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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-fourth session

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 29 April 2005, at 10 a.m.

Chairperson: Ms. BONOAN-DANDAN

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS (continued)

- (a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Initial report of China (continued) (E/1990/5/Add.59; E/C.12/Q/CHN/1; HR/CESCR/NONE/2004/9; HRI/CORE/1/Add.21/Rev.2)

1. At the invitation of the Chairperson, Mr. Allcock, Ms. Do Pang Wai-ye, Mr. Fisher, Mr. Liu Jieyi, Ms. Yan and Mr. Tam Wing-pong (China) took places at the Committee table.
2. The CHAIRPERSON invited Committee members to put questions to the delegation.

Hong Kong Special Administrative Region

- I. General legal framework within which the Covenant is implemented
- II. Issues relating to general provisions of the Covenant

Articles 1-5 of the Covenant

3. Mr. PILLAY said that he failed to understand why the central Government, in appointing a new Chief Executive of the Hong Kong Special Administrative Region for two years, rather than the five-year term mandated, had placed its own interpretation on article 46 of the Basic Law. Article 158 of the Basic Law provided that interpretation fell within the purview of the Hong Kong courts. The articles were quite unambiguous. It would be interesting to hear the views of the delegation on the consequences for the rule of law and the independence of the judiciary.
4. Mr. ATANGANA requested additional information on the facts of the five cases referred to in the State party's reply to question 1 in the list of issues (HR/CESCR/NONE/2004/9). It would be useful to learn whether the Covenant had been invoked and what the court decisions had been in those cases.
5. The delegation should indicate how the Equal Opportunities Commission had handled the case of an employment contract terminated by the new chairperson of the Commission before the prospective employee began work. It would also be useful to learn whether the Commission had decision-making powers or was a purely consultative body.
6. Ms. BARAHONA RIERA asked whether the Women's Commission had sufficient resources to carry out its broad mandate. Further details on the relationship between the Equal Opportunities Commission and the Women's Commission should be provided. In particular, information on which body could propose legislative amendments and whether any amendments had already been proposed would be useful. If legislation on equal opportunities had been invoked before the courts, details of those cases should also be provided. In addition, information on any educational programmes implemented on gender equality, including their resource allocation, would be welcome.

7. Mr. KOLOSOV asked what legislative limitations and restrictions applied in Hong Kong. It would be useful to know whether the situation regarding economic, social and cultural rights had deteriorated or improved since the establishment of the Hong Kong Special Administrative Region.
8. Mr. SADI said that given the international community's recognition of the need for national human rights institutions, it was difficult to understand why the Hong Kong Special Administrative Region had not yet created an equivalent body.
9. Further to Mr. Pillay's question on the interpretation of the Basic Law, he failed to understand why a political, rather than a juridical body, had interpreted the Law, and why the decision had been made at the central level and not by Hong Kong, given that it concerned Hong Kong.
10. He wished to know whether the citing of the Covenant by the courts, as detailed in the State party's reply to question 1 in the list of issues, had had a positive or negative outcome.
11. Mr. TEXIER said that it would be useful to know whether Hong Kong planned to introduce legislation concerning asylum-seekers, particularly on attaining asylum-seeker status and the situation of people awaiting decisions on application for that status.
12. Mr. MALINVERNI asked how the 1951 Convention relating to the Status of Refugees was applied in Hong Kong, given that asylum-seekers did not have the right to work, and their children were refused admission to schools.
13. Mr. LIU Jieyi (China) said that in April 2005 the acting Chief Executive of the Hong Kong Special Administrative Region had asked the Standing Committee of the National People's Congress to interpret the provisions of the Basic Law with regard to the term of office of the new Chief Executive, following the resignation two years early of the former Chief Executive. That request had been made in strict accordance with the Basic Law and the Constitution of the People's Republic of China. The Standing Committee's interpretation had been based on reports submitted by the authorities of Hong Kong and was consistent with all the relevant legislation.
14. Mr. ALLCOCK (China) said that all the cases referred to in the reply to question 1 in the list of issues concerned protection of the family. Three cases had involved women from mainland China whose entitlement to remain in Hong Kong had expired. Given that they all had children who had the right to live in Hong Kong, it had been argued that the removal of the mothers would be inconsistent with the protection of the family, as provided for by the Covenant. The courts had ruled in favour of letting the mothers live in Hong Kong. In those three cases, citing rights protected under the Covenant had therefore been positive. While counsel for the applicants in the other two cases had made reference to the Covenant, it had not been invoked by the courts.
15. Mr. FISHER (China) said, with regard to the termination by the new chairperson of the Equal Opportunities Commission of an employment contract signed by a former chairperson before the employee concerned had reported for duty, that the ensuing controversy had led to media allegations about both the former chairperson and the new chairperson, who had

subsequently resigned. An independent panel of inquiry into the case had found that the contractual dispute had been resolved, that the allegations against the former chairperson were unsubstantiated, and that government officials had not participated in a smear campaign against her. A new chairperson and a new Commission had been appointed in an effort to restore public confidence.

16. Gender discrimination was under the jurisdiction of the Equal Opportunities Commission, which was responsible for proposing amendments to the existing legislation, namely, the Sex Discrimination Ordinance, the Disability Discrimination Ordinance and the Family Status Discrimination Ordinance. Amendments to the Sex Discrimination Ordinance would be implemented in due course.

17. Ms. YAN (China) said that the Women's Commission was composed of a team of full-time experts, including some staff with specific qualifications in gender issues. The Commission operated on an annual budget of HK\$ 16 million, and also drew on other resources, such as the HK\$ 12 million it had been allocated for an education campaign. That campaign had been launched in March 2004, in cooperation with the Open University of Hong Kong and a major commercial radio station. The first tailor-made learning programme to focus on women, it would initially run for three years as a pilot project, and would then be evaluated.

18. The Commission's principal objectives were to raise the profile of women's issues in society as a whole, and to promote gender mainstreaming, particularly in government policy formulation. Over 60 gender focal points had been designated, covering most government departments and policy bureaux, to assist in implementing gender mainstreaming. The Commission had held seminars and conferences for some 900 government officials at all levels. A high-level seminar for ministers and legislators was currently being organized. Steps were being taken to evaluate the impact of gender-mainstreaming measures. Since the inception of the Women's Commission the number of women involved in different policy advisory bodies had risen from 19 per cent to 23 per cent.

19. The Women's Commission had also taken measures to educate the public about the prevention of domestic violence, and was currently examining amendments to the Domestic Violence Ordinance, including increasing the scope of the legislation and introducing mandatory reporting.

20. Mr. FISHER (China) recalled that Hong Kong was a densely populated area. The standard of living in many parts of mainland China remained inferior to that enjoyed in Hong Kong. Given that situation, regulation of migration was a necessity.

21. Mr. ALLCOCK (China) said that article 39 of the Basic Law created a framework for Hong Kong's fulfilment of its obligations under the Covenant, within which there was a programme to consolidate the implementation of the rights protected by the Covenant. Administrative measures included the creation of the Women's Commission and a new anti-poverty commission. All in all, the situation in respect of the Covenant's implementation since 1997 was satisfactory.

22. Mr. FISHER (China) said that Hong Kong was working towards the establishment of a human rights institution but, as the Special Administrative Region was part of China, it would not be a national body, and its activities would be confined to Hong Kong. All appointments to existing committees or organizations dealing with human rights issues were made in accordance with the Paris Principles. The Equal Opportunities Commission was the nearest thing to a national human rights institution, however, before such an institution could be set up in accordance with the Paris Principles more work would have to be done on a complete set of anti-discrimination laws.
23. Mr. ALLCOCK (China) said that Hong Kong had not signed the 1951 Convention relating to the Status of Refugees because its small size and prosperity rendered it vulnerable to exploitation. It did, however, have mechanisms under which a person's claim to refugee status could be vetted by the Office of the United Nations High Commissioner for Refugees. Acting on a recommendation from the latter, the Director of Immigration could exercise case-by-case discretion and allow the person concerned to remain in Hong Kong pending resettlement elsewhere. In those circumstances, the Office of the United Nations High Commissioner for Refugees might also provide a subsistence allowance. The children of refugees and asylum-seekers received educational support while in Hong Kong.
24. Mr. SADI asked if the fact that no direct reliance had been placed on the provisions of the Covenant in the five court cases referred to could really be regarded as something positive. The treaty bodies had created a whole body of jurisprudence on family reunion and the rights of the child which the courts should follow, rather than interpreting the articles of the Covenant themselves. He was uncertain as to whether Hong Kong as a non-independent territory was able to sign the 1951 Convention relating to the Status of Refugees.
25. Mr. RIEDEL said that, while it was laudable that the Office of the Ombudsman, the Equal Opportunities Commission and the Privacy Commission fully complied with the Paris Principles, their jurisdiction did not extend to a review of police action. He therefore wondered if there were any plans for the appointment of an ombudsperson for the police or whether the remit of the prospective human rights institution would enable it to deal with complaints pertaining to all areas of government responsibility.
26. Mr. MALINVERNI wondered what prevented Hong Kong from becoming a party to the 1951 Convention relating to the Status of Refugees.
27. The CHAIRPERSON wished to know when the Hong Kong human rights institution was likely to be founded and when bills against racial discrimination and discrimination on the ground of sexual orientation would be introduced in the Legislative Council.
28. Mr. ALLCOCK (China), responding to the question about reliance on the Covenant in court proceedings, explained that, because the Special Administrative Region applied common law, rights under the Covenant could not be enforced directly unless they were implemented through domestic legislation. Hong Kong did, however, have more than 50 pieces of domestic legislation putting into effect various parts of the Covenant and that legislation was enforced through the courts, although no reference was made to the origin of the rights.

29. While Hong Kong could not sign the 1951 Convention relating to the Status of Refugees, the application of that treaty could be extended to the Special Administrative Region by the Central People's Government at the wish of the Hong Kong Government. For the reasons he had already explained, the latter had no desire to accede to the Convention.

30. Mr. LIU Jieyi (China) drew attention to the fact that article 153 of the Basic Law governed the application of international agreements signed by the Central People's Government to the Hong Kong Special Administrative Region. That provision made it clear that the power to take a decision lay with the Central People's Government, but that it must first consult the Special Administrative Region and pay due heed to the specific situation there.

31. Mr. FISHER (China) explained that, over the years, a comprehensive system had been developed to deal with complaints against the police. Members of the public and community leaders participated in that process. It was the best system for Hong Kong and there were no plans to replace it.

32. Although conditions in Hong Kong were not yet right for a human rights commission, existing bodies essentially performed the functions it would have. If a human rights commission were to be established, all those bodies would have to be restructured and that would take a very long time. He was therefore unable to provide a definite time frame for setting up a human rights institution, but the authorities would take steps to that end.

33. Good progress had been made with drafting a bill against racial discrimination and there were plans to introduce it in the Legislative Council by the end of the year. The ban on discrimination on the ground of sexual orientation was, however, a highly controversial issue and there was a strong current of public sentiment against it. Since legislation in Hong Kong rested on consensus, time was needed for discussion and consultation. It was to be hoped that a bill on the subject could be introduced in the not too distant future.

Articles 6-15 of the Covenant

34. Mr. MARTYNOV, referring to paragraph 410 of the initial report (E/1990/5/Add.59), asked if the intention not to legislate also applied to the setting of a minimum wage.

35. Mr. KERDOUN commented that paragraph 433 seemed to suggest that trade union action could be restricted under the Public Order Ordinance. Was there any law which guaranteed workers' freedom of association and right to strike? Was there any intention to amend the Employment Ordinance so as to protect workers against unfair dismissal and all forms of discrimination? Were there any plans to reinstate the Employees' Right to Representation, Consultation and Collective Bargaining Ordinance or to adopt a new ordinance in order to secure that right?

36. Was the labour relations system in Hong Kong adequate? Was it so rigid that it could trigger industrial disputes or had the weakening of the labour market and job losses led to a reduction in such disputes? Lastly he wished to know why there were no trade unions in the agriculture and fisheries sector or in the mining and quarrying sector.

37. Ms. BRAS GOMES was sceptical as to whether the Comprehensive Social Security Assistance (CSSA) Scheme enabled recipients to enjoy a decent standard of living, in view of the fact that the average monthly assistance appeared to be 30 per cent lower than the statistical definition of poverty. Furthermore, according to information in her possession, at least 10 per cent of poor elderly persons were not covered by social security. New migrants were also unable to apply for social security assistance as they had not been resident in Hong Kong for the requisite seven years and apparently a huge number of applications had been withdrawn in the period between January 2004 and February 2005. She was puzzled by the reasons for that withdrawal and wondered what alternative assistance was available.

38. The Committee did not believe that domestic workers had the financial capacity to invest in voluntary savings schemes for their retirement, or that it would be too much of a burden on families employing such helpers to contribute to a public pension fund. The Hong Kong authorities undoubtedly had the resources to design a social protection system that would not inconvenience employers. Lastly she expressed a desire to hear the delegation's opinion on the issue of entitlement to unemployment benefit based on previous contributions by employers and employees during a period of employment. Was it not something entirely different in approach to basic social security coverage?

39. Mr. TEXIER requested precise figures showing the current level of unemployment and the trend in joblessness. He drew attention to the fact that there had been no response to the Committee's recommendations regarding protection against unfair dismissal, specific rules on minimum wages, working hours, annual leave or the payment of overtime.

40. While he had nothing against a market economy, the Covenant clearly stated that a minimum wage must be set. Was Hong Kong's tolerance of low pay for workers not tantamount to a failure to honour its obligations under the Covenant? Working hours of 15 to 18 hours a day, 7 days a week, were unacceptably long. The rule that foreign domestic workers must leave the Special Administrative Region if they were unable to find fresh employment within two weeks of leaving their previous employer was discriminatory. Moreover they were poorly paid, if they were paid at all, and suffered from a serious lack of protection as workers. Progress was therefore essential in that area. Lastly he wished to know what the current situation was with respect to bed-space apartments (cage homes) and if it would be possible to get rid of them in the foreseeable future.

41. Mr. ATANGANA expressed concern over the problem of domestic violence and the lack of specific legislation to deal with it. He would appreciate information on the current status of the new Anti-Poverty Commission.

42. Ms. BARAHONA RIERA said that, despite efforts to combat it, domestic violence had apparently risen by 28 per cent from 2001 to 2003, highlighting the need for more stringent measures. She asked whether any new proposals had been made to amend the relevant ordinance. It was unacceptable for the age of criminal responsibility to be only seven years; she enquired whether the Government contemplated raising it.

43. Given the increasing number of divorces, she asked how the resulting need for additional housing was being met and what types of assistance were being provided to women heads of household. She wondered whether, following divorce, women were given equal treatment in the division of assets produced during the marriage and how the custody of children was handled.

44. She asked what the outcome had been of a series of projects to provide support to elderly persons. It was unclear whether wife buying continued to be a problem in Hong Kong. She enquired whether information on sexual and reproductive health was being made available to young people in schools and universities. She would be grateful for information on efforts to reduce emissions levels, including what results had been obtained. She asked whether it was compulsory to conduct an evaluation of the environmental impact of commercial or civil engineering projects before such projects were undertaken.

45. Mr. RIEDEL said that it would be helpful if the delegation could provide statistics on infant mortality, maternal mortality and life expectancy showing trends over a five-year period. He requested information on measures taken to deal with communicable diseases, such as avian flu, on a more long-term, as opposed to emergency, basis. He asked what steps had been taken since 2001 to deal with mental illness, the incidence of which among women was twice that among men. The delegation should comment on the proposed mandatory medical savings account and the view that it would not provide women with equal access to health services.

46. He would be grateful for information on the action taken pursuant to the recommendations issued in 2000 by the International Review Panel for the control of pollution in Victoria Harbour. He wondered what results had been obtained by the Chemical Waste Treatment Centre and the Waste Reduction Framework Plan and what shortcomings, if any, had been noted.

47. With regard to the rights of mentally disabled persons, it was not clear whether the Winterwerp criteria were still in effect in Hong Kong. He wished to know what measures existed for the regular review of the need for confinement of mentally disabled persons and whether there was a mechanism for contesting the findings of reviews.

48. Mr. PILLAY, referring to the fact that no poverty line had been established in Hong Kong, enquired how officials determined who the needy were. He asked whether the Anti-Poverty Commission would consider adopting an official poverty line and integrating economic, social and cultural rights into any strategy aimed at reducing poverty. He urged the Anti-Poverty Commission, in its work, to take into account the Committee's statement on poverty entitled "Poverty and the International Covenant on Economic, Social and Cultural Rights".

49. Mr. MARCHÁN ROMERO wished to know what the outcome had been of efforts to solicit public views on cultural development in Hong Kong and what steps had been taken to ensure that all groups were represented.

50. He would appreciate clarification of reports of police repression of practitioners of Falun Gong, including the current status of the group in Hong Kong.

51. Mr. SADI wished to know when efforts to study housing problems, such as bed-space apartments (cage homes) and cubicles, would be completed. With respect to the issue of family reunification, he urged the Government to reconsider its claim that extending the concession made by Hong Kong following the Government's 1999 interpretation of the Basic Law would not be in the interest of Hong Kong. Family reunification overrode all other considerations and was in the interest of human rights.

52. Ms. DO PANG Wai-yee (China) said that the employment situation in Hong Kong was improving. The unemployment rate had dropped to a 14-month low of 6.1 per cent and the number of unemployed persons was 210,000, as compared to nearly 300,000 in 2003. Although wages and working hours were usually negotiated between employers and workers, there had recently been calls from trade unions for a standard minimum wage and working hours. The Government had submitted those issues to the Labour Advisory Board, which was a well-established tripartite consultative forum on labour matters. A consensus among all parties concerned would be required before action could be taken on any proposal.

53. With respect to improving working conditions, a guide had been prepared by a committee on occupational health and safety under the auspices of the Labour Advisory Board to assist employers and employees in working out suitable rest periods and working hours. The increased working hours for some workers could be explained by the fact that many enterprises were expected to be on call 24 hours a day to serve customers overseas. Moreover, the economic downturn in recent years had led to a heavier workload in some enterprises for a proportionally smaller workforce. The Government would continue its efforts to promote the adoption of reasonable working hours through industry-based tripartite committees. Moreover, it believed that an investment in education, training and re-training to enhance workers' chances of employment was one of the best ways to ensure the protection of their rights.

54. Numerous legislative provisions, many of which were contained in the Employment Ordinance, dealt with the employment benefits of foreign and domestic workers. Such benefits included holidays and annual leave with pay, sickness allowance, maternity protection, severance pay and provisions for termination of the employment contract. The Employment Ordinance provided that any term of an employment contract that sought to extinguish or reduce any right, benefit or protection conferred upon employees by the Ordinance would be considered null and void.

55. Mr. ALLCOCK (China) said that article 27 of Hong Kong's Basic Law, which was fully justiciable, granted residents the freedoms of association, assembly, procession and demonstration and the right to form trade unions and to strike. Moreover, article 39 of the Basic Law stipulated that the provisions of the International Covenant on Civil and Political Rights were to be implemented through the laws of the Hong Kong Special Administrative Region. Any law limiting the right to demonstrate or the right to strike that ran counter to the above-mentioned provisions would be struck down by the courts. The Public Order Ordinance, which regulated the manner in which demonstrations and public meetings could be held, was entirely consistent with the constitutional rights to demonstrate and to assemble and could not be used to restrict trade union activity. The police could ban or restrict public meetings only if such action was considered necessary in the interest of national security, public safety or public order or for the protection of the rights and freedoms of others. Any such ban or restriction could be appealed before an independent appeal board.

56. Ms. DO PANG Wai-yee (China) said that the Government, in consultation with the Labour Advisory Board, had repealed the Employees' Right to Representation, Consultation and Collective Bargaining Ordinance because it was considered to adversely affect Hong Kong's economic competitiveness. Given the high mobility of Hong Kong's workforce and the predominance of small businesses, both the Government and the Board viewed compulsory collective bargaining to be inappropriate. However, the Government had taken measures to promote voluntary negotiations between employers and employees and their respective organizations. At the industry level there were nine tripartite committees that provided a forum for consultation and negotiation. That approach had served Hong Kong well, as evidenced by the harmonious nature of its labour relations over the years. The number of days lost to strikes in Hong Kong was among the lowest in the world.

57. The Employment Ordinance clearly stipulated that employers should not prevent or deter employees from exercising trade union rights. Violators were liable to prosecution and the payment of a fine. An employee dismissed for exercising trade union rights could seek redress. Remedies included an order of reinstatement or financial compensation. The Government of Hong Kong planned to introduce a bill to amend the existing provision on reinstatement in order to strengthen further the protection of the employee against anti-union discrimination.

58. Ms. YAN (China) said that the Comprehensive Social Security Assistance Scheme aimed to provide a safety net for vulnerable groups in society. The average monthly assistance given to recipients under the scheme was HK\$ 9,000, representing almost 50 per cent of the median household income in Hong Kong. In addition to immediate financial assistance, free medical services were offered to all social assistance recipients and vulnerable groups received intensive employment assistance in order to enhance their employability.

59. The Comprehensive Social Security Assistance Scheme covered various categories of unemployed people, including those with disabilities and single parents. The number of beneficiaries had tripled over the past 10 years and currently stood at 542,000. Over the same period, expenditure under the scheme had quadrupled.

60. Under the scheme, the elderly received a higher rate of assistance, special grants to cover their medical and other needs, and priority with regard to housing. Combined with the old age pension scheme, the Comprehensive Social Security Assistance Scheme covered 90 per cent of the elderly population. Over the past two years the Government had increased the resources earmarked for long-term care for the elderly and had doubled the number of beds in homes for the elderly.

61. To ensure the rational allocation of resources and encourage new immigrants to become self-reliant, immigrants were required to reside in Hong Kong for seven years before they could apply for social security. However, those requirements were no longer applicable to persons under 18 years of age. In addition, the director of the Social Welfare Department could grant social assistance to people experiencing genuine hardship.

62. Ms. DO PANG Wai-yee (China) said that the lack of trade unions in the agriculture and fisheries sector could be explained by the fact that the sector was very small and most workers were self-employed. However, the overall number of trade unions in Hong Kong had increased over the years.

63. Foreign domestic helpers and migrant workers were entitled to the same rights and benefits as local workers. They also received additional benefits, such as free medical care. Although the Government had great respect for domestic helpers, consensus had not yet been reached as to whether they should be included in the Mandatory Provident Fund Scheme.

64. The “two-week rule” meant that foreign domestic helpers or migrant workers whose contract was prematurely terminated were allowed to remain in Hong Kong for the remainder of the contract period or for two weeks, whichever was shorter. Workers could later return to Hong Kong under new contracts. In special circumstances, such as the employer’s death or financial difficulties for the worker, workers could be granted permission to change employers without having to return to the home country. Workers involved in civil or legal proceedings were normally permitted to stay in Hong Kong until the proceedings had concluded.

65. Mr. TAM Wing-pong (China) acknowledged that despite the Government’s efforts to improve conditions in bed-space apartments living conditions in such apartments remained very poor. However, they were in demand. Although many of their occupants were entitled to public housing and others could be accommodated in special hostels, they chose to remain in bed-space apartments for various reasons. The Government could not force the residents to move out. What it could do was to ensure that safety requirements were observed. To that end, a hostel and guesthouse accommodation ordinance and a bed-space apartments ordinance had been introduced. In the long term, the Government intended to encourage residents to find other accommodation. Although there was currently a shortage of land available for public housing development, more housing units would be made available over the following few years.

66. Mr. ALLCOCK (China) said that the Government was taking steps to deal with domestic violence. For example, a special working group on domestic violence had been set up and a programme to train police officers to handle cases of domestic violence was being conducted. A new mechanism had been established to make it easier for the police to refer cases of domestic violence to the Social Welfare Department. A domestic violence ordinance and the general criminal law provided the legal framework for such cases. There was also legislation to protect children from assault and sexual abuse. The Prevention of Child Pornography Ordinance had been enacted in 2003. Finally, although the practice of buying wives was not a problem in Hong Kong, the legal provisions required to deal with such cases were in place.

67. Ms. YAN (China) said that the Government was taking a multidisciplinary approach to domestic violence issues and intended to place them high on its list of priorities for 2006. A helpline for women who were victims of domestic violence, and family centres where women could receive counselling, were in place. A booklet on gender violence would be published and a district gender focal point network set up.

68. Mr. FISHER (China) said that the Government had established a sustainable development unit to consider proposals for major policies and projects to ensure that they were sustainable in the long run. Sustainable development impact assessment was carried out for all policy initiatives and projects.

69. Although it was impossible to foresee outbreaks of disease, the Government was always prepared to deal with such situations.

70. Mr. ALLCOCK (China) said that an independent mental health tribunal reviewed orders for patients to be detained. Applications for review of an order could be made by the patient or by his or her relatives and, if rejected, a further application could be made after a year, or earlier with the permission of the tribunal. Cases could also be reviewed at the request of a medical superintendent or the Commissioner of Correctional Services.

71. Mr. FISHER (China) said that the Government intended to improve water quality in Victoria Harbour. The Harbour had been polluted in the past as a result of sewage being poured almost untreated into it. However, the normal procedure was now to divert sewage away from the Harbour, or treat it beforehand.

72. Ms. YAN (China) said that the recently established Anti-Poverty Commission was developing a series of poverty indicators in order to assess the level of poverty in Hong Kong.

73. Mr. ALLCOCK (China) said that the Falun Gong had not been banned in Hong Kong and that its practitioners were free to practise their beliefs and exercise their rights like any other member of the community, as long as they did so in accordance with the law. In recent years, there had been one case in which Falun Gong practitioners had been prosecuted on charges of assaulting police officers. He was not aware of any allegations of torture of Falun Gong practitioners.

74. Mr. FISHER (China) said that the Government recognized the importance of reuniting family members, but in view of the number of people involved saw a need for separated spouses and children to arrive in an orderly manner. The One-way Permit system had been in place for many years and was functioning efficiently. Since 1997 around 396,000 people had been admitted into Hong Kong under the system, mostly separated spouses or, dependent children. The Government's criteria for allowing people to enter Hong Kong had been reviewed and found lawful by the Court of Final Appeal.

The meeting rose at 1 p.m.