOT been fully implemented</b>	<b>7</b>
<b>Article 2 Anti-discrimination law excludes new immigrant children</b>	<b>10</b>
<b>Article 4: All appropriate measures for the implementation for the rights</b>	<b>10-11</b>
<b>Article 12 Respect for views of the child</b>	<b>11</b>
<b>Article 9 Right to Family Reunion</b>	<b>12-15</b>
<b>Article 22 Refugee and illegal immigrant children</b>	<b>15-16</b>
<b>Article 24 Right to health and health services</b>	<b>17-20</b>
<b>Article 26 Right to Social Security</b>	<b>20-23</b>
<b>Article 27 Right to Housing and adequate standard of living</b>	<b>23-24</b>
<b>Article 28 Right to Education</b>	<b>25-27</b>
<b>Case Illustration</b>	<b>28-29</b>
<b>Appendices</b>	<b>30-40</b>
<b>Introduction of Hong Kong Human Rights Commission, Society for Community Organization &amp; Children's Rights Association</b>	<b>41-43</b>

## Executive Summary

There is no comprehensive child policy or any mechanism to implement the Convention on the Rights of Child since it was applicable to Hong Kong in 1994. The right of poor child is severely undermined. The general principles of Non-discrimination, the best interests of the child, right to survival and development as well as participation from the Convention are not adopted in the policy formulation of the Hong Kong SAR Government. Worse still, facing the widening disparity between rich and poor in Hong Kong, children suffer the most. The child poverty rate in Hong Kong is high (26.3%) among the developed countries / regions all over the world<sup>1</sup>. Living standards and development opportunities for their children are sadly compromised. In 2011, there are 281,900 children age under 18 living in poverty. They have to do their homework on their beds and earn their living at night collecting discarded paper, cartons and tins, in the center of affluent Hong Kong. It was found that poor children are malnutrition in Hong Kong.

**Article 2: Anti-racial discrimination law excludes new immigrant children.**

**Article 4: All appropriate measures for the implementation for the rights**

A centralized mechanism should be established to formulate a comprehensive and integrated child policy as well as monitor the implementation of the rights of the child.

**Article 9 Right to Family Reunion** - There are still approximately 100,000 split families comprising of parents and their children separated between Mainland China and Hong Kong as a result of erroneous policy.

For those Hong Kong children from split families whose Hong Kong Father died or abandoned them, their mother in mainland cannot apply for family reunion. They became orphan in Hong Kong.

After the change of sovereignty, the mainland children of Hong Kong permanent residents should enjoy right of abode in Hong Kong according to Basic Law. However, the Hong Kong government took away the right of those children who were born before one of their parents became Hong Kong permanent residents by reinterpreting of Basic Law.

The adopted or biological children in mainland China of Hong Kong permanent residents. they came to Hong Kong to seek help because they are not allowed to apply for family reunion in mainland China. They overstayed in Hong Kong and became non document children. The Hong Kong Government refused to recognize their right to education and family reunion.

<sup>1</sup>Hong Kong Census and Statistics Department, 2011, poverty line is the half of the median household monthly income and the number of children living in poverty from 2005 to 2011 are as followings:

Year	2005	2006	2007	2008	2009	2010	2011
Children population in HKSAR (age 18 or below)	1,274,200	1,207,315	1,176,900	1,157,500	1,120,800	1,096,500	1,073,500
Children living in poverty (age 18 or below)	359,900	370,799	332,900	338,500	315,300	290,600	281,900
Child Poverty Rate (%)	28.3%	30.7%	28.3%	29.2%	28.1%	26.5%	26.3%

### **Article 22 Refugee and illegal immigrant children**

The Hong Kong Government does not recognize the refugee's right to education and vocational training.

### **Article 24 Right to health and health services**

The Hong Kong Government does not provide enough health and medical resources for the children. Because of financial difficulty, 60% of the underprivileged children do not go to visit doctor when are sick.

**Article 26 Right to Social Security** - The criteria of application for Comprehensive Social Security Assistance (CSSA) is changed from one-year residence to seven years residence in 2004. Although children are waived, their carers cannot access to CSSA. It hindered the carer to take care of the children as the carer not only has no resources to help the children but also to share to use children's CSSA.

**Article 27 Deprivation of housing rights** - There are about 20,000 children living in inadequate housing. It was found that the small living area has a negative impact on the studies as well as the psychological and physical growth of children.

**Inadequate standard of living** - The amount of CSSA for children was deducted in 1999 and 2003 respectively and the wage is getting low. According to the official statistics, there are about 281,900<sup>2</sup> children living in poverty. There is no enough resources to support these poor children in physical, psychological as well as mental development.

**Article 28 Lack of Equal Education Opportunities for children living in poverty** - It was found that the poor children could not access to technological knowledge and modern teaching methods, as they cannot afford them financially. The Hong Kong SAR Government did not facilitate the poor children to equal education opportunity.

### **Recommendations**

1. The Hong Kong SAR Government should establish a Children Commission which is an independent monitoring body on the rights of the child and pursuing an integrated and holistic approach to the adoption of legislation on the rights of the child.
2. The Hong Kong SAR Government should consider discrimination against new immigrant as a form of racial discrimination under the Race Discrimination Ordinance in order to protect the right to non-discrimination of the new immigrant children from the Mainland China.
3. The Hong Kong SAR Government should arrange family reunion quota for those single parent mothers in mainland so as the children in Hong Kong can have family reunion with their mother in Hong Kong.
4. The Hong Kong SAR Government should arrange family reunion quota for those children whose right of abode was taken away by the reinterpretation.
5. The Hong Kong SAR Government and the People's Republic of China Government should ensure the transparency of the criteria and procedure of the migration applications. It is essential that a joint monitoring mechanism from both Governments be built into the system to enable public scrutiny and sanction.

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<sup>2</sup> Social Welfare Department (2011), Hong Kong Special Administrative Region Government

6. The Hong Kong SAR Government should abolish the 7 years residence requirement for the criteria of application for CSSA so as to help residents according to the financial difficulty they meet.
7. The Hong Kong SAR Government should withdraw CSSA reduction and add special allowances such as eyeglasses allowance; dental allowance and social activities allowance should be introduced in place of the non-recommendable measure of CSSA reduction.
8. The Hong Kong SAR Government should carry out affirmative actions in the allocation of public housing by handling in priority applications of applicants who have children and abolish the 7 years residence requirement for the criteria of application of public housing.
9. The Hong Kong SAR Government should provide resources to the poor children to protect their rights to equal education opportunity.
10. The Hong Kong SAR Government should recognize the right to education of the child migrants and to offer school placements for children pending decisions on their appeals to stay in Hong Kong and exercise its discretionary power to grant the children to settle in Hong Kong for family reunion.
11. The government should provide training courses through the Employees Retraining Board and the Vocational Training Council to young asylum seekers, refugees and CAT claimants.

## 1. Introduction

There is no comprehensive child policy or any mechanism to implement the Convention on the Rights of Child since it was applicable to Hong Kong in 1994. The right of poor child is severely undermined. The general principles of Non-discrimination, the best interests of the child, right to survival and development as well as participation from the Convention are not adopted in the policy formulation of the Hong Kong SAR Government. Worse still, facing the widening disparity between rich and poor in Hong Kong, children suffer the most. Children hit the highest poverty rate (28%)<sup>3</sup> in Hong Kong. Living standards and development opportunities for their children are sadly compromised. There are 281,900<sup>4</sup> children under 18 living in poverty. Among these, 103,787<sup>5</sup> live on Comprehensive Social Security Assistance (CSSA) and 20,000<sup>6</sup> children are living in extremely deprived conditions in cubicles and bedspace apartments. They have to do their homework on their beds and earn their living at night collecting discarded paper, cartons and tins, in the center of affluent Hong Kong. It was found that poor children are malnutrition in Hong Kong.

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<sup>3</sup> Figure for children under 15, from the Hong Kong Census and Statistics Department, 2011

<sup>4</sup> Figure from the Hong Kong Census and Statistics Department, 2011, poverty line is the half of the Household monthly median income.

<sup>5</sup> Figure from the Social Welfare Department of Hong Kong SAR Government, 2011

<sup>6</sup> Figure from the Hong Kong Census and Statistics Department, 2011

## 2. Significant issues raised in the last concluding observations that have **NOT** been fully implemented by the SAR Government

According to the concluding observations for Hong Kong in November 2005, the Committee on the Rights of the Child rendered numerous recommendations to the Government while the following recommendations have **NOT** been fully implemented by the Government:<sup>7</sup>

- 2.1 **National legislation and policy must take a holistic and comprehensive approach to the implementation of the Convention**, which requires that priority be given to children's issues, that such policy be actively coordinated and that assessments be made regarding the potential impact of policy decisions on children (paragraph 7)
- 2.2 The State party should improve coordination of its activities on the implementation of the Convention by **developing and implementing a plan of action** for the Hong Kong SAR. (paragraph 15)
- 2.3 **National human rights institutions** with a clear mandate to monitor children's rights and implement the Convention at national, regional and local levels should be established in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights **In the case of the Hong Kong SAR, such an institution could be a specialized branch of the existing Ombudsman's Office.** (paragraph 17)
- 2.4 **The budgetary allocations should be targeted towards reducing income disparities, including through increased funding for social safety nets.** It also recommends that an **adequate monitoring system be established** to ensure that budgetary allocations benefit the most vulnerable populations. (paragraph 21)
- 2.5 The State party should **strengthen its efforts to collect reliable and comprehensive statistical data** on all areas covered by the Convention and ensure that such data are systematically made available to the public in a timely manner in all parts of the State party. It further recommends that the State party explore the possibility of **developing central databanks for statistics on children** for the mainland and the SARs, so as to ensure that statistical data are used for the development, implementation and monitoring of appropriate policies and programmes for children. (paragraph 23)
- 2.6 The State party should draft and adopt **legislation prohibiting discrimination on the basis of race or sexual orientation.** (paragraph 33)
- 2.7 The State party should ensure that children have the **rights to express their views freely on all matters affecting them** and to have those views given due weight in policy-making, administrative proceedings, schools and the home. (paragraph 39)
- 2.8 The State party should systematically **ensure that children's organizations participate actively in developing policies or programmes affecting them**, such as the current education reform. It further encourages the State party to consider **establishing a standing body to represent children's views in the political process.** (paragraph 41)

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<sup>7</sup> Concluding Observations: China (including Hong Kong and Macau Special Administrative Regions) CRC/C/CHN/CO/2 & CRC/C/OPSC/CHN/CO/1 (24 November 2005)

- 2.9** The Committee is deeply concerned that **existing quotas for persons entering the Hong Kong and Macau SARs from the mainland and regulations regarding the right of abode** in the SARs contribute to the separation of children from their parents and hinder family reunification.(paragraph 50)
- 2.10**The State party should **extend the application of the 1993 Hague Convention to the Hong Kong and Macau SARs as soon as possible and ensure that the legal provisions of the 1993 Hague Convention are incorporated into domestic legislation** on the mainland and in the Hong Kong and Macau SARs (paragraph 53 (a) & (b))
- 2.11**The State party should take all necessary measures to provide **universal access to maternal and child health services for all children in its jurisdiction, including non-registered children.** (paragraph 63)
- 2.12** The State party should establish a **poverty line and develop appropriate policies to combat child poverty** that address widening income disparities while **expanding access to social welfare benefits to all vulnerable populations, including new immigrants** (paragraph 74)
- 2.13**The State party should **develop programmes aimed at addressing the dropout rates in secondary education; further strengthen existing programmes aimed at addressing violence in schools**, including with the participation of students themselves; **enhance the quality of education in a manner that seeks to reduce the competitiveness of the education system and promotes active learning capacities and the right of a child to play and leisure.** (paragraph 78)
- 2.14**The State party should **extend all human rights guarantees in its Constitution and in the Convention to all children within its jurisdiction on both the mainland and the SARs, including refugees, asylum-seekers and other undocumented migrants.** (paragraph 82)
- 2.15**The State party should **amend legislation and regulations to ensure that all refugee, asylum-seeking or undocumented migrant children** in the Hong Kong SAR **are able to attend school without undue delay** (paragraph 82 (c))
- 2.16****Optional Protocol on the sale of children, child prostitution and child pornography should be extended** to the Hong Kong SAR and the **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000)** should also be ratified. (paragraph 87 and 88(e))
- 2.17**The State party should **raise the minimum age of criminal responsibility to an internationally acceptable level; abolish life sentences for persons who committed offences when they were under the age of 18; ensure that all children under the age of 18 are consistently accorded special protection when coming into conflict with the law**, and that their cases are heard in specialized juvenile courts by appropriately trained magistrates; ensure that deprivation of liberty is always used as a last resort, and strengthen and expand possibilities for alternative sentences, such as mediation, probation, community service or suspended sentences. (paragraph 94)

Submission to the United Nations Committee on the Rights of the Child on the Second Report of the Hong Kong Special Administrative Region of the People's Republic of China under the Convention on the Rights of the Child, by Society for Community Organization and Hong Kong Human Rights Commission (January 2013)

**It is highly recommended that the Committee to seek the Government's full explanation for not implementing those recommendations and urge the HKSAR Government to realize the children's rights as urged by the Committee on the Rights of the Child immediately.**

### **3. Article 2: Non-discrimination – the Race Discrimination Ordinance exclude new immigrant children from mainland**

The Racial Discrimination Ordinance in Hong Kong was enacted in July 2008. However, discrimination against new immigrants from mainland China by local Hong Kongers will not be considered as a form of racial discrimination on the basis that new immigrants are same ethnic with Hong Kong people, ignoring that there is one country two systems, the nation origin of new immigrants and Hong Kong local people is different. The Government ignored that 80% of the new immigrants had experienced severe racial discrimination including the area of education and provision of services as well as employment. The new immigrant children are not enjoy protection from the Race Discrimination Ordinance if they encounter racial discrimination by local people.

#### **3.1 Recommendation**

The Hong Kong SAR Government should consider discrimination against new immigrant as a form of racial discrimination under the Race Discrimination Ordinance in order to protect the right to non-discrimination of the new immigrant children from the Mainland China.

A complaint mechanism should be set up to provide channel for new immigrants to seek help or make complaints.

### **4. Article 4: All appropriate measures for the implementation for the rights**

A centralized mechanism is essential for formulating a comprehensive and integrated child policy as well as monitoring the implementation of the rights of the child. According to the last Concluding Observation, your Committee urge Hong Kong Government should review the possibility of establishing an independent monitoring body on the rights of the child and pursuing an integrated and holistic approach to the adoption of legislation on the rights of the child.

Regrettably, the Hong Kong SAR Government refused to set up such institution despite all the proposals and debates. It insisted that the Policy Committee, led by the Chief Secretary for Administration of the HKSAR, provides a high-level mechanism for co-ordination and co-operation within the Government.<sup>8</sup> It is argued that the existing structure could provide adequate channels of communication. The Ombudsman does not act as a human rights commission to protect and promote human rights, but only ensure the protection of individual rights by public administration, nor does it specifically look into the rights of children. Hong Kong has Commissions for Elderly, Women and Youth. One should wonder why there has not been a Commission for the Children, who are the pillars for future society.

Owing to the absence of independent monitoring body, the Government can respond flexibly to concerns and views expressed by different sectors of the community like the NGOs, meaning that it may overlook some problems including those from the perspective of children. The HKSAR Government mainly relies on platforms like the Family Council and the Children's Rights Forum, while it merely held a meeting in every 3 to 6 months while it does not have any mandate or authority to monitor the realization of children's

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<sup>8</sup> Combined 3<sup>rd</sup> and 4<sup>th</sup> Report of the China Government on the Convention on the Rights of the Child regarding the concluding observation of Hong Kong Special Administrative Region.

rights in Hong Kong. As a result, recommendations rendered by community organizations or children's rights concern group focusing on children's view and will easily be ignored by the Government on the implementation of children policies. It is regarded as an organisation subsidiary to the Government and as a support to every children policy implemented by the government neglecting the real interest of the children. Indeed, it does not handle complaints and there are still many social problems not revealed to the Government through the forum.

The demand for establishing a Children's Commission has long been the consensus in the society. In June 2007, the Legislature Council has already passed a motion urging the Government to establish a Children's Commission.<sup>9</sup> Moreover, in the public election over top 10 concerns on the children's concern in 2008, it is found that the respondents generally expressed that setting up a Children's Commission is essential for reviewing governmental policies and legislations in order to realize the children's rights as enshrined by the Convention on the Rights of the Child.<sup>10</sup>

#### **4.1 Recommendation**

- 4.1.1 The Hong Kong SAR Government should establish an independent monitoring body on the rights of child and of pursuing an integrated and holistic approach to implement the Convention and a Children's Commission should be established in Hong Kong.
- 4.1.2 The Children's Ombudsman, an independent body should be set up to regularly monitor social measures and policies regarding children to promote children are treated fairly and their human rights are not violated.

### **5. Article 12: Respect for views of the child**

Children's views are not sought systematically on all policies and programmes affecting them in the HKSAR.<sup>11</sup> The child shall in particular be provided the opportunity to be heard in any judicial proceedings affecting him/her. However, there is still no related legislation specifically protecting rights of children. In addition, even though the children's rights as enshrined by the Convention on the Rights of the Child are violated, the plaintiff cannot seek legal remedy by using the Convention at domestic court because the Convention is aspirational and promotional in nature which does not bind the local court. This means that there is no statute to defend for rights of the child. It is doubted that the Hong Kong Government determined to comply with the Convention.

#### **5.1 Recommendations**

- 5.1.1 The Hong Kong Government should have domestic legislation for the Convention on the Rights of the Child immediately in order to provide a better legal protection for the children that legal remedy can be sought when their children's rights are infringed.
- 5.1.2 Hong Kong should strengthen its efforts in Hong Kong to ensure that children have

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<sup>9</sup> Hong Kong Legislative Council, Official Meeting Records on 8 June 2007 (Friday) 9am at Page 104-146

<sup>10</sup> Alliance for Establishing Children Rights Commission in Hong Kong (July 2008) Survey report of the opinion poll on the top 10 concerns of the children's issues

<sup>11</sup> Paragraphs 38, 39 and 41 of the previous Concluding Observations (CRC/C/CHN/CO/2)

the right to express their views freely on all matters affecting them and to have those views given due weight in policy-making, administrative proceedings, schools and the home.

- 5.1.3 To further protect the rights of children, the states do take initiative to enact laws and implement effective policies. Taking the US as an example, a Children's Bureau is set up under the Environmental and Social Welfare Department to handle the monitoring system, subsidy, research on policies and drafting of laws regarding children's rights. For the United Kingdom, it introduced the green paper of "Every Child Matters" in 2003 and enacted children's law in 2004 with a Children's Commission. HKSAR should read thoroughly the said document to see the measures taken the United Kingdom Government to improve the living standard of children.

## **6. Right to Family Reunion**

### **6.1 Erroneous policy cause prolonged separation**

In Hong Kong, there are still approximately 100,000 split families comprising of parents and their children separated between Mainland China and Hong Kong as a result of erroneous policy. Their prospect of reunion is not regulated by a reasonable queuing system but procedures that subject them to bureaucratic manipulation and corruption. Such act constitutes a violation of Article 9 of the Convention, we sincerely urge the Committee to pay attention to this problem and protect the rights of these children.

Since China has adopted the open door policy in late 1970s, the residents of the Mainland China or Hong Kong had more and more chances to develop business or work together. Many Hong Kong single males were employed to work in mainland factories as the Hong Kong factories developed business in mainland after the open door policy. The number of across-border marriage has grown rapidly. Nevertheless, according to existing policies, their spouse and children have to stay in Mainland China to apply for One-way Entry Permits from the PRC Government before they are allowed to join their parent/s in Hong Kong.

The One-way Permit system has been commonly criticized as unfair, ineffective, as well as lacking a transparent and uniform standard. Different provinces in Mainland China now operate their own system to allocate their share of the 150 daily quotas. We understand from the PRC government that One-way Permits are not approved on family but individual basis. In most cases, mothers and children have to wait for their turns in separate queues, resulting in prolonged and unnecessarily family separation. The worst scenario is that in some parts of China, children or mothers are absolutely denied the right of application thus causing split families of a permanent nature.

Worse still, the problem is aggregated by widespread corruption. Many applicants have reported that they have to pay a bribe ranging from HKD 60,000 to HKD 200,000 i.e. USD 7,692 to USD 25,641 to the responsible district officials or they run the risk of being disqualified. As a result, families who cannot afford to pay a bribe are forced to take the risk of taking dangerous and illegal entry to Hong Kong. In most cases, mother who have to take care of young children have no alternatives but to turn to smugglers to bring them to Hong Kong while young children who needs motherly care are also subject to the risk of illegal entry from Mainland China.

## **6.2 Children from split single parent families are excluded from the family union policy**

The situation is worse for single-parent families, usually in which the mother is a widow or abandoned by the Hong Kong father, depriving them from getting a One-way Entry Permit to Hong Kong when their children are born or are already allowed to stay in Hong Kong. These children cannot stay with their mothers in mainland China as they do not have household account and identity. The only way for family reunion is for the mainland mother to apply to come to Hong Kong to take care of them and for family reunion. However, there is no quota for these split single parent mother in one way permit system.

These mainland mothers can only visit their children in Hong Kong for prolonged years with a visitor's permit. Some children even need to leave Hong Kong to apply for the visitor's permit for their parents every three months or two weeks, which seriously affects the children's learning progress in school as they cannot attend lessons and delay would be inevitable. On the other hand, without the Hong Kong Identity Card, the mother cannot be employed in Hong Kong as has to rely on children's public assistance (CSSA) on a living. Under insufficient revenue, the children's learning and living conditions would be affected, causing problem in the family's physical and mental development and well-being. At least 7,000 Hong Kong children cannot reunite with their mainland mother for years. Although PRC has introduced a visitor's policy lasting for more than one year, the mechanism is inconsistent and can hardly benefit the single-parent families.

For these single parent families who have waited for over 6 years for family union. Some Permits are also withdrawn if the husband died or abandoned them shortly after the Permit had been issued. Indeed, the 150 daily quotas are not fully utilized and only 125 were used. The China Government fails to put them into the victim's shoes and utilize the left quota to help the needy ones.

The Hong Kong government not only did not work out a policy to help the single parent for family reunion with the Chinese Central Government but also failed to help the mother to extend their visiting document in Hong Kong to take care of the children.

## **6.3 Reinterpretation of Basic Law taking away of mainland children's right of abode in Hong Kong**

After the change of sovereignty, the mainland children of Hong Kong permanent residents should enjoy right of abode in Hong Kong according to Basic Law. However, the Hong Kong government not only did not facilitate the children to settle in Hong Kong earlier to exercise their right, but also denied the right of those children who were born before one of their parents became Hong Kong permanent residents.

When the families lodged lawsuit to the court and won the case, the Hong Kong Government asked the Standing Committee of NPC to interpret two provisions of the Basic Law (article 24(2)(3)) relevant to the part of the CFA's right of abode ruling in June 1999. The purpose was to deny right of abode of mainland-born children born before at least one parent had become a HK permanent resident and requiring mainland-born children to first obtain documents issued by the HK Government (COE) and PRC Government (One-Way Exit Permit) before they can formally get their right of abode. It deprives people of the right of abode and right to family unity. Most mainland-born children of HK residents who benefit from the January 29 verdict were forced to return

across the border and apply for residency in HK in the previous way. But many of them have applied the One-Way Exit Permit for more than 10 to 20 years but failed because of the forever changing mainland policy, which means there is no workable and reasonable mechanism for them to get the right of abode through the existing policy and thus unable to reunite with their parents.

#### **6.4 Lack of mechanism to adjust the distribution of family reunion quota**

In 2004, the 150 daily quotas were not fully utilized because there is no mechanism to adjust the distribution of the quotas. Fewer children applied for right of abode in 2004. But the quota vacancies did not redistribute to spouse or other needy children. The spouses are found to wait for average 7 years or some of them near 10 years and the children lack of caring in Hong Kong as well as children in the Mainland China whose right of abode was taken away by the reinterpretation have no quota to apply for family reunion because of erroneous policy. In 2011, the Chinese and Hong Kong Government finally decided to use the surplus quota in the past 7 years to allow some of the adult children whose parents arrived Hong Kong before 2001 and their children were under 18 at that time to apply for family reunion. However, not all the adult children are allowed and the process is very slow.

#### **6.5 Non document children no queue for family reunion**

In Hong Kong, it is near 100 non document children from mainland China. Their parents are Hong Kong residents. They are either adopted or biological children. They are not allowed to apply for family reunion in mainland China. Therefore, they smuggled or overstayed by visiting document in Hong Kong to seek help from the Hong Kong Government. However, the Hong Kong Government did exercise his discretionary power to allow them to settle in Hong Kong. Some of them are even not allowed to go to school when they are pending the decision of the Director of Immigration Department.

#### **6.6 Detrimental effects of long-term separation**

We are concerned with the detrimental effects of long-term separation on the affected families. Not only marital relationship suffers, but also children's normal development is seriously affected due to deprivation of parental care and nurture. Mothers are often imbued with a sense of guilt that they cannot fulfil their roles as wife and mother while their young children's physical and psychological development are adversely hampered by the prolonged separation.

#### **6.7 Lack of cooperating and coordinating mechanism**

We are disappointed that both the HKSAR Government and the Chinese Government still overlook the problems of the One-way Entry Permit system after the change of sovereignty. We are alarmed at the lack of joint cooperating and coordinating mechanism between the two Governments to improve the existing system.

#### **6.8 Recommendations**

The Hong Kong SAR Government and the People's Republic of China Government should have better coordination to ensure that One-way Entry Permit is approved on a family basis, so as to allow mothers and children to settle in Hong Kong at the same time.

6.8.1 The Hong Kong SAR Government and the People's Republic of China Government should ensure the transparency of the criteria and procedure of the migration applications. It is essential that a joint monitoring mechanism from both Governments be built into the system to enable public scrutiny and sanction.

6.8.2 The Hong Kong Government should apply for permission from the PRC Government to reserve a portion of quota to permit mainland mothers whose husband and children are Hong Kong residents to enter Hong Kong for family unification.

6.8.3 Specific policies assisting family unification should be implemented.

6.8.4 About 125/150 of the quota is being used due to the decreased number of mainland-born infants. The Hong Kong Government should apportionate the left quota for reunification of couples or widow or single mothers. Indeed, single-parent should be given priority to enter Hong Kong in order to take care of their children. Discretion can be given according to the circumstances. The Hong Kong Government may set a standard of at least 10 quota daily to allow the single parent (where either parent is a Hong Kong resident) to enter Hong Kong to ensure their children living in Hong Kong can receive adequate care and development.

6.8.5 The benefit arising from the minimum of one-year-visiting-policy should extend to single-parent or widows/widowers.

6.8.6 Discretion should be given in reasonable circumstances for extending and application of Hong Kong identity card, to allow mainland-born children whom parent is a Hong Kong resident to reunite with their family in Hong Kong.

6.8.7 The Hong Kong SAR Government should exercise its discretionary power on humanitarian ground to the widows, who come from the Mainland China and their Hong Kong husbands were death before reunion, to resettle at Hong Kong in order to look after their children.

6.8.8 The Hong Kong SAR Government should exercise its discretionary power on humanitarian ground to the non document children , who come from the Mainland China and their parent/adopted parent are from Hong Kong to resettle at Hong Kong in order to look after their children.

6.8.9 The Hong Kong SAR Government should arrange family reunion quota for those children whose right of abode was taken away by the reinterpretation.

6.8.10 A Hong Kong-China-coordinating committee should be set up to handle complaints and applications concerning rights of children and women.

## **7. Article 22: Refugee and asylum seeker children**

### **7.1 Vocational training for refugee and asylum seeker children**

While most Vietnamese refugees who came to Hong Kong in the 1970's and 80's have been resettled, there are still many asylum seekers from other countries. There are around 7,500 people claiming torture under the Convention Against Torture (CAT). Also there are 117 refugees and 835 asylum seekers under the protection of the United Nations High Commissioners of Refugees. Of these 127 are below 18 years old. As for the asylum

seeker/refugee children, they are mainly from West African countries, the Great Lakes region, East and Horn of African and Asia.

While China and Macao have already ratified the Convention Relating to the Status of Refugees, which now already have 145 States Parties, the Convention has not yet been extended to Hong Kong. Their status in Hong Kong does not provide them with a legal status in Hong Kong. They are only provided with recognizance papers, which essentially mean that they can be detained anytime. They are not provided with valid visas.

While children can now go to public schools after their case has been accessed by the Education Bureau and the Immigration Department, no other education is available for them.

Refugees, asylum seekers or torture claimants are not eligible for any training from either the Employees Retraining Board (ERB) or the Vocational Training Council (VTC). The ERB and VTC offers courses for people who have finalized at least their secondary 3 level of education.

According to section 4(c) of the Employees Retraining Ordinance (ERO), the retraining courses are only “intended or designed for the benefit of eligible employees”. An “eligible employee” is defined in the ERO as one who is the holder of an identity card or a certificate of exemption, which is not subject to any condition of stay other than a limit of stay. Thus refugees, asylum seekers or CAT claimants on recognizance are not eligible.

Also, the government’s policy is that courses provided by the Vocational Training Council is not offered to refugees, torture claimants and asylum seekers as they are not allowed to work in Hong Kong. (A judicial review on the right to work is now on appeal to the Court of Final Appeal. If the case is won, it may have an impact on the right to take up courses offered by the ERB and the VTC.)

The government should consider relaxing these policies for refugees and CAT-claimants. Many of the refugees we know are relatively young people in their teens or twenties, and they may not have attended much schooling in their countries. Having escaped from civil war in Somalia or other countries, a stable training environment would definitely be beneficial for them.

The government should also on a discretionary basis consider applications of asylum seekers and CAT claimants, by considering the individual circumstances of each applicant, especially the age of the applicants.

The ERB and the VTC already have organized courses in English for ethnic minorities to attend. We recommend that such courses should be offered to all refugees and successful CAT claimants.

## **7.2 Recommendation**

The government should provide training courses through the Employees Retraining Board and the Vocational Training Council to young asylum seekers, refugees and CAT claimants.

## **8. Article 24 Right to health and health services**

### **8.1 60% of the deprived children do not seek for health services when they were sick because of financial difficulties.**

Health is utmost essential for survival and development to every child. A comprehensive health care system and well-organized public health care service will help improve the health of children with disabilities. However, there has been a lack of medical services provided by the HKSAR Government. Poor families are financially incapable to afford expensive medical costs, and their children could only go to general out-patient clinics in various districts for treatment. 60% of the deprived children do not seek for health services when they were sick because of financial difficulties. 80% of them felt that it is a burden for them to afford the medical fee.<sup>12</sup> Since the waiting time for public medical and special treatments is very long, their cases are always delayed. Moreover, the scope of student health care service is narrow that insufficient support is given to families with disabled children.

### **8.2 Long waiting time for the child and adolescent clinic and other supplementary treatment services**

According to case studies of our organization, it generally takes one year to transfer children diagnosed of chronic disease to specialist out-patient clients for treatments. Children have to see private doctor at their own expense, which seriously affects their quality of life. There is also a lack of supplementary treatment services provided.

The Census and Statistics Department conducted a territory-wide survey on persons with disabilities and chronic diseases in 2008. There were about 1,153,000 persons with chronic diseases, including about 26,100 persons were under 15 years old (i.e. 2.8% of total number of persons with chronic diseases). The 26,100 persons with chronic diseases comprised about 12,000 persons with Intellectual Disability and other types of disabilities including 5,800 persons with Special Learning Difficulties, 3,900 persons with Attention Deficit/Hyperactivity Disorder, 3,000 persons with Language and Speech Delay/Disorders and 2,500 persons with Autistic Spectrum Disorder.

In addition, the number of children seeking treatment in public hospital has been increasing incessantly. For specialist out-patient clinics, take the children and adolescent clinic as example, there has been 4,612 new cases up to 31 March 2011 (c.f. 3,854 in 31 March 2010) while average waiting time is 5 weeks.

Nevertheless, the HKSARG has not considered appropriating more funds and resources to meet the pressing need of public hospital services. In fact, the waiting time for special out-patient clinics in public hospitals is very long in general. According to the statistics provided by the Hospital Authority, the average waiting time in surgical clinic is 12 weeks and the longest waiting time is 5 years (i.e. 241 weeks).

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<sup>12</sup> "The survey report on the use of public medical service of the deprived children", Society for Community Organization 2009

It reflects that apart from the child and adolescent clinic particularly, the waiting time of a number of specialist out-patient clinics is too long that none obvious improvement could be seen.<sup>13</sup> Despite of the lengthy waiting time for child and adolescent clinic, supplementary services are insufficient. Although the Department of Health has provided Child Assessment Service to children with special needs, there is long waiting time for assessment service. Child Assessment Service has a vision of “enabling children with special needs to achieve their personal best and to lead fulfilled lives” and “being an influential expert in paediatric rehabilitation”. However, the vision never comes true. On the other hand, the long waiting time for assessment service has delayed the chance to receive early treatment and ease off health condition of children with special needs. The HKSARG should allot more funds and resources to supplement child and adolescent health care and medical treatment services, as well as not to ignore the cogent need of children with disabilities.

### 8.3 Long waiting time for general and emergency outpatient service

Although the Chief Executive (CE), in the 2010/2011 Policy Address, suggested to establish a multi-partite paediatric medical centre with more than 400 beds at the Kai Tak Development Area. Nevertheless, there is no progress up to now whereas waiting time for medical services keeps rising. According to survey conducted, more than 70% (i.e. 71.6%) of surveyed children have to wait for more than 1 hour in public general or specialist outpatient services. Their normal length of waiting is 4 hours and some of them even have to wait for 6 hours. During the waiting time, some children take a change for the worse, jeopardizing the health of children from poor families.<sup>14</sup>

In addition, waiting time for emergency outpatient service of hospitals under Hospital Authority has been lengthening. Due to the long waiting time, some parents have no choice but to bring their children to private clinics to prevent condition from worsening. Many poor families have to economize on food and clothing to save money for medical treatment, or even fail to bring their children to see the doctor. The present trend is really worrying and calls for prompt action from the HKSARG.

### 8.4 Inconvenience of outpatient appointment service and lack of places allowed

Since October 2006, Hospital Authority has carried out a region-wide appointment mechanism for general outpatient service in public hospitals. However, the supply of appointment service is insufficient to meet the large demand in society. According to parents of poor families, they always have to spend several hours to make an appointment

<sup>13</sup> Replies to HK SoCO from HKSARG Food and Health Bureau (17 Dec 2008, 29 May 2009, 5 Oct 2010, 30 Mar 2011) Waiting time for new cases in major specialist departments of Hospital Authority, Hong Kong

	2007/08		2008/09		2009/10		2010/11	
	Mean (week)	99 percentile (week)	Mean (week)	99 percentile (week)	Mean (week)	99 percentile (week)	Mean (week)	90 percentile (week)
Otolaryngology clinic	6	102	5	91	4	95	5	50
Gynecology clinic	11	106	10	84	9	103	11	49
Internal medicine clinic	9	92	9	89	9	93	10	48
Ophthalmology clinic	4	103	4	125	4	147	4	50
Orthopedics and Traumatic clinic	8	105	11	94	12	112	13	70
Child and adolescent clinic	4	50	6	44	5	48	6	23
Psychiatric clinic	4	121	4	118	4	104	4	37
Surgical clinic	17	206	16	265	13	241	12	96

<sup>14</sup> HKSARG Hospital Authority Annual Report: <http://www.ha.org.hk/>

when their children are sick; and sometimes the hotline is so busy that they could not even make an appointment. Some parents wish to wait by queuing but Hospital Authority refused. Indeed, the key to solve the problem is to increase the capacity of outpatient appointment service and waiting places.

### **8.5 Complicated application procedures and short exemption period of the Medical Fee Waiving Mechanism**

According to Society for Community Organization's survey on poor children using health and medical service conducted in 2009, about 60% (i.e. 59.8%) of surveyed children buy patent medicine themselves or do not see doctor when they fall sick, and a majority (i.e. 83.3%) of them said it is because they could not afford the medical expenses.

In recent years, Hospital Authority has drastically promoted medical expenses and detruded HA Drug Formulary. For poor families, it is a heavy burden for them to pay for particular drugs at their own cost. Even though there is a Medical Fee Waiving Mechanism, but the application procedure is complicated. The grant of medical fee waiver could neither be used interchangeably between specialist and general clinics, and nor between members in the same family as well as application has to be done from time to time. The tediousness of the application system has posed great obstacle to families of the working poor, and so the utility rate has been low.

Moreover, illegitimate children waiting for reunion have to pay a still more price and it is harder for them to enjoy medical services in Hong Kong. It reflects that the HKSARG has failed to help children from the perspective of their rights.

### **8.6 Abolishment of School Medical Services**

In the past, the HKSARG established School Medical Services; subsidized children from poor families to receive treatment from private doctors by charging them only HK\$ 20 (US\$ 2.56), letting those doctors to be family doctors who constantly supervise the mental growth and health condition of the children. These above policies helped guaranteed appropriate medical treatment to poor children. Yet, the HKSARG abolished these policies because of rising general living standard and insufficiency of resources. Nowadays, the wealth gap between the rich and the poor is tremendous. Granted that the poor have instant need for public services, poor children could choose either to delay their treatment or not to be treated since public services are overloaded. To stop endangering the health of poor children, it is a must for the HKSARG to implement School Medical Services and render assistance to poor children to seek treatment from private doctors.

Furthermore, despite of the pressing need for public medical services, the HKSARG has failed to increase public expenditure in medical sector as response, which in turn degrading the service quality of public medical services. The HKSARG has neither a prompt plan to shorten the waiting time for public outpatient services, nor promised to supply any children health care voucher and implement School Medical Services. All these has deprived the children of due treatment.

### **8.7 Narrow scope of coverage uncovered by the School Dental Care Service**

Recently, the School Dental Care Service is a primary dental health care programme administered by the Department of Health for all primary school children in Hong Kong. Children receive service at one of the school dental clinics of the Department of Health

near their schools. Its objectives are to promote good oral hygiene and prevent common dental diseases. The service, which is carried out by qualified dental therapists under the supervision of dental surgeons, only includes oral health education, oral examination, preventive dental treatment, basic restorative dental treatment. However, the School Dental Care Service has failed to cover kindergarten and secondary students.

According to survey conducted by Society for Community Organization, more than 70% of the primary students only participates the dental health care programme once a year; and half of them have misunderstanding about teeth care. It shows that there is insufficient service provided. For kindergarten and secondary students, they can only queue overnight for emergency service provided by the HKSARG, which covers merely painkilling and extraction of teeth and they can only seek expensive private dental service for treatment under other circumstances.

## 8.8 Recommendations

- 8.8.1 The HKSARG is urged to shorten the waiting time for children and adolescent clinic and other supplementary services.
- 8.8.2 The HKSARG is urged to shorten the waiting time for general and emergency outpatient service
- 8.8.3 The HKSARG is urged to improve effectiveness and efficiency of outpatient appointment service as well as increase the places allowed.
- 8.8.4 The HKSARG is urged to simplify the application procedure and lengthen exemption period of the Medical Fee Waiving Mechanism.
- 8.8.5 The HKSARG is urged to widen the scope of coverage by the School Dental Care Service.
- 8.8.6 The HKSARG is urged to widen the scope of coverage by the Student Health Service.

## 9. Article 26 Right to Social Security

### 9.1 Denied the right of social security of who take care of the child

Comprehensive Social Security Assistance (CSSA) is the only safety net to help the Hong Kong resident that encounters financial difficulty. Currently, there are 113,482 children (Oct 2011) are living on CSSA who composed of around 10% of total child population in Hong Kong. However, the stringent application criteria and the insufficient rates of CSSA cannot cover the basic necessities for the growth of the child in the society.<sup>15</sup>

<sup>15</sup> Social Welfare Department, Hong Kong Special Administrative Region Government (January 2012)  
Statistics for children living on CSSA in Hong Kong from year 1993 to Oct 2011

Year	No. of children living on CSSA in HK	Total no. of population living on CSSA in HK	% of children living on CSSA to total CSSA population	% of children living on CSSA to total child population	Total number of child population in Hong Kong (age below 18)
1993	20,900	107,900	19.37%	Unknown	Unknown
1994	25,000	131,400	19.03%	1.7%	1,437,700
1995	36,200	168,900	21.43%	2.5%	1,445,600
1996	52,800	223,200	23.66%	3.6%	1,473,800
1997	67,600	277,000	24.40%	4.6%	1,456,000
1998	89,300	333,000	26.82%	6.2%	1,440,900
1999	97,900	363,600	26.93%	6.8%	1,432,200
2000	98,969	365,185	27.10%	7.1%	1,401,800

The new population policy, which was introduced in 2004, required the CSSA applicants resided at Hong Kong at least 7 years in order to eligible for the welfare application. As a result, family with new immigrants' mother of less than seven years residence will not be entitled for the welfare. Most of them are single-parent families or families with chronic illness patient. They applied for CSSA as they could not find other helping resources. Without assistance from CSSA system, new immigrants with financial difficulty cannot survive in Hong Kong.

However, the Government adopted a stricter welfare policy for the new immigrants in order to screen out the poor new immigrants in its new population policy in 2003. The criteria of application for Comprehensive Social Security Assistance (CSSA) are changed from one-year residence to seven years residence. It takes effect on 1<sup>st</sup> January 2004. Although children are waived, their parent cannot access to CSSA. Most of them are mothers. It hindered the mother to take care of the children as the mother not only has no resources to help the children but also to share to use children's CSSA.

Although there is a policy for the Director of Social Welfare to exercise discretionary power to waive the 7 years residence rule, very few deprived cases benefited. According to official statistics from 1 Jan 2004 to July 2010, there are 24,199 cases of CSSA applications which do not qualify the 7-year residence rule, while only 33.0% (7,975 cases) of the cases were approved in the light of the exercise of discretionary power of Social Welfare Department.<sup>16</sup> The Government claimed that 15,851 applications were self-withdrawal throughout the period but it was found that many applications complained that they were informally rejected by the Social Welfare Department and were considered as self-withdrawal. It clearly violates article 26(2) that "[t]he benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child."

Even if the Social Welfare Department exercise the discretionary the grant the CSSA, the whole process lasted for over half a year which is inefficient and delayed the

<b>2001</b>	<b>109,593</b>	<b>397,468</b>	<b>27.57%</b>	<b>8.0%</b>	<b>1,361,600</b>
<b>2002</b>	<b>132,232</b>	<b>466,868</b>	<b>28.32%</b>	<b>9.8%</b>	<b>1,353,300</b>
<b>2003</b>	<b>149,667</b>	<b>522,456</b>	<b>28.65%</b>	<b>11.3%</b>	<b>1,328,700</b>
<b>2004</b>	<b>155,766</b>	<b>542,017</b>	<b>28.74%</b>	<b>11.9%</b>	<b>1,303,700</b>
<b>2005</b>	<b>151,865</b>	<b>539,963</b>	<b>28.13%</b>	<b>11.9%</b>	<b>1,274,200</b>
<b>2006</b>	<b>141,962</b>	<b>521,611</b>	<b>27.22%</b>	<b>11.8%</b>	<b>1,207,315</b>
<b>2007</b>	<b>129,782</b>	<b>496,922</b>	<b>26.12%</b>	<b>11.0%</b>	<b>1,176,900</b>
<b>2008</b>	<b>120,265</b>	<b>475,625</b>	<b>25.29%</b>	<b>10.4%</b>	<b>1,157,500</b>
<b>2009</b>	<b>119,336</b>	<b>482,001</b>	<b>24.76%</b>	<b>10.6%</b>	<b>1,120,800</b>
<b>2010</b>	<b>111,472</b>	<b>466,066</b>	<b>23.92%</b>	<b>10.2%</b>	<b>1,096,500</b>
<b>Oct 2011</b>	<b>113,483</b>	<b>446,783</b>	<b>25.40%</b>	<b>10.6%</b>	<b>1,073,500</b>

<sup>16</sup> No. of cases which did not satisfy the 7-year residency rule of the CSSA by result of applications from Jan 2004 to July 2011

Case	Financial Year								Total no. of cases
	Jan to Mar 2004	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011 (until July)	
No. of applications	114	1,665	3,856	4,925	3,553	4,069	4,512	1,505	24,199
No. of cases granted	3	230	843	1,383	1,307	1,549	1,918	742	7,975
No. of cases rejected	1	18	26	33	39	35	30	12	194
No. of cases withdrawn	76	1,299	2,892	3,480	2,221	2,377	2,750	756	15,851

assistance. Worse still, there is an internal requirement that the CSSA recipient of the new immigrants woman, who are the significant carer of the child, has to work with monthly income of not less than HKD \$1,775 (USD 228) regardless the age of the child and the health condition of the father of the child. The child is inevitably left to be alone at home and lack of adequate care and support by the parent.

## **9.2 Deduction of CSSA and wrongful rate adjustment mechanism**

Worse still, the amount of CSSA for children was deducted in 1999 and 2003 by the Social Welfare Department. In 1999, the Hong Kong SAR Government cut the standard rates of CSSA families with 3 or more able-bodied members by 10% to 20% and a number of special grants, such as glasses for pupils, rent deposit and removal allowance as well as telephone fee. The Government further cut the amount of Comprehensive Social Security Assistance (CSSA) in 1 June 2003. The amount of children's standard rate, study subsidy and rent allowance were all cut from 7% to 15.8% respectively. Instead of adjusting the basic rate of CSSA, the Government merely granted one more extra month to the children during the financial year with high surplus in public revenue, while ignored the impact of the standard of living of the children in the long run.

Furthermore, the Government did not take any measures to review the basic rate of the CSSA over the past 10 years. The Government introduced the Social Security Assistance Index of Prices of the current rate as reference for adjustment of the rate of next year since 2003 instead of "the projection model". In the absence of forecasting effect, the rates of CSSA is far from sufficient during inflation period that the CSSA recipients cannot afford the basic standard of living.

## **9.3 Inapt policy on maximum rate of rent allowance**

Besides, after the deduction of maximum rate of rent allowance since 2003, the Government did not increase the rate until February 2012. Unfortunately, in view of the high-rising rent rates in the market, CSSA applicants living at private rental housing generally have to afford the high rent rate by themselves. According to statistics by Social Welfare Department, 22,688 out of 37,638 (i.e. 60.3%) CSSA cases are living at private rental housing whose monthly rent rate exceeded the maximum rent rate (January 2012) that the recipients have to pay their rent by using the basic allowance. As a result, the families have to reduce food consumption and daily expenses which deteriorated their basic standard of living. About 12,000 children are affected.

## **9.4 Recommendation**

9.4.1 The Hong Kong SAR Government should abolish the 7 years residence requirement for the criteria of application for CSSA so as to help residents according to the financial difficulty they meet.

9.4.2 The Hong Kong SAR Government should withdraw CSSA reduction and add special allowances such as eyeglasses allowance; dental allowance and social activities allowance should be introduced in place of the non-recommendable measure of CSSA reduction.

9.4.3 The Hong Kong SAR Government should review the maximum rate of rent allowance adjustment mechanism of the CSSA to ensure all the CSSA recipients living at private rental housing can afford the basic rent rate.

## **10. Article 27 Right to Housing and Adequate standard of living - Children Living in Inadequate Housing and poverty**

### **10.1 Inadequate standard of living**

According to the official statistics, there are about 281,900 children<sup>17</sup> under 18 living under poverty line. Among them, about 113,482<sup>18</sup> live on CSSA and the other are from low income family. There is a new phenomenon that some children need to pick up cardboard on street, taking cleaning jobs to earn their living as the Hong Kong SAR Government deducted CSSA in 1999 and 2003 respectively and the wage is getting lower in the past few years. In the past few years, the income of the grassroots did not increase. Even there was legislation on minimum wage since May of 2011. The wage of the grass root is low and cannot catch with the increase of inflation. However, the income of the rich group kept on going up. The disparity between the rich and the poor is getting widening and the poor is getting poorer. Children are suffered the most.

According to the research from Society for Community Organization, "Research Report on the quality of life of the children living in poverty" in 2011, it was found that the quality of life of the children in poverty is much lower than general children. Their family monthly median income is \$7,900(US\$1012.8), but their monthly median rent is \$2600(US\$333.3). But their median living space is only 12 square meter. And the inflation is high, so the family cannot afford enough food and education resources to the children. 25.2% of the children had been hungry because of no money for food. Over half of the children are malnutrition.

Worse still, some of the children need to pick up cardboard on street for selling after school. There are no enough resources to support these poor children in physical, psychological, and social as well as mental development. It clearly violates Article 27(1) and (3).

### **10.2 At least 20,000 children deprived right to housing**

Among these poor children, there are still nearly 20,000 children<sup>19</sup> living in what we call "cage homes" (apartment shared by 12 units or above), cubicles (apartment shared by less than 12 units) or roof-top huts. Although paragraph 344 of the Government report stated that the average waiting time for allocation of public housing is 3 years, the recent figures released from the Housing Department stated that 30% of the applicants' waiting is more than 3 years. For those not yet fulfilling the seven-year residency rule, they need to wait for over seven years. Only in 2012, about 2,600 children's applications for public housing have been frozen by the Housing Authority, as they have not yet fulfilled the seven-year residency rule. Many of them are now living in small partitioned rooms, bedspace apartments (caged homes) and the like with their health and safety being poorly monitored. Their average living space per person is only 18 square feet in cage homes and 30 square feet in cubicles (i.e. Survey on the living situation of cage homes and cubicles conducted by the Society for Community Organization in 2009), and the smallest among them was a mere 10 square feet, a far cry from the standard of 70 square feet set by the Housing Authority for public housing. Children living in such dwellings have to share facilities such as toilets and kitchens with other tenants. Such living conditions are

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<sup>17</sup> Hong Kong Census and Statistics Department, 2011.

<sup>18</sup> Hong Kong Social Welfare Department, 2011

<sup>19</sup> Hong Kong Census and Statistics Department, 2011

extremely unfavourable to the growth and development of children. Furthermore, these places always have poor hygiene, unsafe vicinity and heavily polluted environment.

### **10.3 Recommendations**

10.3.1 The Hong Kong SAR Government should carry out affirmative actions in the allocation of public housing by handling in priority applications of applicants who have children.

10.3.2 The Hong Kong SAR Government should introduce rent allowance to families who have children and who await public housing so as to immediately alleviate their living difficulties.

10.3.3 The Hong Kong SAR Government should withdraw CSSA reduction and add special allowances such as eyeglasses allowance; dental allowance and social activities allowance should be introduced in place of the non-recommendable measure of CSSA reduction.

10.3.4 The Hong Kong SAR Government should provide additional living allowance to entitle underprivileged children to the social and studying life of what they deserved, including acquiring leisure books, learning an instrument or taking part in extra-curricular activities.

10.3.5 The Hong Kong SAR Government should inaugurate Children's Ombudsman to investigate and intervene in complaints of children's rights interference, as well as to launch extensive civil education and promotional activities. The Ombudsman should also undertake supervision in compliance with the "United Nations Convention on the rights of the Child" and submit regular report to the United Nations on the latest progress of the children's rights in Hong Kong.

## **11. Article 28 Right to Education**

### **11.1 Denial of Right to Education of Chinese Child Migrants Seeking Right of Abode / Family reunion**

It is alarming that the right to education of Chinese child migrants seeking discretion to stay in Hong Kong for family reunion is not recognized by the Hong Kong SAR Government. Most of them are not allowed to go to school. The situation clearly violates article 28 of the Convention stating that *"States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity..."*

At the meeting of the Committee on 3 October 1996, Hong Kong Government reported that *"it was now the policy that children illegally entering the Territory who would have a right of abode thereafter 1 July 1997 would not be returned to China, but would be treated in every way as normal residents, with the right, for instance, to public education."*(Remarks 5) However, the Government did not keep its word.

The Government did not recognize the right to education of these children migrants. There is in lack of a clear policy or guidelines to offer school placements to these children. The Education Department will not offer school placements to these children unless the Director of Immigration has confirmed their eligibility. Such applications are dealt with on a case-by-case basis. That is to say, the right to public education of these children is vested in the discretion of the Director of Immigration.

Our organization has received many complaints and enquiries about the education arrangements for the children migrant. Most of their applications for education are rejected by the Immigration Department without any explanation. In fact, there is no appeal system available. Most of these children have stayed in Hong Kong for over half a year. They become depressed and low in self-esteem as they can do nothing but staying at home waiting for the outcome of the applications for staying in Hong Kong. Their education opportunities are deplorably exploited. Worse still, they cannot leave Hong Kong as all of their family members have been living in Hong Kong for years, and no one can take care of them in mainland China.

Some of the children have approached a number of schools directly to ask for school placements. The school will offer placements to them on the condition of approval from the Education Department. Again, the final decision is vested on the discretion of the Director of Immigration, as the Education Department will seek the confirmation from the Director of Immigration. It arbitrarily violates the children's right to education.

### **11.2 Lack of equal education opportunities for poor children**

Hong Kong is a wealthy and modern city with advanced technology and a knowledge based economy, but this is only for the rich children not for the poor children. It was found that the poor children could not access to technological knowledge and modern teaching methods, as they cannot afford them financially. In view of the new learning requirement of the new school curriculum, most of the poor children cannot afford to pay for learning facilities as well as other outdoor learning activities. Some of them failed to hand on their homework and catch up with the curriculum that affected their academic performance and study incentives. However, the Hong Kong SAR Government did not facilitate the poor children to education on the basis of equal opportunity.

The problem of the lack of equal opportunities happened existed at the pre-school education. At the present Hong Kong, the Hong Kong Government only provided school vouchers to subsidize the school fee for the children learning at kindergartens but the amount is far from enough. According to the surveys conducted by Society for Community Organization, the school voucher leads to the increase of the school fees of the kindergartens and over 55% of the kindergartens which the school fees exceed the maximum rate of school voucher and student financial assistances, and the children has to afford around HKD4,284 (USD549) after deducting the maximum rate of student financial assistance and school voucher, which created a heavy financial burden on the poor families.<sup>20</sup>

Even worse, the student financial assistance for pre-school children only subsidizes school fee but not covers learning expenses, including school textbooks, printing charges, learning activity fees, air-conditioning fee and other school learning expenses. The school expenses of kindergartens increased 30% in comparing with last year that the median annual school expenditure (not including school fee) is HKD 2,900 (USD372) that the low-income families have to afford those expenses by their own.

Apart from the pre-school education, the primary and secondary students from poor families also encounter the similar problems. Although the Hong Kong Government extended the free education from 9 years to 12 years (i.e. from primary 1 to secondary 6) since 2008, the existing student financial assistance mechanism cannot respond to the new learning needs of the developing society. The amount of the student financial assistance is far from enough and its scope is too narrow which cannot cover all learning related expenses. According to the survey conducted by SoCO in 2012, the respondents from poor families have to afford around 29 items of school expenses which costs around HKD5,000 (USD641) per year and the families have to suppress their basic living expense in order to afford it. The students from poor families do not have sufficient financial resources to fulfill the learning requirements such as doing project or homework. The learning opportunities of the poor students will be hindered.

Worse still, the percentage of subsidized university degrees remains around 18% over the past 20 years that the post-secondary students have to draw a study loan with an amount of over HKD240,000 (USD30,769) from the Government and bear a high financial burden after graduation. Hence, the unfair education system is not only unable to solve the problem of income disparity but also worsened the situation of learning disparity between the poor and the rich.<sup>21</sup>

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<sup>20</sup> Society for Community Organization Children's Rights Association (September 2012) Research report on Child Poverty in Hong Kong, Paper No.14: The difficulties on educational expenses of the pre-school education in Hong Kong.

[http://www.soco.org.hk/publication/private\\_housing/preschool%20education%20survey\\_2012\\_9.doc](http://www.soco.org.hk/publication/private_housing/preschool%20education%20survey_2012_9.doc)

Society for Community Organization Children's Rights Association (August 2008) Research report on Child Poverty in Hong Kong, Paper No.8: The impact of student financial assistance on pre-school education of the children living in poverty.

[http://www.soco.org.hk/publication/private\\_housing/pre\\_school\\_survey\\_2008\\_8\\_31.doc](http://www.soco.org.hk/publication/private_housing/pre_school_survey_2008_8_31.doc)

<sup>21</sup> Society for Community Organization Children's Rights Association (November 2012) Research report on Child Poverty in Hong Kong, Paper No.15: The impact of Primary and Secondary School Education System and the Student Financial Assistance on the Children living in Poverty

[http://www.soco.org.hk/publication/private\\_housing/child\\_research\\_2012\\_11\\_19.pdf](http://www.soco.org.hk/publication/private_housing/child_research_2012_11_19.pdf)

### **11.3 Recommendations**

- 11.3.1 The Hong Kong SAR Government should recognize the right to education of the child migrants and to offer school placements for children pending decisions on their appeals to stay in Hong Kong.
- 11.3.2 The Hong Kong SAR Government should introduce 15-year education by extending the free education to pre-school education that the amount and the scope of the student financial assistance should be reviewed in order to ensure all learning related expenses can be covered by the financial assistance.
- 11.3.3 The Hong Kong SAR Government should review the scope and amount of and amount and the scope of the student financial assistance for primary and secondary school education to ensure the equal learning opportunities of the students living in poverty.
- 11.3.4 The Hong Kong SAR Government should increase the amount of subsidized university degree course to ensure the students whose academic performance qualifies to proceed to tertiary education with appropriate financial support.

### **Case Illustration 1 – Right to family reunion: Hong Kong Children from Split single parent family**

**Wai Ling (慧玲), 7/F,**

Wai Ling (慧玲) was born in Hong Kong in 2005. She is mental retarded. Her Father is Hong Kong permanent resident. Her Mother, Junlian (君蓮) is from Fujin Province of China. Her parents married in 2004. However, her Father abused her and her mother. Finally, they divorced in 2007. The mainland Security Bureau rejected her mother's application to get a one-way permit for family reunion by the reason that she divorced. As Wai-ling was born in Hong Kong and has no household registration in mainland. Her mother cannot afford the extra expensive study and living cost for her. Wai-ling has to stay in Hong Kong. Her mother came to Hong Kong every three months through visiting document (two-way permit) to take care of her. But Wai-ling needs to apply for leave from school in order to go with mother to back to mainland to renew her visiting document. It caused problems to her study and development. Besides, her mother has no identity card in Hong Kong, she cannot work. Wai-ling receives Comprehensive Social Security Assistance (alias public assistance) from the Hong Kong Government. The amount is even not enough for Wai-ling to have a decent living. Worse still, her mother needs to use this assistance with her. They even have difficulty to afford food every day. What the thing Wai-ling and her mother most want is to have family reunion in Hong Kong.

### **Case Illustration 2 – Right to family reunion: Hong Kong Children from Split single parent family**

**Cho Ching (楚菁), 12/F, Cho Kau (楚夠), 8/F**

Cho Ching, 12/F, Cho Kau, 8/F, were born in Hong Kong. Their father is Hong Kong permanent resident, their mother, Chun Ching (春晴) is from Guangdong province of China. They got married in 2000. However, their father abused their mother and them. Finally, their parents divorced in 2007. As their mother has no identity card, the two children were put in children's home in Hong Kong. The mother suffered from depression and returned to mainland China. However, the children missed the mother very much and did not receive proper care and love from children home. Their mother returned to Hong Kong to take care of them by visiting document every three months. The two sisters' self-esteem is low and afraid of losing their mother again. But the mainland Security Bureau refused to accept her application for family reunion. The mother desperately needs the identity card so as she can stay in Hong Kong to take care of her daughters.

### **Case Illustration 3 – Right to family reunion: Adopted children from mainland China of Hong Kong permanent resident**

#### **Wing Kei, 16/F, Chi Piu, 16/M**

Master Chi Piu (志標) and Miss Wing Kei (永其) are at the age of 16 and are abandoned children in mainland. They are adopted by Hong Kong Permanent Resident, Mok Kun (木根) and Manqun (滿群) in 1996 when they were just born.

Mok Kun and Manqun were advised by the mainland officials to register their adopted children to household account as biological birth children by the condition that Manqun took contraception surgery. But Manqun did not want to do so. Only Chi Piu was allowed to register and Wing Kei was allowed to register in 1999. Both of them applied to come to Hong Kong to have family reunion. Unfortunately, their application was only approved after Mok Kun passed away in 1999. Chi-piu got identity card in 2000. As his mother has not had an identity card, he went back to mainland. His mother got identity card in 2003. She decided to settle in Hong Kong with her children as the mainland officials did not welcome them to stay and she was not able to pay for her son's education expenses. If they keep on stay in their village, they can share the resources distribution. So the village wanted them to go to Hong Kong. As Wing Kei has not yet got one-way permit and no one can take care of her, her mother applied two-way permit for her. They settled in Hong Kong in 2003.

The two children study very hard even though they face many difficulties. Both of them are promoted English band one Secondary School. They adjusted very well to Hong Kong and love Hong Kong. They also work hard to volunteer to help other underprivileged people. They are the leader of the Children Rights Association of SoCO. Their mother works as a cleaner to support the family although her ear and eye are not functioned very well. There are some donors who support them too. They treasure the talents of the two children and recommend them to stay in Hong Kong too. However, as no identity card, it hindered the development of the two children; they cannot join some extra-curriculum activities or overseas training. Besides, Wing-kei suffers from heart disease. She cannot receive medical service as she has no identity card.

Now, the Immigration Department requested her mother, Manqun, to return her identity card as she came after her husband passed away and the whole family move back to Mainland China. The family face big crisis and difficulty. The two children are so frustrated and depressed. The two children are innocent. Nobody wants them if they are repatriated to mainland. The whole family has no household account in mainland China. Even they got one, they cannot enjoy the same welfare as other residents in mainland China. Besides, they live in Hong Kong longer than in mainland China. It will be a great difficulty for them to adjust to live in mainland China. Their future will be ruined. The two children hope to stay in Hong Kong as they love Hong Kong and they are orphan in mainland China.

## Appendices

### Newspaper clipping on Article 4 All appropriate measures for the implementation for the rights

#### Concern groups urged establishing Children's Commission in Hong Kong

Sing Tao Daily (30 January 2012) Page A06

#### Summary of the news:

Alliance for establishing Children's Commission, a local children's rights alliance composed of over 30 organization concerning about the well-being of the children and youth in Hong Kong, criticized the Hong Kong Government did not have a comprehensive child development policy and rarely endorse the opinion from the children. It is urged that the Children's Commission should be established in Hong Kong in order to monitor the implementation of children's rights in Hong Kong.

「爭取成立兒童事務委員會聯盟」要求政府設立專責委員會關注兒童事務，為政策提供意見，發言人周鎮邦認為政府支援兒童發展的政策並不全面，制定政策時很少聽他們的聲音，如早前的校園驗毒計畫就沒諮詢學生，他解釋小童無權投票，不能在選舉中表達意見，容易受忽略。

周鎮邦表示，現時兒童的健康與求學都已不成問題，但他們情緒控制和行為問題卻愈來愈嚴重，而本港離婚率又不斷上升，兒童的訴求不能忽視，故此當局需向兒童提供一個表達意見的平台，幫助他們了解自己的需要，發展潛能，以促進社會和諧。

### 兒童訴求不能忽視

「爭取成立兒童事務委員會聯盟」由三十多個關注青少年和兒童的組織成立，他們希望該委員會能代表本港逾一百一十萬名十八歲以下的兒童，向政府表達意見。

組織表示兒童在組織無權投票，難以成為候選人的拉票和關心的對象，制定政策時容易受忽視。故此，他們希望三名特首參選人可以把兒童政策都納入競選政綱內，他們昨日就與泛民特首參選人何俊仁討論兒童政策，包括三三四學制和貧困兒童學習環境等議題。

本報記者

## Newspaper clipping on Article 9 Right to Family Reunion

### Summary of the news:

Split single parent families made petition to the Secretary for Security Bureau on 9 July 2012 to request help for family reunion.



## Newspaper clipping on Article 12 Respect for views of the child

### Government gets 2 out of 100 on helping the poor

South China Morning Post (2 January 2012)(Page City 2)

#### POVERTY

# Government gets 2 out of 100 on helping the poor

**Administration has totally failed underprivileged children and mishandled poverty, concern group says**

Adrian Wan  
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The government has totally failed to help underprivileged children and mishandled the poverty situation by letting people live in cage homes and subdivided flats, a concern group said yesterday.

In its seventh annual report on the government's record, the Society for Community Organisation (Soco) faulted the administration for failing to take care of the city's underprivileged children.

On a scale of 1 to 10, the government scored between minus two and plus one on 10 issues in this year's report card. Its overall mark was two out of 100.

The church-backed group has never given the government a pass. Its highest mark was 19 out of 100 in 2008, and the lowest was zero in 2009. This year's score was the second lowest in the report's seven years.

The administration scored zeros

on five issues: the report card said it had made no effort to help narrow the wealth gap, to establish an independent children's ombudsman or to introduce a comprehensive policy on problems facing children.

The government was given minus two out of 10 for inadequate medical services – including complaints such as the difficulty of making a booking with a doctor and the “extremely long” wait for outpatients.



**The government's performance last year was very disappointing. We demand long-term policies**

SZE LAI-SHAN, SOCO

The government's housing policy scored one point out of 10. Soco said the low mark was due to the fact that more and more poor children were living in subdivided flats and cage homes in urban slums.

The government scored four points out of 10 – its highest in any area – for efforts in education, although it was faulted for not implementing a programme that would guarantee all children 15 years of free education.

The 10 issues in the study – the “Annual Report of the Civil Children's Ombudsman in Hong Kong” – were chosen by Soco's Children's Rights Association.

“The government's performance last year was very disappointing,” Soco's community organiser, Sze Lai-shan, said. “We demand long-term policies aimed at reducing poverty.”

About 300,000 children were living below the poverty line, and about 20,000 of them lived in deplorable conditions, resulting in a lack of space to read and study, she said.

The groups said the problem was made worse by the poorer class' lack of voice in the government and the city's lack of democracy.

**Section/Page: Metro/H01 China Daily Hong Kong Edition Date: 2012-09-15**

**Author: FAN FEIFEI**

# Mainland moms lose bid to stay with their HK kids

By FAN FEIFEI  
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Mainland mothers, whose children were born in Hong Kong and now reside locally, on Friday urged the SAR government to set aside some of the daily quota of 150 single-entry permits for them, so they could stay in the city to look after their children.

The women making the appeal are divorced, or their husbands are deceased.

The Security Bureau told the mothers they must abide by the Basic Law, which doesn't allow single mothers from the

mainland to acquire One-way Permits, the right of abode in Hong Kong, even though their children live here.

About a dozen single mothers, accompanied by the Society for Community Organization met with the Security Bureau on Friday to discuss the visa issue. Sze Lai-shan, a community organizer for the organization, said that because of visa restrictions on their mothers, the children are required to interrupt their studies in Hong Kong for several weeks once every three months — and sometimes as little as 14 days — to return to mainland with

their mothers while a new visa is obtained. Sze added the academic record of these children was heavily influenced because of absences from school for long periods of time.

According to the Immigration Department, mainland residents who wish to settle in Hong Kong must apply for One-way Permit from the Public Security Bureau where their household registrations are kept.

There is a quota of 150 One-way Permits daily. Sixty of those places are allocated to children holding Certificates of Entitlement, who enjoy the right of

abode in Hong Kong. Thirty are allowed to spouses separated for 10 years or more and their accompanying children, and 60 to applicants belonging to other categories. However, the single mothers who are appealing for concession do not fall into any of the eligible categories.

"The 150 quota is not fully utilized, and only 125 places are being used," Sze said, hoping that the remainder of the quota could be allocated to the single mothers.

A 33-year-old woman, surnamed Zhang, told China Daily her husband disappeared and she has to take care of her two

children, now attending school in Hong Kong, on their own.

"My children have to return to the mainland with me every three months because my visa expires and there are no relatives to look after them in Hong Kong," said Zhang.

Zhang said the whole family now lives on Comprehensive Social Security Assistance (CSSA) because she doesn't have permission to work in Hong Kong, and the CSSA does not cover her family's expenditures.

Zhang added she hoped the Immigration Department could give her a single-entry

permit to stay in Hong Kong, considering her specific condition of needing to take care of her children.

Another mother said her 15-year-old son has to stay in Hong Kong alone, when she returns to the mainland once every 14 days. Her husband, she said, has abandoned her and the boy.

Sze said the physical development of some children is significantly affected from mal-nutrition, self-abuse and depression. Sixty percent of the mothers have no will to survive, and had thoughts of suicide, Sze added.

Newspaper clipping on Article 24 Health and health services

City kids too poor to visit the doctor, The Standard (21 January 2010), (Local P07)

# City kids too poor to visit the doctor

**Kaylene Hong**

Nearly two-thirds of Hong Kong's poor children do not go to the doctor when they are sick because their parents can't afford it, a survey reveals.

The shocking claim has sparked calls for the introduction of health vouchers for low-income families by a welfare and human rights group.

The Society for Community Organisation says its poll of 104 children aged between six and 16 — from families earning on average HK\$7,000 a month — found that almost 60 percent either do not go to a doctor or self-medicate when sick.

Group organizer Sze Lai-shan said the vouchers could be used to subsidize the visits of such children to a private doctor and relieve the overwhelming demand on the public health-care system.

Activists from the Children's Rights Association and SOCO met with Health and Welfare Bureau officials yesterday to discuss the issue.

It was also revealed in the survey that slightly more than 70 percent of the children interviewed had to wait more than an hour to see a doctor in the public sector.

The poll also found that a four-hour wait is not unusual.

Since October 2006, appointments for consultations at public general outpatient clinics may be made by telephone. But the number of people seeking treatment has

been so high it swamped the system. Waiting lists for doctors are also very long, the group says.

"While the government reviews and improves its public health-care services, it can consider borrowing resources from the private sector to help these low-income children gain easier access to a doctor," Sze said.

A scheme in which students under 18 could pay HK\$20 to see a doctor, which was scrapped in the early 1990s, should also be looked at again.

At present, the Department of Health only offers free health assessment, education and counseling for children — but not treatment.

One parent at the meeting, Ng Kin Wai, said his 16-year-old son suffered from toothache at the beginning of last year, but could not get an appointment with a public dentist because the telephone lines were always busy.

It was only when his son could not take the pain anymore that he got up in the middle of the night to try his luck again and was lucky to get an appointment the next day.

"If I had the money, of course I would have sent my son to a private dentist. But dental treatment here is so expensive and I couldn't afford it at all," Ng said.

Sze said: "We have a responsibility to ensure the children of our city get better health services tailored to them."  
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## Newspaper clipping on Article 26 Right to Social Security

Section/Page: CITY/CITY1 South China Morning Post Date: 2011 Feb 7

Author: Lo Wei

# Migrants plead for lifting of CSSA curbs

Lo Wei

Change Yuan, 41, moved to Hong Kong from Shenzhen with her baby daughter last year, a few months after her husband died.

She has been living on rent allowance and her daughter's Comprehensive Social Security Assistance (CSSA) of HK\$3,400 a month.

"I've been looking for jobs but failed to get one since I still have to look after my two-year-old daughter," said the trained beautician.

Yuan was among a group of migrant mothers who urged the government yesterday to ease CSSA restrictions on families with difficulties.

Since 2004, applicants have had to be Hong Kong residents for seven years. Discretion could be made for "exceptional circumstances", the Social Welfare Department said.

But Sze Lai-shan, a social worker from the Society for Community Organisation, said: "The criteria is too harsh."

The only successful applicants for discretion she had seen were those with a doctor's certificate or those who met the criteria of making at least HK\$1,630 a month or working not less than 120 hours.



**Life is hard for Mo Yuemei, with her eight-month-old son.** Photo: May Tse

"I know the government has to control expenditure, but if it would just give a hand to these new immigrants, they are a group most capable of escaping poverty," said Sze.

"I don't want to be a parasite," said Mo Yuemei, 26, who came to Hong Kong last year. Her husband lost his job and she could not work, having to look after her eight-month-old and four-year-old sons.

The family lives on CSSA of HK\$5,000, and has had to make savings where they can. "I usually go to the market at seven or eight o'clock in the evening," she said. "They would give me the skin of a pig's head for HK\$5."

Yuan faces a similar situation. "I only wish I could afford to make soup for my little girl," she said.

## Newspaper clipping on Article 26 Right to Social Security

### Black mark for city from children in need, South China Morning Post (1 January 2013) (Page City 3)

#### POVERTY



Members of the Children's Rights Association call on the chief executive to start taking Hong Kong in a new direction. Photo: Felix Wong

# BLACK MARK FOR CITY FROM CHILDREN IN NEED

**Government scores just six out of 100 as underprivileged youngsters urge Leung not to forget them in his upcoming policy address**

**Jolie Ho**  
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The chief executive is facing calls to tackle the needs of 300,000 underprivileged children in his upcoming policy address, after the administration scored just six out of 100 for its performance in helping needy children.

The rock-bottom score was gleaned from the seventh annual ratings exercise by the Children's Rights Association – and it was the seventh time the government had failed to get anywhere close to a pass.

The scores are based on how the government deals with 10 top issues of concern and are marked by 200 young ombudsmen in the association, which is made up of 1,700 underprivileged children. The government scored two points last year and zero in 2009.

The Society for Community Organisation, a human rights advocacy group under which the

association operates, said Leung Chun-ying had taken some steps towards poverty alleviation since he took office.

"[Leung] has taken a little action but has no big policy," Soco community organiser Sze Lai-shan said. She noted that the present administration admitted there was poverty in the city, while the previous one said only that there was a wealth gap.

"Leung has promised 15 years of free education ... and is allotting land to build more public housing flats," she said. "He has set up a commission on poverty and has promised to establish a poverty line. But the government has no policy targeting underprivileged children."

Housing issues topped the children's list of concerns and the government scored one point out of a possible 10 on this.

The association's report says some 20,000 children are living in substandard housing, such as cage homes and subdivided flats,

and the applications of 3,000 households for public flats were frozen because the children were not permanent residents.

The government scored two points for helping cross-border families and one point each for education, social welfare and a comprehensive children's policy.



**Leung has taken a little action but ... has no policy targeting underprivileged children**

SZE LAI-SHAN, COMMUNITY ORGANISER

It got zero for medical services; helping neglected children left to grow up on the streets; trans-generational poverty; failure to implement the United Nations Convention on the Rights of the Child; and the absence of a children's ombudsman and a children's rights committee.

Jessica Lee Kai-ying, 11, one of the association's ombudsmen, told how the owner of her 200 sq ft subdivided flat in Mong Kok had cut off the water and power after her mother missed one month's rent payment last year. In October this year, the new owner raised the rent from HK\$2,500 a month to HK\$4,000 and threatened to kick them out if they could not afford it. They managed to bargain it down to HK\$3,000.

Lee came to the city in 2009 and now lives with her mother and 10-year-old brother in the subdivided flat with mouldy walls. Her mother, a sales representative, has only three rest days a month and often works on those days, too, in an effort to feed the family. Lee's father, unemployed, lives in Guangzhou.

Lee called for rent subsidies and rent controls to be reintroduced.

She added: "We want a relaxation of the rule for allocating public housing flats to [households with] children who have lived in Hong Kong for less than seven years – so that children can have equal opportunities in the wait for public housing."

## Newspaper clipping on Article 27 Right to Housing and Adequate Standard of Living Page A14 Singtao News (25 July 2011)

### Summary of the News:

SoCO released research report on the life quality of the children living in poverty. It was found that the poor children in Hong Kong do not have enough food. Some of them even drank water when they do not have food.



圖社區組織協會於去年九月至今年三月期間，訪問逾百位來自深水埗、土瓜灣及觀塘等區的貧窮兒童。

# 27% 港童活在貧窮綫下

社區組織協會指，本港有近三十萬名兒童活在貧窮綫下，佔全港兒童人數近二成七。協會最新調查發現，近半香港貧窮兒童營養不良，更有人須靠喝清水度日；三成兒童居於一百平方呎以下的單位，衛生環境欠佳；有四成兒童從未參與課外活動。組織建議，當局為貧窮兒童提供免費早午餐，並盡快制訂政策，助兒童脫貧。

協會以全港入息中位數的一半，作為貧窮綫標準，推算本港有近二十九萬七千五百名貧窮兒童。於去年九月至今年三月期間，訪問了一百一十五位來自深水埗、土瓜灣及觀塘等區的貧窮兒童，了解其生活狀況。結果顯示，近半受訪兒童的飲食不均衡，導致營養不良，其中八成七進食蔬果不足，九成八的鈣質攝取量遠低於衛生署的建議分量。

### 營養不良十歲患糖尿

近半貧窮家庭為節省開支，會趁每天街市收檔時，買便宜但質素較差的食物；更有近一成經常購買過期食品，嚴重影響兒童健康。協會幹事施麗嫻稱：「貧窮兒童平日進食的免費贈送食品，如即食麵、午餐肉等，大多屬高脂高鹽，容易引致營養攝取不均，曾有小孩未滿十歲，便患上糖尿病及高血脂等疾病。」

此外，他們的居住環境狹小，平均面積一百二十平方呎，最小更只有二十三呎，三成因而影響睡眠質素，令日間上課時精神不振。調查又發現，四成兒童因經濟能力欠佳，從沒參與任何課外活動，更有逾一成小孩所謂的「課外活動」，是擦紙皮幫補家計；另有四成人因家中無電腦，未能完成網上家課，被派欠交。

九歲的嘉慧說，一家四口只靠父親從事散工每月六千多元，曾試過一天到晚只進食一餐，喝清水充飢。她住在深水埗一間八十呎劏房，家中只有一張桌子和一張牀，「晚上我與弟弟會睡在地上，很多時候也睡不好。」 記者 楊嘉莉

## Newspaper clipping on Article 28 Right to Education

### 36.9% poor children worried no opportunities for university education Hong Kong Daily News (19 November 2012) (Page A07)

#### Summary of the news:

Education has long been treating as an effective means for alleviating poverty, while it becomes more unrealistic in view of the new learning needs from the new school curriculum. According the research conducted by Society for Community Organization in 2012, 36.9% of the respondents from poor families worried that they cannot further their study at university due to the financial difficulty.

LAU Kam Ling, a Form 2 student from Band 1 secondary students, expressed that her family has several thousand dollars per monthly income while her school required she to learn at least one sport and one musical instrument in order to realize the new education policy. She is also required to prepare report by purchasing ticket to attend concert of classical music, which will be counted in school performance and affected her school promotion.

## 36.9%貧童擔心未能上大學

### 無錢增值 社協促整合支援

【新報訊】教育一向被視為脫貧的希望，但現時的教育模式趨向多元化學習，有學校更要求學生聽古典音樂會後寫報告列入考試成績，但貧窮家庭兒童卻難以參與，變相產生不公平學習。社區組織協會指，因家庭貧窮，36.9%受訪貧窮學童擔心未能升讀大學，亦有42.7%未能達到學校要求，包括參與課外活動或上網做功課。

#### 憂未達要求影響升班

在Band 1中學讀中二的劉錦玲，家中月入只有幾千元，但學校要求每名學生都要額外學習一項運動和樂器，落實「一人一體藝」；又要求學生自行聽一場古典音樂會撰寫報告，而這些都會被列入考試成績。由於家中並無餘錢學音樂和聽音樂會，她擔心未能完成功課而令音樂科不合格，可能升不了班。她因怕遭白眼而不敢向同學傾訴，一切有苦自己知。

社區組織協會社區組織幹事施麗珊表示，像劉錦玲的個案屢見不鮮。協會的一項調查顯示，96.4%貧窮學童均有志升讀大學，但由於家境問題，36.9%擔心自己未能升讀大學，亦有42.7%未能完成學校規定必須參加的活動，而不參加這些活動的後果，不單是減少學習機會，15.7%會被扣分，33.7%會影響升級及畢業。

#### 倡一站式申請資助服務

另一社區組織幹事王智源稱，現在的學生不只靠努力讀書便可升學，而是要自資多方面學習增加升學機

會，但受訪家庭的收入只有8,000元，全年學習開支中位數卻為4,985元，最高更達20,220元，當中包括書簿費、外參觀及校車費、印刷費等。90.3%受訪者者稱在支付子女的學習開支上出現困難。另外，35.2%貧窮學童面對同學或甚同學家長歧視，自信心及自我形象會受到某程度損害，甚至出現負面情緒。

施麗珊認為，現時的教育制度不單未能令兒童脫貧，更拉闊貧富差距，建議政府整合各學習支援計劃，提供一站式申請資助服務及設立兒童津貼。新的新扶貧委員會亦應制訂處理兒童貧窮策略及綱領，推行全面兒童貧窮政策。另外，她亦要求增加大學學額，檢討學習津貼內容及改善申請增撥綜援津貼安排等。



■社協批評現行多元學習的模式，貧窮學童因無錢參與課外活動，變相形成不公平學習。

## Newspaper clipping on Article 28 Right to Education

### Stress alert as students return

#### The Standard (3 September 2012) (Local/P08)

A shock poll of secondary school students has found four out of every 10 youngsters returning to classes today under some degree of stress.

According to the Baptist Oi Kwan Social Service, 44percent of the more than 2,300 secondary students polled said they are suffering from depression.

One-third of these are suffering from intermediate to severe depression and in need of immediate assessment and treatment while 41percent are at risk of developing mental problems. According to a clinical psychologist, the early symptoms of depression are not easy to detect, and in many cases parents and teachers consider sufferers are problem students or approaching puberty. The social service called on the government to carry out a territory-wide mental health inspection of secondary students and to provide more resources to deal with the conditions of youngsters.

Meanwhile, the Society for Community Organization has called on the government to help families facing financial burdens with the start of the new school year.

SoCO said 78.4percent of the 88 poor families interviewed between June and August said they have difficulty finding kindergarten fees. The survey found that the fees of more than half the kindergartens exceed the subsidy provided by the government in its voucher scheme. Parents have to pay an average of HK\$4,300 for a full-day kindergarten after deducting the voucher amount. More than 80percent of families interviewed called on the government to provide free pre-school education.

SoCO called on the Education Bureau to extend free education from 12 to 15 years, covering three years of kindergarten education and to reduce the burden on poor families.

In anticipation of an increase in traffic today, the Transport Department said it is activating its contingency co-ordination center. Public transport companies will increase the frequency of services.

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## Newspaper clipping on Article 28 Right to Education

### Poor family children request increase rate of school voucher Unable to afford annual school related expenses over HKD 4,000 per kid

Oriental Daily News (3 September 2012) (Page A04)

#### Summary of the news:

At present Hong Kong, over 50,000 children aged 3 to 6 are living under poverty that the school fee for kindergartens creates a heavy burden on the grassroots families. Society for Community Organization, a human rights watchdog for the underprivileged in Hong Kong, interviewed 88 children living in poverty and over 50% of the respondents reported that they have to afford over HKD4,000 (USD 513) after deducting the subsidy from school voucher and student financial assistance. It is also found that over 55% of the kindergartens which the annual school fee exceed the maximum rate of school voucher that the average amount of HKD2,700 (USD 346) should be paid for half-day kindergartens while the average amount of HKD4,300 (USD 551) should be paid for full-day kindergartens. The Government is urged to increase the amount and the scope of the student financial assistance.



**貧童家庭籲提高學券資助**  
**每年須貼學雜費四千多元難負擔**

香港社區組織協會  
Society for Community Organization

推行全面  
學前免費教育

書費雜費多  
貧童無力付

■現時全港逾五萬名幼童活在貧窮線下，  
無法負擔幼稚園學雜費。 (袁志豪攝)

【本報訊】全港逾五萬名三至六歲的幼童活在貧窮線下，學費成為基層家庭的沉重負擔。香港社區組織協會近日訪問八十八名兒童，逾半人扣除學券資助後，每年仍須補貼四千多元學費及雜費。該會又發現，學費資助不足，五成半幼稚園學費超過政府資助上限，每年每名就讀半日制的幼童，須補貼學費近二千七百元，全日制學童更平均須補貼近四千三百元。該會促政府盡快提高資助，並補貼書簿費等額外開支。

【昇唔起旅行費】  
社協及兒童權利關注會於今年六至八月，以問卷訪問八十八名幼童，家庭平均月入為八千多元，發現每年需自付的書簿費及茶點費等雜費，平均為二千多元。  
一家四口蝸居深水埗百呎劏房的劉太指，升讀中班的四歲兒子，沒參加過一次學校旅行，「學校旅行要家長參加，我帶埋讀小五的哥哥，三個人要二百幾蚊，真係畀唔起。」她指，雖獲學券制的「全免」資助，但仍需每年補貼學費四千元，加上雜費三千多元，難以負擔，只能心酸地看着兒子無法參加課外活動。

促學前教育「全免」  
社協社區組織幹事施麗珊指，現時學券計劃下幼稚園的學費上限，半日制為每年二萬五千元，全日制五萬零四百元，但學費減免上限卻為半日制每年一萬九千五百元，全日制三萬一千五百元，全港五成半幼稚園學費超過減免上限，令很多基層家庭需自行補貼學費差額，希望政府提高學生資助至學費上限，使獲批「全免」的學生不用補貼學費，並設書簿費及雜費資助，讓基層學童能享更全面的學前教育。

## **Introduction of the Hong Kong Human Rights Commission**

The Hong Kong Human Rights Commission is a coalition of eleven non-governmental organizations including religious, women, and community and students groups. It was founded in March 1988.

Although coming from different backgrounds, we share in the belief of the dignity and respect of each person and that every man and woman has inherent rights. As the "Human race is one", the Commission member organizations consider that mutual respect, equality and freedom form the foundation on which a just, peaceful, and humane society is built.

Over the years, the Commission has endeavored to promote and protect the human rights of the community. Not only does Hong Kong lack a democratic political system, its legislation also allows the government substantial power so as to maintain social control. Civilians are forced to submit to this power and therefore justice often fails to prevail. The Commission has been gathering resources in order to consolidate civil power. By doing so we hope to arouse public concern to the level where the people will push the government to reform.

Since it was founded, in addition to lobbying for the Bill of Rights and subsequent amendments to the law at local level, the Commission has also submitted reports to UN treaty bodies, attended hearings and lobbying at international level. Recognizing that public awareness and participation are vital to the development of human rights, the Commission has promoted human rights education through exhibitions, gatherings in schools and community centres. Although the Commission recognizes that its work has benefited may there is the lingering feeling that much more can be done.

### **Members of the Hong Kong Human Rights Commission:**

Christians for Hong Kong Society  
Hong Kong Catholic Youth Council  
Hong Kong Christian Industrial Committee  
Hong Kong Christian Institute  
Hong Kong Federation of Catholic Students  
Hong Kong Social Workers' General Union  
Hong Kong Storehouse and Transportation Staff Association  
Hong Kong Women Christian Council  
Justice and Peace Commission of the Hong Kong Catholic Diocese  
Society for Community Organization  
Student Christian Movement of Hong Kong

## **Introduction of Society for Community Organization**

Society for Community Organization (SoCO) firmly believes that everyone should be entitled to equal rights. Equal opportunity for participation and fair distribution of social resources is the foundation of human rights. In the face of the widening disparity between the rich and the poor, and the increasingly restrictive political arena, we stand firm in our crusade to establish an equal society and to build a strong power base for the people. We are motivated by a common dream, and that is: "Let us work hand in hand and shoulder to shoulder to build a caring, equal and just society".

SoCO is an incorporated, non-profit-making and non-governmental community organization. It was formed in 1972 by church people and was financially supported by donations from churches, overseas funding bodies, the Community Chest and individuals. SoCO has, through civic education programs and social actions, nurtured grassroots people with a sense of civic responsibility so that they can flex their political muscle. These people have, during the course, regained their self-confidence and cemented with one another to champion for an equal social system.

Grassroots people are struggling day in and day out to keep their head above water. It is most scornful to see economic development brings social inequality. These deprived cannot enjoy our economic success. They have been snubbed and fallen into oblivion. Standing in the line of dejection are caged lodgers, tenants with financial difficulties and living in appalling conditions, aged singletons, street-sleepers, mothers with no one-way permit to live in Hong Kong, families made up of new immigrants and boat dwellers, etc. They are our serving targets.

In the coming years, SoCO will stand four squares behind the grassroots in supporting them fight for their rights and social justice. By doing so, we hope that we can realize our common dream of making "all members of human family equal".

### **Hong Kong Human Rights Commission, Society for Community Organization**

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## **Introduction of Children's Rights Association**

Children's Rights Association (CRA) is a children's rights concern group established by the children living in poverty since 2003 with the support of Society for Community Organization under the inspiration of United Nations Convention on the Rights of the Child. CRA firmly believes that every child should enjoy children's rights and entitle to have equal opportunity in all aspects of life regardless of economic and social status.

Hong Kong is an affluent city while the income disparity and poverty gap remains a great challenge for the population living in poverty. In the absence of the comprehensive child policy to tackle the child poverty problem, over 1,700 children from poor families are organized and around 20 child ambassadors from poor families are elected annually by "one person, one vote" among all child members age under 18. Regular training and monthly meetings are organized to enlighten the deprived children on the concepts of children's rights. In order to uncover the inapt governmental policy and the plight of the children living in poverty, a series of child poverty research are conducted and by organizing dozens social actions, publication as well as media interview, the deprived children are empowered to advocate for their children's rights in the society.

CRA also urged for the establishment of Children Commission and Child Ombudsman in Hong Kong. The child ambassadors of the Association will discuss the social policy related to the realization of children's rights of the deprived children and release an Annual Civil Child Ombudsman Report after voting and thorough discussion among the child members.

### **Children's Rights Association (CRA)**

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