

2012 ANNUAL REPORT BY THE HONG KONG CHILDREN'S RIGHTS OMBUDSMEN



**Society for Community Organization
Children's Rights Association
(December 31, 2012)**



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2012 Annual Report by the Hong Kong Children's Rights Ombudsmen

Introduction

The United Nations' Convention on the Rights of the Child (CRC) has applied to Hong Kong since 1994. According to Article 39 of the Basic Law, all international conventions, including the CRC, are to remain effective in Hong Kong following Hong Kong's Handover to China. The Convention stipulates that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, "the best interests of the child shall be a primary consideration." The States Parties must also take appropriate legislative and administrative measures to ensure the child such protection and care as is necessary for his or her well-being.¹ Additionally, the Convention states that "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation."²

Hong Kong is a modern, wealthy city, but it does not have a democratic political structure. There is no general election for the Chief Executive and Legislative Council. Power is concentrated in a handful of elites who turn a blind eye to the rights of the poor, thus affecting the rights of children. Several years ago, unemployment was severe among the grassroots and wages significantly declined. An increasing number of families fell into poverty, and children were affected the most. Statistical data (2011) shows that Hong Kong currently has 1,073,500 children under the age of 18, among whom 281,900 children live below the poverty line, among whom 103,787 (Oct. 2011) children receive Comprehensive Social Security Assistance (CSSA), and the rest come from low-income households. Hong Kong's child-poverty rate is 26.3%. In other words, one out of every four children in Hong Kong lives below the poverty line.³ While the previous year's child-poverty rate slightly decreased by 0.4%, the number is

¹ Article 3 of the United Nations' Convention on the Rights of the Child

² Article 4 of the United Nations' Convention on the Rights of the Child

³ I.e. the population, based on household size, that earns half or less than half of Hong Kong's median monthly household income. In the 3rd quarter of 2012 (Hong Kong Census and Statistics Department, Quarterly Report on General Household Survey), the median household based on household size was as follows: HK \$7,700 (1 person), HK \$16,200 (2 persons), HK \$23,500 (3 persons), HK \$28,500 (4 persons). If half of Hong Kong's median monthly household income level is considered the poverty line, then the poverty lines would be defined as follows: HK \$3,850 (1 person), HK \$8,100 (2persons), HK \$11,750 (3 persons), HK \$14,250 (4 persons). Additionally, the number of poverty-stricken children increased from the 2005 level of 359,900 to the 2006 level of 370,799, and decreased to the 2007 level of 332,900; however, the number increased again in 2008 to 338,500, decreased to 315,300 in 2009, and decreased further to 290,600 in 2010, as demonstrated in the following table:

Year	2005	2006	2007	2008	2009	2010	2011
Total Population of Children in Hong Kong (under the age of 18)	1,274,200	1,207,315	1,176,900	1,157,500	1,120,800	1,096,500	1,073,500
Total Population of Poor Children in Hong Kong (under the age of 18)	359,900	370,799	332,900	338,500	315,300	290,600	281,900

still very high and desperately needs the attention of the public.

Hong Kong's economic growth slowed in 2012 and the unemployment rate dropped to a new recent-year low. Since the minimum wage was legislatively enacted in May, 2011, the working-poor situation has slightly diminished. Due to high inflation, however, grassroots laborers have not seen an increase in actual wages. According to statistics on the 3rd quarter of 2012, there are still nearly 451,300 laborers earning less than HK \$5,000 per month. Children from poor households are affected most by this poverty. Meanwhile, the prices of goods and inflation have increased. According to the Consumer Composite Price Index, the overall price of goods in October, 2012 represented a 3.8% year-over-year increase. After removing the effects of all one-time government hardship alleviation measures, the Consumer Composite Price Index showed a 3.8% year-over-year increase (i.e. underlying inflation) in November, 2012, including substantial increases in rents for private homes.⁴

In 2005, after the U.N. Children's Rights Committee reviewed a report on children's rights in Hong Kong, it criticized Hong Kong for not using its resources to eradicate child poverty and suggested that the Hong Kong government create child-related policies to allocate more resources to improve the quality of lives of poverty-stricken children and ensure equality.⁵ **It also suggested that Hong Kong establish independent child-rights supervisory organizations.**⁶ However, the Hong Kong government believes that the SAR has already created comprehensive policies, for which different policy bureaus and departments are responsible for implementing, to ensure that each policy takes into consideration the best interests of the child. Therefore, it has refused to establish independent child-rights supervisory committees and independent children's rights ombudsmen supervisory organizations to monitor adherence to the Convention of the Rights of the Child. The government has completely ignored the increasingly serious child-poverty issue in Hong Kong, and has thus been castigated by the international community for many years.

Child Poverty Rate (%)	28.3%	30.7%	28.3%	29.2%	28.1%	26.5%	26.3%
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⁴ Government Census and Statistics Department, Monthly Report on the Consumer Price Index October, 2012, Census and Statistics Department Press Release (November 22, 2012)
http://www.censtatd.gov.hk/press_release/press_releases_on_statistics/index_tc.jsp?SID=3047&sSUBID=21805&displayMode=D

⁵ The 1,062nd and 1,065th meetings held by U.N. Children's Rights Committee on September 19 - 20, 2005, deliberated by the People's Republic of China: the second report brought forward by the Dependent Territory (Hong Kong SAR) (CRC/C/83/Add.9 (I), and the 72nd and 74th sections of deliberations in the 1,080th meeting held on September 30, 2005.

⁶ In the previous two deliberations, the Committee expressed that it has noticed that Hong Kong has not established an independent human-rights organization to specialize in monitoring the implementation of the Covenant and handling children's rights matters, and expressed that it is disappointed in the lack of such an organization. The Committee also advised that the States Parties to adhere to the stipulations in the U.N. General Assembly resolution 48/134 from the Principles relating to the Status of National Institutions ("Paris Principles") and establish a human-rights organization, and to reference the 2005 General Opinion of the Committee on the Rights of the Child, stipulating that relevant organizations are responsible for receiving, investigating, and handling public (including child-related) complaints. It also suggested that the Hong Kong SAR incorporate the organization's functionality into the current Office of the Ombudsman which could act as the Office over the specialized department.

Since 2003, the Hong Kong Society for Community Organization (SoCo) has organized underprivileged children to form the Children's Rights Association, which elects Children's Rights Ambassadors who became Children's Rights Ombudsmen in 2005 and produce annual ombudsmen reports on policy issues regarding child poverty in Hong Kong. On one hand, it hopes to encourage the SAR government to honor its States Parties commitment and carry out the UN Commissions' advice, which includes setting up a children's-rights commission, establishing children's-rights ombudsmen, and creating unitary laws to ensure the protection of children's rights. On the other hand, the reports gather ideas on children's rights and list inadequacies in public policies pertaining to child poverty, thereby conducting continuous monitoring and improvement of each child-related policy.⁷

The United Nations General Assembly passed the Convention on the Rights of the Child in 1989. However, while awareness has increased among Hong Kong residents over the past 23 years, government legislation and policies have provided severely inadequate support for children's rights, and particularly for child poverty. Thus, the Children's Rights Ombudsmen are calling on the government to carry out local legislation and establish a Children's Rights Supervisory Organization as soon as possible according to the Convention on the Rights of the Child, in order to further improve the protection of Children's Rights in Hong Kong.

⁷ There are many Children's Ombudsmen offices established in developed countries and communities throughout the world today, and they are responsible for monitoring the local children's rights conditions. Some of the nations with such offices include Switzerland, Austria, Norway, Ireland, Canada, and America (34 states such as Michigan and Georgia have Children's Ombudsmen Offices). <http://www.ncsl.org/programs/cyf/ombuds.htm>

Recap of Work Conducted by Children's Rights Ombudsmen in the Previous Year (2012)

During the past year (2012), the Children's Rights Ombudsmen conducted detailed research, held discussions, and took the following actions on child poverty-related issues:

Date	Action	Goal
January 13, 2012	Participated in 2012 Citizen Leadership Training	- Understand the Budget and lobby for certain content
January 24, 2012	"Petition the Hong Kong government to assist in reuniting separated Mainland Chinese/Hong Kong family members for the New Year" – Mainland Chinese/Hong Kong family members who are alone for the New Year petition and wish a happy New Year to the Chief Executive and the Security Bureau on the second day of the lunar year	- Bring Mainland Chinese/Hong Kong family members to Hong Kong to exercise the right of children to unite with their families
January 29, 2012	Conduct fiscal-budget petition on the seventh day of the lunar year	- Express the people's requests regarding the budget
January 29, 2012	Participate in the formation of the Alliance for Children's Rights Commission – the children speak to the Chief Executive candidates	- Express to the Chief Executive candidates the housing and education issues that poor children are facing and express the people's request to establish a Children's Rights Commission
March 7 - 14, 2012	Hong Kong Artwalk 2012	- Introduce to the public the housing issues that the underprivileged are facing
March 31, 2012	Meet with Chief Executive Elect, Mr. CY Leung	- Express to the new administration the ideas of the grassroots and poverty-stricken children and request the overall implementation of 15-year free education, an increase in student subsidies, the construction of more public housing, etc.
March 28, April 11, and April 25, 2012	Core Leadership Training Scheme	- Children's Rights Ambassadors learn how to become leaders and about the essential characteristics of a leader
April 1, 2012	"Improve after-school care	- Improve after-school care and

	services and help grassroots females find employment” – express new female immigrants’ need for after-school care; Research Report press conference	increase related subsidies for after-school childcare
April 4, 2012	Tomb Sweeping Festival—Mainland Chinese/Hong Kong family members who spend the festival alone petition that “the Mainland Chinese and Hong Kong governments provide assistance to innocent children who become orphans and must spend the holidays alone and away from family”	- Bring Mainland Chinese/Hong Kong family members to Hong Kong to exercise the right of children to unite with their families
April 12, 2012	Parent focus-group meetings on issues with the education system	- Invite heads of low-income households to share their thoughts on problems with the education system and student-subsidy system as a means of conducting research on the education system
April 20, 2013	Participate in the Home Affairs Bureau’s Children’s Rights Forum: information on the “I Learn at Home” program and “Joint Parental Responsibility Model”	- Put out ideas from poor households and children about information on “I Learn at Home” scheme and “Joint Parental Responsibility Model”
May 1, 2012	Child Correspondence program	- Train approximately 50 children in the Children’s Rights Association to learn communications skills in order to help them in future correspondence with other children who attend the meetings
June 17, 2012	Father’s Day—Grassroots fathers meet with Chief Executive CY Leung to discuss problems with housing, poverty, and family	- Poor children accompany parents to meet with the Chief Executive and discuss ideas on improving housing and poverty issues

July 7, 2012	The new administration needs to strive push reform forward to solve deep-seated issues— Grassroots July 1 Demonstration	- Petition the SAR to quickly implement general elections (including the Chief Executive and Legislative Council), focus on civilian issues, and resolve poverty issues
July 3, 2012	The grassroots submit a letter of petition to the Chief Executive and Executive Council on the new Administration's first day in office.	- Express to the new administration the ideas of the grassroots and poverty-stricken children and request complete implementation of 15-year free education, an increase in student subsidies, the construction of more public housing, etc.
July 3, 2012	Awareness groups for separated Mainland Chinese/Hong Kong family members—separated Mainland Chinese/Hong Kong family members petition the Chief Executive and Executive Council	- Express that without the government's help, family members will have difficulty getting together, and push for assistance in reuniting separated family members
August 26, 2012	Party Forum: Legislative Council candidates from the Kowloon West voting district meet with grassroots residents	- Urge Legislative Council candidates to commit to completing the implementation of 15-year free education, increasing student subsidies, building more public housing, etc.
September 2, 2012	Release Series 14 of the Child Poverty Survey—hold press conference on the investigation results of unaffordability of preschool education for poor children	- Express that preschool-education subsidies are inadequate, the amounts are incomplete, and that poor children have trouble covering education costs; and request completely free preschool education
November 1, 2012	Grassroots women meet with Lam Woon-kwong, Chair of the Equal Opportunities Commission (EOC)	- Express family status discrimination issues that grassroots homemakers face, strive to improve after-school care, and implement family-friendly policies
November 4, 2012	Grassroots meet with Transport and Housing Bureau (THB)	- Express grassroots housing issues and request construction

	Secretary, Anthony Cheung Bing-leung	of more public housing flats and reduction of wait times for public housing
November 18, 2012	Release findings from research on elementary and middle school education and education-subsidy policies	- Investigate areas of inadequacies in the current elementary and middle school education system and produce a report for the government's reference
December 17 – 23, 2012	SoCo's 40 th annual inadequate housing expo commemoration at Hong Kong Artwalk 2012	- Introduce to the public the housing issues that the underprivileged are facing
December, 2012	Compile the 2012 Ombudsmen Report on Children's Rights in Hong Kong, report to the new administration regarding its 2013 governance, and submit opinions on the 2013/2014 budget	- Express what the underprivileged children expect from the government and evaluate the SAR government's administrative performance in assisting underprivileged children over the past year
Children's meetings and ambassador meetings were scheduled every month during 2012 in order to understand children's rights and discuss the social policies related to poor children.		

Progress Made in the 2012 Top Ten Children's Rights Issues and Evaluation of the Government's Performance

The following is the Children's Rights Ombudsmen's evaluation of the actions and lobbying activities that took place in the past year and the improvements that the SAR government has made in certain policies:

Issues raised by the Children's Rights Ombudsmen in the previous year (2012)	Progress Made	Score (10 is perfect)	Ombudsmen's Evaluation
1. Flawed housing policies, failure of community facilities to meet the learning needs of poor students; serious	- No action has been taken to put an end to cage and cubicle flats. Public housing wait-list applications rose sharply to 190,000, affecting 350,000 persons. However, the authorities did not increase public housing construction, breaking its	1	● There has been no prioritization in handling wait times for public housing based on child-housing needs. Nearly 3,000 applicants with children have been put on hold, and nearly 20,000 households and children are crammed into harsh living conditions

<p>problems with poor children dwelling in cage homes</p>	<p>promise to have a maximum wait time of 3 years.</p> <ul style="list-style-type: none"> - The public housing-allocation requirement that at least half of a household must be domiciled in Hong Kong for 7 years has not been lifted. - Community learning centers have not been established in older neighborhoods. - The Community Care Fund (CCF) launched an assistance program to “provide subsidies for low-income individuals who are inadequately housed,” which provides one-time subsidies of HK \$3,000 for one person, HK \$6,000 for two persons, and HK \$8,000 for three persons, to tenants and homeless people dwelling in unsuitable private housing (such as small rooms, cocklofts, or single beds). - In 2011 and 2012, CCF provided subsidies to individuals who rent private housing and are on Comprehensive Social Security Assistance (CSSA). The goal was to provide a subsidy for tenants on CSSA but the amount of rent they paid for private housing was greater than maximum CSSA rent subsidies. In December, 2011, qualified tenants including one person or two or more 		<p>such as cubicle flats and small suites. The numbers of such residences are continuing to increase.</p> <ul style="list-style-type: none"> ● There have been no plans to set up learning centers in older neighborhoods and there has been no loosening of policies pertaining to waiting-list applicants for downtown public flats. ● There have been no measures taken to provide subsidies to children currently on the waiting list. ● There has been no new construction of public housing, thereby neglecting the housing needs of the grassroots.
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	<p>persons on CSSA could receive subsidies of HK \$1,000 and HK \$2,000, respectively.</p> <ul style="list-style-type: none"> - In 2012, CCF also decided to provide moving subsidies of HK \$2,100 for 1 person, HK \$4,600 for 2 – 3 persons, and HK \$6,100 for 4 or more persons who were forced out of industrial cubicles by the Buildings Department in order to cover their moving expenses. 		
<p>2. Unaffordable education; incomplete implementation of 15-year free education; inadequate student subsidies; flawed subsidy-application criteria</p>	<ul style="list-style-type: none"> - New Chief Executive, CY Leung, promised to implement 15-year free education, but the amount of vouchers are still inadequate, and over half of parents with preschoolers have to cover preschool tuition themselves. - There have been no reviews on the amount and scope of student subsidies. - Through CCF, a new school fund was established that subsidizes underprivileged elementary and middle school students to participate in school-organized or other approved learning activities outside of Hong Kong (3-year program). - CCF continued its implementation of School Lunch Subsidy (the provision of school lunch subsidies to elementary students from low-income 	<p>1</p>	<ul style="list-style-type: none"> ● In 2008 free education increased from nine years to twelve years and a student voucher system was created. The new administration expressed that it would implement 15-year free education but it does not have time tables or details as to how it will implement 15-year free education. The Education Bureau has stated multiple times that its needs to conduct more research. ● Since kindergartens started implementing the student-voucher system, their tuitions have dramatically increased. Student subsidies do not completely cover tuition, and over half (55.1%) of poor children have to cover their own tuition. The student-voucher system has not been able to relieve preschool-education-expense burdens. ● However, there has been no long-term improvement in

	<p>households so that these students can have a balanced and complete meal at school) for students with full coverage.</p>		<p>applicant subsidy criteria or scope.</p> <ul style="list-style-type: none"> ● Subsidies for field trips outside of Hong Kong are a good start, but whether they can be granted for the long term remains to be seen. ● After-school learning and support programs only give underprivileged students an annual subsidy of HK \$400, which provides very limited support. The programs do not cover school facilities that the schools use every day to let the students return to the schools and use the facilities for free. This usage would especially benefit underprivileged children who live in poverty or dwell in cage, cubicle, or subdivided flats. The children who live in such residences lack study space and resources to study elsewhere.
<p>3. Unsatisfactory health services, difficulty making clinic appointments, extremely long clinic wait times</p>	<ul style="list-style-type: none"> - Unsatisfactory health services, difficulty making clinic appointments, extremely long clinic wait times - The Hospital Authority increased the number of intensive-care beds for newborns by 10% within its five-hospital network. However, there were no specific measures of improvement directed at underprivileged children. For clinics, making appointments is still difficult and wait times are extremely long. The wait 	<p>0</p>	<ul style="list-style-type: none"> - Medical expenses have not adjusted according to the needs of the community, seriously affecting the quality of public medical services. Wait times have increased instead of decreased. There has been no timetable or commitment to provide any child-healthcare vouchers. There has been no implementation of child-healthcare plans or extension of child-dental plans to middle school students, resulting in underprivileged child patients not receiving adequate medical and health

	<p>times for new diagnoses for children and adolescents are still long (8 weeks in 2008/09→5 weeks in 2009/10→6 weeks in 2010/11→7 weeks in 2011/12). Wait times for ER diagnoses average 73 minutes (semi-urgent) and 82 minutes (non-urgent). No significant improvements have been made. There has still been no use of public funds to quickly improve public hospitals and basic medical services.</p> <ul style="list-style-type: none"> - There have been no actual improvements and wait times are getting longer. 		<p>services.</p> <ul style="list-style-type: none"> - There have been no healthcare vouchers established for underprivileged students so that subsidized children can receive adequate private medical services.
<p>4. Issues with neglected children and children roaming the streets; inadequate after-school-care services for children 6 years old and older; dearth of boarding schools for poor households</p>	<ul style="list-style-type: none"> - The CCF plans to reserve HK \$40,000,000 in 2012/13 semesters for after-school care programs, with the goal of enabling schools and non-government organizations to plan and organize learning and support activities for students who are in first grade to third-year middle school and are on CSSA and full student subsidies. - The Neighborhood Child Support Scheme has expanded throughout all of Hong Kong since 2010 but has not expanded to include children six years old and older. - In the 2012/13 Policy Address, the Chief Executive announced that he would increase the amount of child housing 	<p>0</p>	<ul style="list-style-type: none"> - While the service footprint has expanded, the problem of children roaming the streets is still serious. Community-babysitter schemes are inadequate as they do not include children six years old and older, nor do they provide tutoring or supplementary lessons. Community babysitters do not holistically meet the children's needs. - There is no comprehensively implemented after-school care or tutoring.

	<p>services in phases (among the 50 institutional care homes and 80 non-institutional homes), including foster services, child households, and child homes, and that he would increase foster-home subsidies, including service awards and foster-care allowances.</p> <ul style="list-style-type: none"> - After-school care times are not convenient for the grassroots and subsidies remain inadequate. 		
<p>5. Social welfare – inadequacies of Comprehensive Social Security Assistance and the hard lives of children</p>	<ul style="list-style-type: none"> - The Social Welfare Department adjusted CSSA rates on February 1, 2012 based on inflation. - There has been no review on the base amounts. While rental subsidies have increased, they remain inadequate, as do education subsidies. 	<p>1</p>	<ul style="list-style-type: none"> - Providing CSSA recipients with a month's subsidy and adjusting it based on inflation is merely a short-term relief measure that does not account for base-subsidy rates or special recurring subsidies. When factoring in the increasing prices of goods, CSSA falls short. The hard lives endured by poverty-stricken children are thus ignored. - There have been no long-term solutions to the exorbitant rental rates of subdivided flats, and public housing has not been allocated.
<p>6. Hong Kong has the largest wealth gap in the world, and the SAR government has turned a blind eye to the grassroots, has provided</p>	<ul style="list-style-type: none"> - The 2012 poverty rate was 17.1%, where 1,150,000 people lived in low-income/poverty-stricken households (1,150,000 people in the same period in 2011), among which most were females. The number is a 150,000-person increase from 1,000,000 persons in 1997. 	<p>0</p>	<ul style="list-style-type: none"> - The population of poverty-stricken individuals is still 1,150,000, but the government has not made any commitments or specific goals to deal with the wealth gap. - The actual results of the prediction made in 2007 that 250,000 jobs would be created from the top ten

<p>inadequate support for underprivileged children, and has not solved the generational-poverty issue.</p>	<p>The government recognized that the poverty issue was a structural problem and decided in October, 2012 to set up a new special-needs group among six groups in the new Commission on Poverty.</p> <ul style="list-style-type: none"> - In the 2011/12 Policy Address, the Chief Executive announced appropriation of HK \$100,000,000 to improve food bank services. - In March, 2012, the authorities raised the income and assets ceiling for Work Incentive Transport Subsidy Scheme applicants, but have not undertaken a system that includes reported individual and household assets and income (known as the “dual-track system”) and have not reviewed providing transportation subsidies for government employees. - Inflation was serious for Hong Kong in 2012, but the government said that it was not even moderate, and thus there have not been any measures to curb inflation, causing life for the grassroots to remain hard. 		<p>major capital construction areas and the six main industries are debatable.</p> <ul style="list-style-type: none"> - Poverty issues have been recognized but there are still no effective measures for alleviating or eradicating poverty. The effects of the policies are not proportionate to the 1,150,000 poor residents. - The CCF only provides temporary measures and lacks long-term policies. It does not provide comprehensive alleviation to underprivileged children to meet their basic needs. - The Work Incentive Transport Subsidy Scheme looks to applicants’ household income and does not allow individualized application. We recommend loosening the requirements, which would actually be stricter. There has also not been any consideration for providing transportation subsidies to government employees.
<p>7. Difficulties for undocumented children to receive</p>	<ul style="list-style-type: none"> ● There has been no progress. ● Even Mainland China’s Public Security Bureau said that the Hong Kong government has not 	<p>2</p>	<ul style="list-style-type: none"> - The central and SAR governments have not considered the rights of undocumented children and separated Mainland Chinese/Hong Kong family

<p>education and unite with their families, and issues with Mainland Chinese/Hong Kong family members being unable to come to Hong Kong</p>	<p>improved policies for uniting separated family members. The Hong Kong government only takes it on a case-by-case basis.</p>		<p>members to reunite.</p>
<p>8. The lack of comprehensive child policies and a central child database; undefined poverty lines and poverty-eradication goals</p>	<ul style="list-style-type: none"> - A central database on children has not been established and poverty-line and poverty-eradication goals have not been set. Chief Executive, CY Leung, and preparatory groups from the Commission on Poverty announced in October, 2012 that the government would refer to international standards to set an official poverty line and schedule monitoring of poverty in Hong Kong. - The Child Development Fund continued to be implemented. From 2008 to the first half of 2011, only 2,270 children from weak social groups benefited; however, 2,100 were added in 2011/12. The goal was to encourage low-income households with children to increase monthly savings, draw up a personal development plan, and carry out mentorships. - In the 2010/11 Policy Address, there was an announcement that Comprehensive Child 	<p>1</p>	<ul style="list-style-type: none"> - The Child Development Fund has been unable to solve the pressing problems that children from poor households face. While the number of recipients increased by 2,188 to 4,458, it is insignificant considering there are 300,000 poverty-stricken children. - The government has not taken responsibility for poverty-alleviation issues. Poverty-stricken children have no savings, and no consideration has been given to the suggestions of replacing funds with volunteer work. There have been no long-term solutions to child poverty. - The importance of child-related policies has not been recognized, and full consideration of the situation and needs of child poverty has not been given. There is no long-term policy or plan for the increasingly serious child-poverty issues, nor have there been any prompt follow-ups or appropriation of resources. The performance has been very

	<p>Development Services would be extended throughout all of Hong Kong, so as to help pregnant mothers, mothers, and children as quickly as possible and refer them to service units for follow-up.</p> <ul style="list-style-type: none"> - The new administration re-established the Commission on Poverty in 2012, forming six small groups, among which includes a group that handles child poverty issues. 		disappointing.
9. No local legislation pertaining to the United Nations' Convention on the Rights of the Child	<ul style="list-style-type: none"> - There has been no legislation pertaining to the United Nations' Convention on the Rights of the Child. 	0	<ul style="list-style-type: none"> - The government has no intention of conducting any local legislation for the Convention on the Rights of the Child, which is very disappointing.
10. No establishment of Children's Rights Ombudsmen or a Children's Rights Committee	<ul style="list-style-type: none"> - Children's Rights Ombudsmen and a Children's Rights Committee have not been established. The Children's Rights Forum continued in operation, but little action has been taken towards creating child-related policies and achieving children's rights. 	0	<ul style="list-style-type: none"> - The Children's Rights Forum meets only once every few months and does not wield any power or have any actual utility, but only serves as a political show. - The Children's Rights Commission was deceptively replaced by the Family Council which was not very productive. - There is absolutely no intention of conducting any local legislation for the Convention on the Rights of the Child. The motion that the Legislative Council passed in 2007 requesting

			that the SAR government establish a Children's Rights Commission has been disregarded.
	Total Score (where 100 is perfect and 50 is satisfactory)	6	

Scores reported by the Children's Rights Ombudsmen in previous years*

Year	2006	2007	2008	2009	2010	2011	2012
Score (perfect score: 100)	9	7	19	0	11	2	6

*** Each year's score is based on the previous year's (for example: the 2012 Report evaluates the government's 2011 performance) performance by the government's Legislative Council, policies, and services for underprivileged children and families.**

This year was former Chief Executive Donald Tsang's last year in office, and CY Leung has since taken over as new Chief Executive. The SAR government's score was an overall slight improvement over the past two years, but its performance is still far from satisfactory, indicating that the SAR government did not strive to improve child poverty in 2012.

2013 Top Ten Child-Poverty Issues and Advice

Children's Rights Ambassadors acted as Children's Rights Ombudsmen who reviewed child-related issues in Hong Kong during the previous year, investigated each child-related policy, and discussed and voted on the top ten areas of attention among the 1,700 members of the Child Rights Association at the end of 2012. In terms of child poverty, we conclude that during the previous year Hong Kong did not adequately implement certain aspects of the UN Convention on the Rights of the Child and, through vote-count, list the following issues in order of importance:

- 1. Flawed housing policies, failure of community facilities to meet the learning needs of poor students; serious problems with poor children dwelling in cage homes**
- 2. Unaffordable education; incomplete implementation of 15-year free education; inadequate student subsidies; flawed subsidy-application criteria**
- 3. Unsatisfactory health services, difficulty making clinic appointments, extremely long clinic wait time**
- 4. Issues with neglected children and children roaming the streets; inadequate after-school-care services for children 6 years old and older; dearth of boarding schools for poor households**
- 5. No local legislation pertaining to the United Nations' Convention on the Rights of the Child**
- 6. Difficulties for undocumented children to receive education and unite with their families, and issues with Mainland Chinese/Hong Kong family members being unable to come to Hong Kong**
- 7. Social welfare – inadequacies of Comprehensive Social Security Assistance and the hard lives of children**
- 8. Serious wealth-gap issue; the SAR government's disregard for the grassroots; inadequate child-poverty support; unresolved cross-generational poverty issues**
- 9. The lack of comprehensive child policies and a central child database; undefined poverty lines and poverty eradication goals**
- 10. No establishment of Child Ombudsmen and a Children's Rights Committee**

(1) Flawed housing policies, failure of community facilities to meet the learning needs of poor students; serious problems with poor children dwelling in cage homes

The current (December, 2012) number of households waiting for public housing is 200,000, among which 83,500 individuals are 18 years old or younger. There are currently nearly 100,000 people renting unsuitable housing such as cage flats, cubicle flats, and subdivided flats. However, each year the government only builds 15,000 public housing units, for which there are many application limitations and long wait times.

In 2011, the Housing Authority loosened application criteria for downtown public flats to include non-heads of households who applied for public housing on or before October 1, 2011 among applicants who applied on or before October 1, 2009, to allow them to receive downtown public housing. As of now there have been no further loosening measures, and even if waiting-list households receive public housing they have to move to remote areas, thus increasing their transportation expense or other living expenses. The moves could also potentially cause parents to lose jobs and children to transfer to other schools where they must re-ensconce into a new learning environment, resulting in increased expense for school uniforms and education.

Meanwhile, there are currently more than 18,500 (as of late December, 2011) poverty-stricken children living in cage flats, cubicle flats, and small suites. These unsuitable dwellings are very bad for children's mental and physical development. Additionally, the Housing Authority has still not provided waiting-list households with rent subsidies, further preventing children and their families who are on the public housing waiting list from having better lives. While they struggle with high rental rates, cubicle flats, subdivided flats, and small suites are increasing in rental rate with the skyrocketing inflation. However, there are no regulations for monitoring rental rates or protecting tenants' rental rights. 22,688 CSSA families (as of late January, 2012) rent private housing and must use living expenses to cover rent. In addition to the harsh high-rent environment, the recent building fire makes children afraid to live in this environment.⁸

Moreover, housing policies require that half of the members in waiting-list households have been domiciled in Hong Kong for seven years in order households to qualify for public housing. As of late December, 2011, approximately 8,000 households (including roughly 2,700 children) and single individuals on the public housing waiting list were affected by this requirement. Even though these new immigrants have already received a public-housing waiting-list number matching their status, they cannot obtain public housing to improve their living environment, but have to continue cramming themselves into cage and cubicle flats,

⁸ Society for Community Organization, Center for Civil Rights Law, Exorbitant rent for private flats and unreasonable CSSA rental system, ---Press release (September 7, 2012) on request for judicial review of maximum-rent subsidies exceeding CSSA recipients living in private housing
http://www.soco.org.hk/publication/press_release/crc/2012/SoCO%20press%20release%20on_2012_Sept_7.doc

affecting children's mental and physical health and the immigrants' ability to assimilate into society. The government still has not established a rent subsidy that enables low-income households on the waiting list to rent private homes downtown.

Even though the Budget announced that it would pay two months' rent for public-housing residents in order to relieve rental burdens suffered by Hong Kong's public-housing tenants, individuals on the public-housing waiting list have experienced delayed hardship relief. Additionally, authorities have not prioritized the waiting list for public housing according to child-housing needs. Furthermore, the CCF, which was established in 2010, announced at the end of 2011 that the Fund would provide moving subsidies for tenants who had to move out of subdivided industrial flats due to legal action taken by the Building Department in order to assist the tenants leave industrial subdivided flats as soon as possible. The CCF launched "subsidies for low-income individuals who are inadequately housed," which provides one-time subsidies (HK \$3,000 for one person, HK \$6,000 for two persons, and HK \$8,000 for three or more persons) to tenants and homeless people dwelling in unsuitable private housing (such as small rooms, cocklofts, or single beds). However, the moving subsidy is only a one-time reimbursement, which is a low amount that cannot solve the problem with exorbitant rental rates for subdivided flats. Households that are in transition and have not obtained public housing cannot settle down.⁹

Advice from the Ombudsmen

1.1 Increase Construction of Public Housing

The SAR government should conduct policy reviews and demand evaluations on housing in Hong Kong. At least 35,000 public-housing units should be added every year and the annual number of allocable public-housing units should not be less than 50,000.

1.2 Loosen the Public-Housing Allocation Requirements

The government should loosen the seven-year Hong Kong domicile requirement for public housing applicants to allow all children to enjoy equal waiting times for public-housing opportunities and obtain suitable dwellings as quickly as possible.

1.3 Prioritize Households with Children on the Public-Housing Waiting Lists and Allow Application for Downtown Public Housing

⁹ Subsidy rates will be based on persons per household as follows: HK \$2,100 for one person, HK \$4,600 for two to three persons, and HK \$6,100 for four or more persons. Applicants' households that have already passed financial review appointed by the Allowance Scheme, or have monthly income may not exceed 75% of the median monthly income of households with the same number of persons per household. There is expected to be approximately 900 households in the coming years and total project amount of HK \$4,500,000.

Community Care Fund to launch two new assistance programmes (press release on October 17, 2011)
<http://www.info.gov.hk/gia/general/201110/17/P201110170267.htm>

When allocating public housing, the Housing Authority should adopt extreme measures to prioritize processing public-housing applicants with children to get them into housing as quickly as possible. It should also lift regulations imposed on most families that wish to apply for downtown public housing so as to avoid increasing household expenses and disrupting the children's social relationships.

1.4 Provide Rental Subsidies for Households with Children that are waiting for Public Housing and Re-launch Rent-Control Monitoring as Soon as Possible

The Housing Authority should provide rental subsidies for applicant households with children and it should re-launch rent-control monitoring in order to promptly relieve the children's housing burden. When allocating public housing, families should be allowed to choose public housing or rental subsidies.

1.5 Completely Utilize Existing Schools and Public Resources

The government and schools should better utilize resources, making classrooms, computers, and libraries available during after-school hours and during long holidays (such as summer vacation, Christmas, New Year's, and Easter). Non-government organizations should cooperate with schools to arrange computers for students' after-school use. Moreover, the government should let libraries and study rooms stay open longer so that students will have more after-school resources and places to study.

1.6 Set up Community Learning Centers

Additionally, the government should cooperate with volunteer organizations based on the needs of the children who live in older private housing. Community learning centers should be established in the older neighborhoods to ensure that the students who are cramped in inadequate dwellings (such as small suites and subdivided flats) have plenty of learning facilities (such as computers and books).

(2) Unaffordable education; incomplete implementation of 15-year free education; inadequate student subsidies; flawed subsidy-application criteria

Education is a child's basic right. It is not only capital that catalyzes social progress, but is also a critical path for getting out of poverty. In 2008, Macau expanded free education to fifteen years, including preschool and high school education. However, the Hong Kong education system has not made any progress in thirty years.

In 1971, Hong Kong implemented 6-year free education for 6 to 12 year olds, and in 1978 it offered 9-year education to first through ninth graders. Free education policies have not been reviewed in over thirty years. Free education only covers tuition; students still bear the high cost of books, activities, and all kinds of other expenses. In September, 2008, elementary through high schoolers obtained free education, but kindergarteners still lack free education. Even though parents of kindergartners receive student vouchers and can apply for student aid and CSSA, underprivileged kindergartners still incur large amounts various education-related expenses. Poor students cannot enjoy equal education opportunities.

Furthermore, kindergarten and high school students incur different education expenses (including expenses for school uniforms, activities, field trips, projects, internet, and all kinds of other various expenses), creating major obstacles in their studies. These negative factors run counter to the idea of advocating education assistance to bring children out of poverty. The HKSAR government's policies are obviously outmoded and have not advanced with the economy to improve the overall living conditions of Hong Kong's children.

Preschool Education

Preschool-education policies have not kept up with the world's progress

According to the Hong Kong Society for Community Organization's 2009, 2010, 2011, and 2012 surveys,¹⁰ the education-voucher system and inflation have caused kindergarten tuition to skyrocket. However, student aid is inadequate. More than half of kindergarten tuition exceeds the government's upper limit for assistance (see attached table), forcing struggling households that have low income or are on CSSA to bear expenses such as tuition

¹⁰ Society for Community Organization, Children's Rights Association (September, 2012), Poor children struggle with study expenses irrespective of full or partial subsidies: Series 14 of Survey on Poor Children – Investigative Report on Poor Children's Struggles with Preschool Expenses

http://www.soco.org.hk/publication/private_housing/preschool%20education%20survey_2012_9.doc

Society for Community Organization (August, 2008), Series 8 of Survey on Poor Children – Investigative Report on the Effects of Preschool Financial Assistance for Poor Children

Society for Community Organization, Children's Rights Association (August 13, 2011), Signature Collection Movement and Appeals for Obtaining Fifteen-Year Free Education and Construction of More Public Housing Flats
http://www.soco.org.hk/publication/press_release/privatehousing/2011/pr_2011_8_13.doc

and book costs, thus further encumbering poor households. Some families even delay their children's education. Thus, underprivileged children's right to equal education are stripped away.

After using education vouchers, low-income households can apply for tuition assistance. However, tuition assistance is limited. The education-voucher system causes tuition to increase and exceed maximum tuition assistance. Low-income households still have to pay several hundred dollars in tuition, bringing them a serious economic burden. According to 2012 data from the Education Bureau, among the 942 kindergartens in Hong Kong, as of September, 2012, over 70% (658 schools) were authorized to raise tuition, and was done so by 4.3% on average. Among these schools approximately 45 education-voucher kindergartens increased tuition to the student-voucher maximum (tuition for half-day schools increased to HK \$25,200 from last year's HK \$24,000, and tuition for full-day schools increased to HK \$50,400 from HK \$48,000), and some were allowed to increase tuition by as much as 16%, greatly exceeding inflation.¹¹

Even though the government has the basic social responsibility of providing kindergarten education, its programs do not provide assistance based on the needs of poor families, nor has it provided low-income households with completely free education.

Student Assistance does not Include Expenses such as Book Costs

Kindergarten assistance does not include subsidies for miscellaneous expenses such as transportation costs. In addition to tuition expenses, parents must bear the cost of books, activities, snacks, transportation, air conditioning, miscellaneous items, etc. Even though they receive CSSA, which only subsidizes book expenses, they come up short on everything else. Other than tuition, recipients must pay for all other annual-fee items such as books and snacks, and over 40% must also pay for miscellaneous, air conditioning, and other expenses (such as food and recorders). Every year there is an increase in these expenses, among which books and snacks increase by HK \$500, a nearly 30% increase. Excluding tuition, the total median cost of education is HK \$2,900. Low-income households without assistance must pay for all non-tuition expenses. All respondents expressed that the extra education expenses were burdensome. Most respondents resolve expense burdens by reducing household expenses, delaying education, and even borrowing money from friends and relatives. While the application criterion for student assistance has been loosened, **the authorities still have not reviewed the amount or scope of assistance**. Even though financially burdened households receive full assistance, **the amount of assistance does not cover the cost of buying textbooks, falling short by 10% to 30%**. Poor students cannot even buy used textbooks because the publishers put out new versions each year.

¹¹ Ming Pao (August 28, 2012) Seventy Percent of Kindergartens Increase Tuition by 4.3% on Average, 45 Schools Increase to Max Limit, Page A09

The following table demonstrates how expenses of kindergarten and kindergarten-cum-childcare centers exceed education-voucher amounts (2011/12):

District	Number of Kindergartens in District	Number of Kindergartens that Use Education Vouchers	Number of Kindergartens with Tuitions <u>Exceeding</u> Subsidy Amounts	Percentage of District's Kindergartens with Tuitions Exceeding Subsidy Amounts	Number of Kindergartens with Tuitions <u>not Exceeding</u> Subsidy Amounts	Percentage of District's Kindergartens with Tuitions <u>not Exceeding</u> Subsidy Amounts	Number of District's Kindergartens <u>not Participating</u> in the Education Voucher System	Number of 3 – 6-year-old Children from Low-income Households by **District as of 2010	Number of 3 – 6-year-old Children by **District as of 2010	Poverty Rate of 3 – 6-year-old Children by District as of 2010
Kowloon City	86	47	32	68.09%	15	31.91%	39	1,900	11,200	16.96%
Kwun Tong	71	68	28	41.18%	40	58.82%	3	5,600	16,600	33.73%
Sai Kung	59	42	27	64.29%	15	35.71%	17	1,900	13,900	13.67%
Sham Shui Po	41	39	27	69.23%	12	30.77%	2	3,300	10,100	32.67%
Wong Tai Sin	47	46	14	30.43%	32	69.57%	1	3,100	9,600	32.29%
Yau Tsim Mong	37	29	25	86.21%	4	13.79%	8	2,600	10,600	24.53%
Central and Western	41	26	19	73.08%	7	26.92%	15	1,000	8,600	11.63%
Eastern	78	57	44	77.19%	13	22.81%	21	2,200	14,900	14.77%
Islands	34	23	12	52.17%	11	47.83%	11	1,900	5,500	34.55%
Southern	39	18	9	50.00%	9	50.00%	21	1,100	7,100	15.49%
Wan Chai	29	20	16	80.00%	4	20.00%	9	400	4,800	8.33%
Kwai Tsing	66	58	30	51.72%	28	48.28%	8	5,600	15,000	37.33%
Tseun Wan	36	30	17	56.67%	13	43.33%	6	2,000	11,000	18.18%
Tuen Mun	61	57	28	49.12%	29	50.88%	4	4,800	13,300	36.09%
Yuen Long	72	66	21	31.82%	45	68.18%	6	5,500	17,100	32.16%
North Point	45	41	21	51.22%	20	48.78%	4	3,400	10,500	32.38%
Sha Tin	69	53	27	50.94%	26	49.06%	16	4,200	16,100	26.09%
Tai Po	35	26	14	53.85%	12	46.15%	9	1,400	5,900	23.73%
Total	946	746	411	55.09%	335	45.91%	200	51,700	201,900	25.61%

Note: *The subsidy amount for half-day education vouchers and student subsidies for 2011/12 was HK \$19,500; the subsidy amount for full-day education vouchers and student subsidies for 2011/12 was HK \$31,500.

**Low-income households are defined as households with income less than half of the median household income.

Source: Profile of Kindergarten and Kindergarten-cum-Childcare Centers (July, 2011), and the Census and Statistics Department (2011)

<http://chsc.edb.hkedcity.net/kindergarten/> As of the 2011/12 school year, Hong Kong had 946 kindergartens, among which 200 kindergartens did not participate in the education voucher system.

The following table demonstrates how costs of kindergarten and kindergarten-cum-childcare centers exceed education-voucher amounts (2011/12):

District	Excess Cost (Half Day)	Excess Cost (Full Day)	District	Excess Cost (Half Day)	Excess Cost (Full Day)
Kowloon City	2,667	5,312	Southern	3,353	4,217
Kwun Tong	2,850	4,682	Wan Chai	3,219	5,493
Sai Kung	1,932	3,829	Kwai Tsing	2,406	4,879
Sham Shui Po	2,151	3,796	Tseun Wan	2,792	5,028
Wong Tai Sin	2,756	2,762	Tuen Mun	3,721	3,203
Yau Tsim Wong	2,947	2,955	Yuen Long	2,562	3,985
Central and Western	3,220	4,323	North Point	1,700	3,167
Eastern	3,004	4,823	Sha Tin	2,375	5,181
Islands	2,080	2,348	Tai Po	2,770	7,126
			Average Amount	2,695	4,284

Elementary and Middle School Education

In 2011/12, the number of students who received elementary and middle school education in Hong Kong was 813,200, among which 326,200 were elementary school students and 487,000 were middle school students.¹² During the same period, the number of students who successfully applied for textbook subsidies was 276,269, among which 105,734 (32.4% of the total number of elementary school students) were elementary school applicants and 170,269 (35.0% of the total number of elementary middle school students) were middle school applicants.¹³

The scope and amount of subsidies are inadequate and the advanced-education policies have resulted in a heavy burden for poor children

Regarding elementary and middle school education, student-subsidy policies have been unable to meet social development and new education needs. The government advocates diversified student development, but has been incapable of adopting appropriate measures to provide students with equal development opportunities. Today's schools have developed diversified learning and fully orbped pedagogies. Students can no longer just study hard to make the grade; they must utilize resources and undertake multifaceted study methods. For example, if going online or taking photos are required for homework, or field trips require transportation fees, the schools' funds will not completely cover all of the kindergartners.

¹² Hong Kong SAR Government, Education Bureau, Student Enrollment by Level of Education
<http://www.edb.gov.hk/index.aspx?nodeID=6497&langno=2>

¹³ Hong Kong SAR Government, Student Financial Assistance Agency, School Textbook Assistance Scheme, Summary of Statistics
<http://www.sfaa.gov.hk/tc/statistics/texts.htm>

Policies also vary. The scope of student subsidies is too narrow and unable of to keep pace with education development. In addition to not being able to afford textbooks and school uniforms, poor students cannot afford various education-related expenses, such as stationary, activities, or miscellaneous school expenses. Poor students are unable to keep up with the needs of modern education.

According to SoCo's investigations, poor households have more trouble affording various education expenses. Statistical research indicates that students incur up to 29 types of necessary expenses averaging roughly HK \$5,000 per year. Households shrink their basic living expenses in order to afford these expenses. Education policies pertaining to diversified intellectual development, mental and physical talent cultivation, and technicalization have been viewed as beneficial to student development. However, the high costs and small subsidies create a heavy financial burden and learning obstacles for poor students. Students cannot merely rely on diligently studying books to be academically successful; they must spend a lot on all aspects of learning to enhance their chances of making the grade. Nearly 70% of students believe they lack education resources. Additionally, 40% of poor students interviewed were unable to complete required school activities due to financial constraints. Not participating in these activities not only results in loss of learning opportunities, but 33.7% affect passing grade levels and graduation, and 15.7% result in lower scores. 30% of Hong Kongers do not know about new education policies and whether schools will implement them. Thus, poor households lack the time and resources to cope with the diversified direction of education.

Even though the SAR government has loosened the application criterion for student subsidies over the past two years, the authorities have not reviewed the scope and amounts of the subsidies. Households with financial problems receive full coverage, but the subsidies fall short by 10% to 30% to cover the expenses of purchasing textbooks. Poor students cannot even buy used textbooks because the publishers release new versions each year.

According to the Society for Community Organization's 2012 research,¹⁴ poor students' studies are greatly impeded by financial constraints and education policies, and they face difficulties with education expenses, school systems, and school courses. Education is supposed to narrow the wealth gap, but because the government neglects assisting poor children keep up with the demands of the education system, education not only is incapable of bringing the poor out of poverty, it actually widens the wealth gap. This phenomenon renders poor households unable to afford their children's educational needs, affecting their children's opportunities for academic advancement. Some parents even conclude that Hong Kong's education system revolves around money.

¹⁴ Society for Community Organization, Children's Rights Association—The Eve of Children's Day, Series 15 of Research on Poor Children – Research report on the effects of the elementary and middle school education system and student subsidy policies on poor children (November 18, 2012) http://www.soco.org.hk/publication/private_housing/child_research_2012_11_19.pdf

College-subsidy amounts are severely inadequate and hurt underprivileged children's confidence in academic advancement

The survey reveals that 96.4% of poor students aspire to attend college. However, according to analysis from interviewed education experts, the government's college-subsidy amounts have not increased in years, causing students with grades satisfactory for entering college to not receive college subsidies. Only 63.1% of poor students believe they will have an opportunity to enter college, and approximately 40% believe they will not be able to enter college. This mindset is mainly due to issues with finances and grades. Thus, the current education policies have already dealt a serious blow to the future confidence of underprivileged students.

Students pay their way to elite education

College acceptance is limited, which affects the education orientation of elementary and middle schools. Because students are competing for acceptance into universities, education has become test-oriented. Schools are constantly bringing in the latest learning methods to propel students forward, creating a "force-feeding" style of education. At the same time, students with resources can afford their studies and give themselves a competitive academic edge whereas poor students have few extra learning opportunities and struggle to advance their studies.

The currently implemented direct subsidies do not benefit poor students' studies or choices

Under the direct-subsidy system, students from poor households naturally have fewer opportunities to enter college. Even though the cost of entering a directly subsidized school is not necessarily exorbitant, directly subsidized schools that are of fairly high quality require parents to bear a higher cost, which is not beneficial to poor families.

With insufficient learning time and poor learning materials, the needs of underprivileged students have been neglected and money has been wasted

Today's education reform has suddenly put pressure on those on the front lines of administration, making it difficult for them to deal with everyday education and rendering them unable to use education materials well without wasting money and learning resources. Research shows that the ratio of elementary and middle school teachers is currently less than ideal, and that there are too many courses. Since teachers have to scramble to deal with their courses and meet testing needs, there is inadequate time to take care of the students who need help. There is no time to answer questions students have regarding studies or to use education materials well.

Student support is inconsequential, programs are department-centric, schools are

bureaucratic, and poor children do not benefit

SoCo has become aware of child-poverty issues in recent years, but the government has only come up with one small subsidy program at a time. Most programs are attached to schools, but do not send anyone to help, creating a large amount of work outside of the schools. Students also need to apply for the programs, which is an arduous task for uneducated households that lack information.¹⁵

Education Subsidies Covered by CSSA are Inadequate

CSSA recipients are also facing rising education costs, and education subsidies covered by CSSA are inadequate. When the Social Welfare Department cut education subsidies by 7.7% in 2003, households spent everything on purchasing books and had no money to buy school uniforms, but the Social Welfare Department denied families' requests to subsidize the difference. SoCo's investigations into student subsidies reveal that all respondents on CSSA think that education subsidies are inadequate and nearly 75% have never attempted to recover excess education expenditures from the Social Welfare Department. Over 90% of respondents were unable to completely recover excess education expenditures. The main reasons were that they did not know they could apply, Social Welfare Department employees did not approve application, or the excess education expenditures were not CSSA approved. Additionally, CSSA respondents generally think that the amount of education subsidies provided by CSSA is too low, the scope is too narrow, already-borne expenses are unrecoverable, disbursements come too late, and the minimum-income limit is too low.¹⁶ Inadequate CSSA education subsidies prevent students from keeping up with advances in education. Other than being unable to afford textbooks and school uniforms, many poor students cannot afford other various education-related expenses, not including learning activities or extracurricular activities.

After-School Support Remains Inadequate

Furthermore, in 2011 the SAR government implemented a funding increase from HK \$100,000,000 to HK \$175,000,000 (including tutorial classes, leadership training, and volunteer services) for the School-Based After-School Learning and Support Program as announced in the 2010 (i.e. 2010/11) Budget. Each underprivileged student in the Program could only receive HK \$400 per year, which is very limited support. Also, the Program's subsidized schools did not open their facilities every day so that the students could return to

¹⁵ Society for Community Organization, Children's Rights Association—The Eve of Children's Day, Series 15 of Research on Poor Children – Research report on the effects of the elementary and middle school education system and student subsidy policies on poor children (November 18, 2012)

http://www.soco.org.hk/publication/private_housing/child_research_2012_11_19.pdf

¹⁶ Society for Community Organization, Children's Rights Association—The Eve of Children's Day, Series 6 of Research on Poor Children – Research report on the effects of student subsidies and free education on poor children (May 27, 2007), http://www.soco.org.hk/publication/private_housing/student_asst_2007_5_27.zip

the schools anytime to use the facilities. This flexibility would especially benefit poor students who dwell in cage flats, cubicles, and subdivided flats, as these children lack space to study and resources for extracurricular activities. Keeping up with social progress requires education to be technicalized and active. There are many school-related expenses, but student subsidies do not cover miscellaneous school expenses or activities, making life even harder for poor families.

Advice from the Ombudsmen:

2.1 Completely implement free 15-year education and subsidize kindergarten textbooks

Regarding kindergarten education, even though the education-voucher system provides tuition subsidies for kindergarten students, there are many extra kindergarten-textbook expenses which can increase by as much as 64.5%. Such expense fluctuations can negate the efficacy of education vouchers. SoCo believes that the education-voucher system should not replace free kindergarten education, and that the Education Bureau should implement free 15-year education as soon as possible so that poor households will not lose their rights to choose the most suitable kindergartens for their children. At the same time, the authorities should provide subsidies for kindergarten textbooks and other kindergarten-related expenses such as school uniforms, miscellaneous school expenses, and school activities, in order to alleviate the economic burden of low-income households.

2.2 Review the scope and amounts of education subsidies

The SAR government has expressed that it will implement free 15-year education as soon as possible by taking the current free 12-year education running from elementary school through high school and extending it to preschool. However, in doing so, it should improve the student-subsidy system for elementary through high school. The so-called free education should include tuition, textbooks, school uniforms, lunch expenses, miscellaneous school fees, extracurricular activities, and various other learning-related expenses. This scope would not only embody child-education rights, ensuring that no child is unable to enjoy suitable education due to economic constraints, but it would also increase the competitive capacity of the next generation and help bring poor children out of poverty. The Education Bureau should increase the subsidy amounts and scope of coverage to include school uniforms, miscellaneous school expenses, computers, internet, breakfast and lunch costs, extracurricular expenses, and participation in group activities that require uniforms purchases. All schools must allow students to participate in activities for free. Moreover, each school should permit students to purchase books textbooks based on the teachers' lessons so as to avoid wasting money and resources. For the long term, the authorities' extracurricular-activities subsidy funds should include coverage of students receiving half-grant education subsidies among recipients of subsidies for all extracurricular activities.

2.3 Consolidate learning-support schemes by providing one-stop subsidy-application services and setting up child subsidies

Because the current support schemes for poor children are so numerous and bureaucratic, application procedures are nettlesome and application criterion is inconsistent. The authorities should set up a one-stop service for a learning-related assistance scheme that handles all schemes that support poor children. One method would be to expand the current scope of student subsidies. That is, as long as an applicant is receiving CSSA or meets student-subsidy application criteria for full-grant or half-grant subsidies, he/she can automatically enter other subsidy schemes (such as The Hong Kong Jockey Club Life-wide Learning Fund, Community Care Fund – School-based Fund for Cross Boundary Learning Activities, Community Care Fund – School Lunch Subsidy, Community Care Fund – After-School Care Pilot Scheme, Community Care Fund – Low-Income Student Team Subsidy Scheme, Online-Learning Support Scheme, etc.) without having to complete other applications. This method would not only help simplify application-administration processes, but would also benefit needy children and families. Because this administrative work adds to the work pressure of schools and teachers, school staff members should be added to exclusively manage problems with subsidies for poor children. For the long term, child subsidies should be set up so that the government centrally releases funds every month to completely cover support for the poor children's learning and living needs, in order to provide more convenient service and reduce non-education-related administrative work incurred by front-line educators.

2.4 Increase the amount of university subsidies so that all students will have the opportunity to receive university education

The current amount of public funds allocated for education subsidies has remained at a low level for the past 20 years. The government needs to change the development direction of advanced education by utilizing public resources to significantly increasing the amount of university subsidies from the current 18% minimum for 17- to 20-year-olds to 30%. This increase would ensure that all students who are academically qualified to enter a university can have the opportunity to receive publically funded subsidies. Among these students would include students starting at a junior college and transferring to a university to ensure that they do not have to bear a large fiscal burden. The long-term goal is enabling everyone to attend college. This end not only helps reduce student-placement competition among elementary- and middle-school students, but would also strengthen the level of education and competitive capacity of Hong Kong's working-class population. Thus, Hong Kong society would be able to fulfill its commitment to providing the next generation with education rights, enabling each citizen, rich or poor, to have an opportunity to receive college education.

2.5 The central government should launch schemes that provide new and used books and uniforms, and should set up after-school care and lesson services

The authorities should replicate other countries (such as Germany) and have schools

proactively write and design education materials and directly allocate relevant funds to schools for developing textbooks and materials. This method would reduce the exorbitant prices that publishing companies charge every year and ensure that students receive true education resources. Moreover, the Education Bureau should create relevant policies and assume organizational roles to proactively encourage schools to implement schemes for donating used books and uniforms. On one hand, this action would help poor households reduce education expenses, and on the other hand it would help schools advocate environmental protection, creating a win-win situation. Many poor parents have to work out of town and leave their children at home. However, the current child-care-service times are inadequate and do not provide tutoring. We recommend that subsidized schools and volunteer groups better utilize their resources by operating during after-class hours for child-care and study purposes.

2.6 Increase the number of recipients of recreational activities and create an expense-exemption system for the activities

The Leisure and Cultural Services Department should enhance promotions in schools so that poor children can obtain information on health and cultural arts activities. At the same time, because competition for placement in so many activities (including swimming lessons, dance lessons, training for various ball sports, etc.) is currently very fierce, the government should allow more people to receive subsidies and create an expense-exemption system for the activities to exempt low-income households and children on CSSA from incurring fees for participating in the activities and using government recreational sites and facilities. In order to simplify the application processes and reduce labeling effects on recipients, the authorities should consider using prepaid cards similar to the Octopus Card. Qualified individuals could include children receiving CSSA and children whose households are below the poverty line, to enable them to conveniently use government recreational sites and facilities for free. Thus, the children would avoid having their rights infringed due to economic hardship and could participate in all types of cultural arts activities.

(3) Unsatisfactory health services, difficulty making clinic appointments, extremely long clinic wait times

Health is critically important to each and every child, and an excellent healthcare system and public-health services can help improve health of poor children with illness. However, the healthcare services provided by the current administration are extremely inadequate and do not make considerations from the standpoint of the child. Poor households must bear exorbitant healthcare expenses due to their weak economic capacity, and they usually seek treatment at general outpatient clinics throughout Hong Kong when their children are sick. While the number of households seeking outpatient-clinic treatment is rising each year, the wait times for public and specialized clinics remain very long. Services are thus incapable of meeting the needs of poor households and society as a whole.

Since the poor population is increasing, child health and healthcare services must be reviewed

In December of 1990, the Hong Kong government's Working Party on Primary Healthcare cited increasing social wealth and improving public healthcare services to justify transforming child health and healthcare services from previous child-healthcare schemes, which combined health and healthcare, into health services-oriented student-health services, thereby requiring children go to public or private clinics for healthcare. More than ten years later, a serious wealth gap developed and remains in Hong Kong today. The number of people (as of the first half of 2011) living below the poverty line is 1,200,000, among which there are nearly 300,000 poor children. Our respondents' median household income was only HK \$7,000, which is far less than twice as low as Hong Kong's median income. With no government subsidies for private hospitals, the poor must either go to public clinics or not seek treatment. Thus, the health condition of children is a serious concern. The government must review child-health and healthcare services.

Former chief executive Donald Tsang's 2010/11 Policy Address mentioned program preparation for setting up in the Kai Tak Development Area a multi-cooperational pediatric center with over 400 beds and striving to reduce the wait times for children and adolescents seeking psychological health evaluations and diagnostic services. However, there has been no progress on the project this year. Wait times are becoming longer and fail to meet the urgent healthcare needs of children. Additionally, healthcare expenses have not been adjusted according to social demand, seriously affecting public-healthcare-service quality. Wait times have become longer, not shorter, and there has been no immediate plan or commitment to providing any child-healthcare vouchers, nor have any child-healthcare programs been implemented. Thus, poor children with illness have not obtained adequate healthcare services.

Healthcare costs are exorbitant, the exemption system is flawed, and the sick cannot get treatment

According to this Organization's 2009 investigation into health and healthcare services used by poor children, the portion of sick children who do not seek treatment or take medication on their own is approximately 60% (59.8%), among whom 83.3% say the reason is due to being unable to afford hospitals and medication, or the that hospitals and medication will be very expensive. It is clear that the Hospital Authority has significantly increased healthcare fees in recent years, and with its release of the drug formulary lists, patients have had to purchase some drugs on their own, which has become a major burden to more and more and poor households. Even though there is an exemption system, application procedures are complicated. Approval forms cannot be used at specialty and general clinics; neither can they be used by an entire family, but each member must be successively approved. Employed low-income families do not have the time or energy to deal with these examination procedures, so the usage rate is very low. Undocumented children who have Recognizance Forms and are waiting in Hong Kong to be united with their families have to pay even higher prices, making it hard for them to enjoy healthcare services. Thus, from a children's rights standpoint, the government has been unable to assist children.

Poor children receive delayed treatment due to difficulties making urgent-care appointments at clinics and long clinic wait times

Surveys indicate that over seventy percent (71.6%) of children interviewed expressed that wait times for public clinics or urgent services were at least one hour long, and that four-hour wait times were common and that six hours was the longest. Some children had illness that was not very serious but became serious and caused brain damage. Thus, poor children's health is seriously affected.

Since October, 2006, the Hospital Authority has offered phone-appointment services for public general-outpatient clinics throughout Hong Kong, but with the extremely large number of residents in each district using healthcare services, appointment services fall significantly short of demand. Many poor households say that if their children get sick, they often have to spend several hours or even an entire day calling to make an appointment but cannot get through. Even though some parents wish they could get in queue, the Hospital Authority has set up an appointment system that does not allow re-queuing, citing wanting to avoid the formation of long queues. Yet the key problem is that the authorities should increase the wait-time length and number of those in the queue so that all poor households seeking treatment can obtain adequate treatment.

Number of People Seeking Treatment from Specialty and General Outpatient Services in Public Hospitals

Fiscal Year	Number of People Seeking Treatment (Increase over Previous Year)	
	Specialty	General
2000/01	5,775,448	6,566,970
2001/02	5,943,653 (+2.9%)	6,462,599 (-1.6%)

2002/03	6,078,683 (+2.3%)	6,632,364 (+2.6%)
2003/04	5,486,710 (-9.7%)	5,323,330 (-19.7%)
2004/05	5,833,849 (+6.3%)	5,302,779 (-0.4%)
2005/06	5,839,664 (+0.01%)	5,179,203 (-2.3%)
2006/07	5,810,020 (-0.5%)	4,842,247 (-6.5%)
2007/08	5,776,233 (-0.5%)	4,799,472 (-0.9%)
2008/09	6,070,631 (+5.1%)	4,968,586 (+3.5%)
2009/10	6,392,410 (+5.3%)	4,700,543 (-0.5%)
2010/2011	6,630,190 (+3.7%)	4,979,754 (+5.9%)

Source: Hospital Authority Statistical Report

Furthermore, wait times for accident and emergency treatment in the Hospital Authority's clusters have become longer each year. Take poor families residing in Kowloon West Cluster for example. The average per-case wait time for semi-urgent (triage 4) treatment seekers increased from 69 minutes in 2005/06 to 79 minutes in 2011/12; that for non-urgent (triage 5) treatment seekers increased from 78 minutes in 2005/06 to 102 minutes in 2011/12. This trend is quite disconcerting. Due to the extremely long wait times, some parents are forced to take their children to private clinics for treatment in order to keep their children's illness from worsening due to the long wait for treatment. Each trip to a private clinic costs several hundred dollars, causing families to pinch pennies and maybe not even seek treatment. This situation has caused serious concern.

Average Wait Times (in Minutes) for the Hospital Authority's Accident and Emergency Treatment¹⁷

	Average Wait Time (Minutes)			Average Wait Time (Minutes)	
	Triage 4 - Semi-Urgent	Triage 5 - Non-Urgent		Triage 4 - Semi-Urgent	Triage 5 - Non-Urgent
2005/06			2009/10		
Hong Kong East Cluster	50	90	Hong Kong East Cluster	68	113
Hong Kong West Cluster	67	116	Hong Kong West Cluster	70	119
Kowloon Central Cluster	47	80	Kowloon Central Cluster	77	104
Kowloon East Cluster	68	113	Kowloon East Cluster	76	114
Kowloon West Cluster	69	78	Kowloon West Cluster	92	101
New Territories	52	66	New	69	68

¹⁷ Food and Health Bureau, December 17, 2008, May 29, 2009, October 5, 2010, August 31, 2011, and March 8, 30, 2012, Responses to inquiries from the Society for Community Organization, and Legislative Council topical press releases: Patient Wait Times for Public Healthcare Services (February 8, 2012)
http://gia.info.gov.hk/general/201202/08/P201202080331_0331_89967.pdf

East Cluster			Territories East Cluster		
New Territories West Cluster	69	76	New Territories West Cluster	61	65
Hospital Authority Total	61	86	Hospital Authority Total	75	95
2006/07			2010/2011		
Hong Kong East Cluster	58	104	Hong Kong East Cluster	56	100
Hong Kong West Cluster	76	129	Hong Kong West Cluster	69	118
Kowloon Central Cluster	61	92	Kowloon Central Cluster	70	106
Kowloon East Cluster	79	126	Kowloon East Cluster	82	145
Kowloon West Cluster	86	96	Kowloon West Cluster	91	110
New Territories East Cluster	53	61	New Territories East Cluster	73	71
New Territories West Cluster	100	102	New Territories West Cluster	63	77
Hospital Authority Total	73	98	Hospital Authority Total	74	101
2007/08			2011/2012		
Hong Kong East Cluster	53	96	Hong Kong East Cluster	52	86
Hong Kong West Cluster	79	133	Hong Kong West Cluster	74	132
Kowloon Central Cluster	63	98	Kowloon Central Cluster	82	118
Kowloon East Cluster	89	132	Kowloon East Cluster	84	155
Kowloon West Cluster	97	117	Kowloon West Cluster	79	102
New Territories East Cluster	57	61	New Territories East Cluster	65	60
New Territories West Cluster	80	73	New Territories West Cluster	72	86
Hospital Authority Total	75	96	Hospital Authority Total	72	101
2008/09					
Hong Kong East Cluster	56	104			
Hong Kong	72	126			

West Cluster					
Kowloon Central Cluster	65	101			
Kowloon East Cluster	77	124			
Kowloon West Cluster	88	108			
New Territories East Cluster	54	54			
New Territories West Cluster	50	51			
Hospital Authority Total	66	89			

In addition, public-hospital Accident and Emergency Departments provide different triages for different levels of illness urgency. However, data reveals that the fourth (semi-urgent) and fifth (non-urgent) triage patients experienced respective wait times of 72 minutes and 101 minutes in 2011/12. These wait times are extremely long (the longest average wait time was 155 minutes). Many poor parents are forced to pinch pennies and take their children to private hospitals for treatment in lieu of risking delayed treatment from the long wait. Thus, the health and daily lives of poor children are directly affected.

Moreover, the wait times for public-hospital Accident and Emergency Departments are getting longer and longer. Even patients with illnesses considered to be urgent must wait for over an hour. Urgent cases from five Accident and Emergency Departments from March to May of 2012 had substandard wait times even though there were twice as many departments as there were in the previous year. Only 66% of urgent-care cases met standards at Prince of Wales Hospital, the worst-performing hospital, where urgent-care patients received treatment within 30 minutes, which is 71% below the rate at which standards were met in the previous year. Urgent-care doctors say that urgent care could be even more serious, and that long wait times could cause the patients' illness to worsen at any time.¹⁸

Previous administrations established community child health programs that subsidized poor children to receive treatment from private doctors and only required that they pay HK \$20. The doctors could also be the child's family practitioner and continue monitoring the child's health condition as well as mental and physical development. These programs ensured that poor children received adequate healthcare services. However, the government terminated these programs in the 1990s citing overall social wealth and limited resources. With today's social-wealth gap, the poor are getting poorer and seriously need to use public services. However, public services are overloaded, and poor children with no alternatives can either choose to not seek treatment or delay treatment, which affects their health. It is essential that programs similar to community child health programs are implemented to subsidize poor children seeking Western or Chinese medical treatment within the community.

Apply Daily (August 21, 2012) Page A17, Wait times for five accident and emergency departments miss target, patients wait over an hour

Student-Health Services are Limited and Ineffective

The Department of Health began implementing student-healthcare services in the 1995/1996 school year. **Participants of these services were first graders through seventh graders.** Every year the students were arranged to go to student healthcare service centers to receive a series of health services. These services were designed to meet the health needs of the students according to their stage of development, and included physical examinations; standard checkups related to growth, nutrition, blood pressure, vision, hearing, vertebrae, sex education, mental health, and behavior; and various guidance and health education. Students who were found to have health issues in these checkups were transferred to health-evaluation centers or specialty clinics for more specific evaluation and follow-up.

Surveys reveal that 90% of children participate in health services, but only just over 10% of children say that child-health services are effective. Many children feel that these services are incapable of effectively benefitting their health. The problem is that they are unable to have direct healthcare service follow-up, and that the services do not cover physical and intellectual tests and evaluations or psychological health evaluations. In recent years, more and more students have had mental health problems, such as hyperactivity which, if not discovered and treated early, will affect the child for the rest of his/her life. At the same time, some undocumented children with Recognizance Forms cannot participate because they are unable to obtain fee exemption, resulting in children being treated unequally. Thus, these service programs need improvement.

Dental Services are Limited

Dental Health Services are currently the Department of Health' s services provided for first graders through sixth graders, and their goal is to provide basic dental and oral protection for children throughout Hong Kong, and to encourage children to pay attention to oral hygiene and prevent common dental disease. The services only include **cleanings, fillings, extraction, and oral-health education**, and are carried out by professionally trained dentists under the supervision of government dentists. **However, these services have not been provided for kindergarten and high school students.**

Surveys reveal that over 70% of elementary-school participants participate in the dental-health program once a year and that half do not understand dental health. Thus, the services are obviously inadequate. Kindergarten and high school students do not even have these services; all they can do is wait all night on government-provided urgent-care services, which only include pain relief and extraction. All other dental issues require them to seek treatment from private dentists whose fees are beyond what most families can afford. Thus, kindergarteners and high schoolers are facing serious difficulties with regard to dental care.

Children with Chronic Illness cannot Obtain Timely Treatment

According to SoCo's case-by-case research, when a child's chronic illness is first discovered, they are transferred to a specialty clinic for treatment. The wait time is generally one year, during which the child must pay for a private doctor. Their quality of life is thus seriously affected and they do not have any support.

Statistical surveys on chronically ill patients conducted by the Census and Statistics Department in 2008 shows that at that time Hong Kong had 1,153,000 chronically ill patients, among whom approximately 26,100 were individuals 15 years of age or younger, representing 2.8% of Hong Kong's chronically ill patients. Among the 26,100 chronically ill patients 15 years of age or younger, other than the 12,000 mentally disabled individuals, the remaining individuals had different types of handicaps, including 5,800 with learning disabilities, 3,900 with attention deficit disorder/hyperactive, 3,000 with speech impediments, and 2,500 with autism.

Furthermore, the number of children seeking treatment at public hospitals and clinics is steadily increasing. Take children and adolescents making first-time appointments at specialty clinics for example. As of March 31, 2011, the number of new cases was 4,612 (3,854 in the same period in 2010), and the median wait time was five weeks in 2010/11. However, the authorities have not considered the situation from the child's perspective and allocated resources to alleviate the increasing demand for these services.

The fact is that the wait times for specialty clinic services provided by the public healthcare authorities are very long. According the Hospital Authority's statistics, the median wait time for external medicine is twelve weeks, with the longest wait time as long as five years (241 weeks). These statistics show that, besides certain specialty treatment, the wait times for many specialty-clinic services have still not made any noticeable improvements (see table below).¹⁹

Hospital Authority Wait Times for First-Time Appointments for Major Areas of Practice

	2007/08		2008/09		2009/10		2010/11		2011/12	
	Median (weeks)	99 th Percen-tile (weeks)	Median (weeks)	99 th Percen-tile (weeks)	Median (weeks)	99 th Percen-tile (weeks)	Median (weeks)	90 th Percen-tile (weeks)	Median (weeks)	90 th Percen-tile (weeks)
Ear, Nose, and Throat	6	102	5	91	4	95	5	50	7	53

¹⁹ Food and Health Bureau, December 17, 2008, May 29, 2009, and October 5, 2010, Responses to inquiries from the Society for Community Organization

Gynecology	11	106	10	84	9	103	11	49	11	52
Internal Medicine	9	92	9	89	9	93	10	48	12	51
Ophthalmology	4	103	4	125	4	147	4	50	4	50
Orthopedics and Trauma	8	105	11	94	12	112	13	70	16	92
Pediatrics and Juvenile Medicine	4	50	6	44	5	48	6	23	7	27
Psychiatric Medicine	4	121	4	118	4	104	4	37	6	40
External Medicine	17	206	16	265	13	241	12	96	12	98

Additionally, because there is a lack of healthcare resources, the wait times for first-time appointments for each major area of practice are very long. Ten percent or greater (3% to 18%) of wait times in all areas of practice are 1 – 2 years. Among these, orthopedics and trauma (18%), external medicine (11%), and ear, nose, and throat (10%) are especially serious (see table below).

The Hospital Authority' s Major Areas of Practice According to Wait Times for First-Time Appointments during 2011-2012 (April to September)²⁰

	Wait Times			
	< 1 Year	1 - 2 Years	2 – 3 Years	>3 Years
	%	%	%	%
Ear, Nose, and Throat	89%	10%	<1%	0%
Gynecology	90%	3%	6%	<1%
Internal Medicine	92%	7%	<1%	<1%
Ophthalmology	91%	8%	<1%	0%
Orthopedics and Trauma	79%	18%	3%	0%
Pediatrics and Juvenile Medicine	99%	1%	<1%	<1%
Psychiatric Medicine	93%	6%	<1%	<1%

²⁰ Food and Health Bureau, March 30, 2012, Responses to inquiries from the Society for Community Organization

External Medicine	82%	12%	6%	<1%
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Regarding repeat appointments, the time from appointment to follow-up is very long. Take ear, nose, and throat for example. The median time between the appointment date to follow-up date was 23 weeks (nearly 6 months), and the median wait times for pediatrics, internal medicine, ophthalmology, and external medicine were as long as 12 to 13 weeks. These times reveal that resources for public-healthcare services are seriously inadequate. It is very possible that some patients' health is affected due to delayed treatment. Meanwhile, attrition of medical personnel in the public-healthcare system is a serious problem. Pediatric medicine sometimes has plenty of available job opportunities, but nobody willing to accept them. For example, only 14 people once applied for 30 available positions.²¹ Other areas such as urgent care and anesthesiology are facing worsening attrition problems.²²

Hospital Authority Specialty Clinics

2008 – 2009 Times between Repeat Appointment and Follow-up Dates (as of December, 2008)

Specialty	Total Number of Repeat Appointments	Times between Appointment and Follow-up Dates					
		Less than One Year	One to Two Years	Two to Three Years	Three or more Years	Median (Weeks)	99 th Percentile
Ear, Nose, and Throat	217 903	206 988	10 909	6	0	23	66
Gynecology	213 652	212 555	998	99	0	12	52
Internal Medicine	1 404 488	1 397 246	7 228	14	0	13	52
Ophthalmology	670 262	647 364	21 651	1 247	0	12	78
Osteology	395 286	386 179	9 061	46	0	12	59
Pediatrics	223 093	219 858	3 070	127	38	13	54
Psychiatric Medicine	537 215	537 142	72	1	0	7	26
External Medicine	530 225	510 485	17 375	1 535	830	13	78

Physician Attrition in Hospital Authority Hospitals

Year	Overall	Pediatrics	Urgent Care	Anesthesiology
2010/2011	5.2%	6.8%	3.7%	5.7%
2011/2012	4.8%	8.1%	5.8%	5.9%

²¹ Ming Pao (August 13, 2012) Page A04, Pediatrics Department seek 30 employees but receive 14 applicants, East District lacks personnel the most, first-year doctors-in-training help mitigate shortage

²² Oriental Daily (August 13, 2012) Page A04, Physician attrition, three departments in state of emergency

2012/2013 (April to June)	<4%	N/A	N/A	N/A
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Advice from the Ombudsmen

Health is critically important to each and every child, and an excellent healthcare system and public-health services can help improve the health of poor children with illness. Yet, the government has not conducted a review since its review following the release of the Working Party on Primary Healthcare in 1990. However, considering today's social development and wealth gap, the healthcare services provided by the government are extremely inadequate; the government has not considered poor children in their decision making. Because poor households lack the wherewithal to afford expensive healthcare costs, the government has an obligation to improve relevant health and healthcare services according to society's needs. Article 27 of the United Nations' Convention of the Rights of the Child states that the government is obligated to recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. As an area that is part of the convention, Hong Kong should assume the responsibility stipulated in the Convention and improve poor children's opportunities to receive health and healthcare services.

3.1 Create Public-Healthcare Policies that Take Children's Rights into Consideration

The government should consider child-health rights when formulating public-healthcare policies by prioritizing the needs of sick children, increasing funding sources to help poor children, and avoiding delayed treatments due to long wait times, which harm the children's the well-being.

3.2 Increase Healthcare Funding Sources According to the Actual Treatment Needs of Sick Children

Moreover, the government should cancel the 2% annual cap for increasing funds for healthcare. Instead, the authorities should increase healthcare funding based on the actual healthcare needs of sick children to ensure that every sick child can receive timely and adequate healthcare and treatment.

3.3 Increase Medical Personnel, the Number of Persons Treated in General Clinics, and Extend Service Times

Facing the continuously increasing demand for healthcare services, the government should recruit more public-healthcare professionals as quickly as possible to alleviate the demand of grassroots residents who are unable to use private-healthcare services. Additionally, regarding phone-appointment services for general clinics, the authorities should increase the number of phone lines and the number of persons treated every day as needed. Meanwhile, night and holiday services should be set up for general clinics to enable working households

to take their children to get treatment instead of using the accident and emergency department.

3.4 Subsidize Poor Children to Receive Treatment at Private Hospitals

In order to allow poor households and children from all districts to receive prompt healthcare, the authorities should consider re-establishing community child healthcare programs or subsidizing poor children to seek treatment from Western or Chinese doctors by providing community healthcare cards/vouchers. All they would have to do is pay a low price and a physician could be their family doctor who can continue monitoring the child's health conditions and mental and physical development. This program would ensure that poor children would obtain adequate healthcare services.

3.5 Improve Student-Health-Evaluation Services

Each district in Hong Kong should set up a center that is convenient for students in each district and would provide for all children in Hong Kong health-checkup services that include intelligence tests and psychiatric evaluations.

3.6 Child-Dental-Care Programs should be extended to Kindergarteners and High Schoolers throughout Hong Kong

Dental care is very important for a child's overall health, including nutrition and appearance. Different-aged children face different dental problems. Therefore, if the authorities extend dental-care programs to kindergarteners and high schoolers throughout Hong Kong, the services should include cleanings, fillings, extractions, and oral-health education, so as to ensure that students of all ages can obtain the right treatment for their particular dental ailments.

3.7 Simplify Application Procedures for Healthcare-Expense-Reduction Programs

Even though many poor households are in low-income situations and meet application requirements for healthcare-expense-reduction programs, the approval process is extremely complicated and the exemption period is fairly short. The government and the Hospital Authority should simplify application procedures for the expense-reduction program and speed up the approval process. Applicants must report total income and assets of all family members and, if they are approved, all family members should simultaneously obtain exemption status to keep other members from going through the trouble of re-applying and to avoid unnecessary administrative processes. Approval letters should be usable by the entire family all year for all types of treatment.

3.8 Improve Support for Children with Chronic Illness

The government should increase its resources for and number of specialty clinics to

shorten wait times and strengthen support services. Chronically ill patients have large long-term healthcare expenses which most households cannot afford. Healthcare-expense-reduction programs should be extended to fully cover applicants at 75% of median household income. Additionally, applicants with household-income levels between 75% of the median household income and the median household income should receive partial healthcare-expense reductions.

3.9 Undocumented Children should also Enjoy Health and Healthcare Rights

The government should not neglect the health and healthcare rights children due to their status and background. Children with Recognizance Forms should enjoy equal expense-reduction rights to avoid any delays due to the child's economic resources.

3.10 Review Arrangements of Drug Formulary Lists

In addition to providing prompt treatment, the authorities should schedule reviews of the Hospital Authority's drug formulary lists and, from the standpoint of ensuring the rights of the child, provide to child patients at standard prices medication that may be expensive yet is very effective. Furthermore, front-line medical personnel should provide equal treatment to sick children receiving CSSA or disability subsidies, and should not refuse to prescribe drugs listed in the formulary because a child is receiving government assistance. This way, children from poor households can obtain equal healthcare opportunities.

3.11 Create a Central Child-Health Database and Schedule Continued Monitoring of Children's Health Conditions

Moreover, the government should create a central child-health database and schedule continued monitoring of children's health conditions. The authorities should create data and standards references specifically for children from poor households. This information would help meet the health- and healthcare-service needs of poor children.

(4) Issues with neglected children and children roaming the streets; inadequate after-school-care services for children 6 years old and older

As a States Party of the United Nations' Convention on the Rights of the Child, Hong Kong has promised since 1994 to adhere to the Convention on the Rights of the Child and is obligated to implement its Articles, including:

- 1) **Ensure** the child such **protection** and **care** as is **necessary** for his or her well-being (Article 3)
- 2) **Take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible** (Article 18)
- 3) **Take all appropriate legislative, administrative, social and educational measures** to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child (Article 19)

²³

Inadequate After-School Care Creates Street Children

In recent years, grassroots laborers have had to work long work hours with low pay, and with inadequate after-school care, children have been roaming the streets. Low-income households have faced heavy economic burdens and have had to both work hard and take care of their children. Most low-income households want to work and provide for their families, but much time is required to look after their children, making it difficult to find work. Current times for after-school child care are only limited 8am to 7pm Monday through Friday, and the services may not even include tutoring. Additionally, the after-school fees are expensive and the number of exemptions is limited, thus failing to meet the needs of grassroots female workers. Those who can find work must both work and worry about their child's safety. At the same time, their jobs virtually always require working long hours with low wages. They mostly have labor-oriented, long-hour positions such as janitor or food server which do not require a high education. According to the Census and Statistics Department (July through September, 2012), the population of employed individuals earning less than HK \$4,000 per month is 156,300 (not including foreign domestic helpers), among which over sixty percent (67.4%) are female (e.g. 105,400 persons).²⁴

Mothers feel powerless against the pressure and economic constraints of the dearth of work opportunities, low salary, decreasing income, and all kinds of rising costs such as housing, child education and after-school care, healthcare, transportation, utilities, and bank services.

²³ Excerpt from The Convention of the Rights of the Child, 2003 Hong Kong Printing Department

²⁴ Hong Kong Census and Statistics Department, Quarterly Report on General Household Survey (3Q2012)

Current After-School Care is Inadequate and Community Babysitters Need Improvement

Even though after-school care is being implemented throughout Hong Kong, there are still many issues with these services as described below:

Inadequate After-School Care Turns Creates Street Children

The current after-school-care services are inadequate as they are only offered Monday through Friday from 8am to 7pm²⁵ and are not provided on holidays. During the other times, parents have to either pay for transportation to after-school care or take their children themselves. Facing these constraints, mothers have a hard time finding work, and after-school care is very expensive.²⁶ Most jobs they find are low-paying, part-time, shift-based, or day-labor. Mothers also have to work less in the summer in order to take care of their children. Many children take to the streets, which brews adolescent problems.

Subsidies for After-School Care are Insufficient and there are too few Recipients

Current after-school care costs roughly HK \$1,000 per month, but women from low-income households usually only work part-time jobs that pay around HK \$2,000 per month, making it hard for them to afford after-school care expenses. However, approval for expense reduction is very harsh, requiring applying households to obtain a “social needs” approval in addition to income approval. Moreover, the number of recipients who can receive expense exemptions for after-school care is limited. Hong Kong currently has 110,000 6- to 12-year-old children who are living below the poverty line; however, only 1,540 of these children receive subsidies. Each district has a different quota, and resources have been severely misallocated from the lack of needs-based distribution. Therefore, most of the low-income households can only receive partial subsidies, and very few can receive full subsidies.

Community Care does not Provide Tutoring for Children 6 Years of Age or Younger

In order to assist working families take better care of their children during after-school hours, the government launched the Community Babysitter Service Scheme in 2008 throughout all Hong Kong districts, aimed largely at children 5 years of age and under. Later on, in the 2010/11 Policy Address, the government announced the scope of the Neighborhood Child-Care Support Scheme, which has been extended from eleven districts to all of Hong Kong.

However, the Community Babysitters are still inadequate in many aspects. First, the

²⁵ Service times for nurseries for 0 – 2 year olds, kindergartens for 3 – 6 year olds, and after-school care (3pm to 7pm) are only Monday through Friday from 8am to 6pm, on Saturdays only from 8am to noon, and are not provided on holidays. Many parents still have to work on the weekends and are forced to leave their kids alone.

²⁶ The current after-school care costs are nearly HK \$1,000 per week, and nurseries and day-time kindergartens cost roughly HK \$4,500 excluding the cost of lunch.

Community Babysitters Scheme does not include children who are 6 years of age or older. Thus, many working parents with children in this age group cannot use the scheme and have a hard time finding reasonably priced after-school services. However, elementary-school students ages 6 – 12 have the same after-school care needs as well as tutoring needs. Furthermore, the fact that the authorities have not implemented comprehensive after-school care and tutoring in schools shows that Community Babysitters have not fully met child-care needs.

Low-income households are not highly educated, and they do not understand how to help with homework and have a hard time affording the exorbitant costs of tutoring. However, after-school care does not necessarily include tutoring, which means that mothers have to help their children with their homework after a long day at work. Helping children with homework is not an easy task for uneducated women, and their children end up not receiving optimal education. Thus, low-income households do not truly benefit from after-school care; mothers cannot have full-time jobs and children end up roaming the streets.

Schools Provide too Little After-School Care

There are currently only a small number of schools that offer after-school tutoring and few that provide after-school care services. Nothing is provided during holidays. However, parents really wish that schools would provide daily after-school-care services that include tutoring because it would completely solve problems that low-income households face. First, parents would not need to spend time or money to transport their children to and from far-away care centers after school hours, and the children would receive safe care and instruction as well as lesson tutoring. Second, with the extension of care times, parents would have more time to find higher-paying full-time jobs, or they could participate in training to strengthen their professional skills, which would alleviate their financial burdens. This way, the poverty issues that low-income households face and the tutoring that their children need would be improved upon, family problems would be reduced, households would be more harmonious, and society as a whole would benefit.

Surveys Indicate that nearly 80% of Schools are Willing to Provide Tutoring in After-School Services

If schools provided quality tutoring in their care services, parents would not need to shuttle their children around, and could have a more regular work schedule with higher pay to more effectively provide for their families. These services would also avoid the dangers of leaving children home alone, and would let children obtain tutoring. However, the government has said that schools are not willing to implement these services, so schools have not been able to set up significant amounts of tutoring in their after-school services. According to the **Report on Results of Questionnaires on Launching Full Tutoring in After-School-Care Services in Schools** released by the Society for Community Organization in July of 2010, **nearly eighty percent of schools are willing to provide after-school care.**

These results indicate that most schools care about the needs of families, and that providing full after-school services in schools is not difficult as long as the government coordinates resources accordingly.²⁷

Surveys indicate that nearly all (97%) interviewed schools had low-income students or students on CSSA, and that these students' households lacked resources to pay for tutoring and after-school services. Thus, there is definitely a demand. Over 80% schools interviewed provide some tutoring or after-school services, but more provide tutoring services than care services. Most of these services were provided 2 to 3 days per week. Thus, resources and recipients are limited, which does not ameliorate the present after-school predicament.

Most interviewed schools hold more tutoring services than care services, because the government has always allocated care services to volunteer organizations to provide the services. Because schools lack resources in this aspect, they provide fewer care services. This phenomenon demonstrates that the government has neglected schools' poverty-alleviation capabilities. When it comes to handling poverty issues, education is the largest stepping stone for climbing out of poverty. Schools often have the most direct contact with poor students and can effectively provide substantial support for poor students and households. The government and schools should pay close attention to the poverty-alleviation capabilities of schools.

The CCF plans to set aside HK \$40 million in the 2012/13 school year to launch after-school care pilot projects, with the goal of enabling schools and non-government organizations to plan and integrate their current after-school studies and support activities for first through ninth graders who are on CSSA and full student subsidies. However, plans are still experimental and it is unknown whether they can become long-term policies.

Child Abuse is Still a Serious Issue

Several years ago, the number of individual child-abuse cases in Hong Kong was around one thousand per year, and there were a large number of children who were **suspected** abuse victims.²⁸ According to statistics from the Social Welfare Department, in 2011 there were 877

²⁷ Society for Community Organization 2010 Survey on Schools Offering Care Services that Include Tutoring (July 11, 2010) http://www.soco.org.hk/publication/new_immigrants/after%20school%20care%20survey_2010_7_11.doc

²⁸ The Child Protection Information System and the Central Information System for Spousal Abuse and Sexual Violence Cases each collect numbers of child-abuse, spousal-abuse, and sexual-violence cases. The data reported from January, 2006 to September, 2012 on child abuse, spousal abuse, and sexual violence cases are listed below:

Newly Reported Child-Abuse Cases (January, 2006 to September, 2012)

Case Type	January to December, 2006	January to December, 2007	January to December, 2008	January to December, 2009	January to December, 2010	January to December, 2011	January to September, 2012
	Cases (%)	Cases (%)	Cases (%)	Cases (%)	Cases (%)	Cases (%)	Cases (%)
Physical Abuse	438 (54.3%)	499 (52.9%)	483 (54.8%)	503 (50.7%)	488 (48.8%)	410 (46.8%)	334 (47.6%)
Neglect	77 (9.6%)	114 (12.1%)	78 (8.8%)	102 (10.3%)	113 (11.3%)	105 (12.0%)	75 (10.7%)

Sexual Violence	233 (28.9%)	270 (28.6%)	277 (31.4%)	331 (33.3%)	334 (33.4%)	307 (35.0%)	261 (37.2%)
Psycho-logical Abuse	12 (1.5%)	20 (2.1%)	15 (1.7%)	15 (1.5%)	18 (1.8%)	18 (2.1%)	11 (1.6%)
Multiple Types of Abuse	46 (5.7%)	41 (4.3%)	29 (3.3%)	42 (4.2%)	48 (4.8%)	37 (4.2%)	20 (2.9%)
Total	806 (100.0%)	944 (100%)	882 (100%)	993 (100.0%)	1,001 (100.0%)	877 (100.0%)	701 (100.0%)

Gender of Victim	January to December, 2006	January to December, 2007	January to December, 2008	January to December, 2009	January to December, 2010	January to December, 2011	January to September, 2012
Female	467 (58.0%)	571 (60.5%)	508 (57.6%)	589 (59.3%)	628 (62.7%)	548 (62.5%)	445 (63.5%)
Male	339 (42.0%)	373 (39.5%)	374 (42.4%)	404 (40.7%)	427 (37.3%)	329 (37.5%)	256 (36.5%)
Total	806 (100.0%)	944 (100.0%)	882 (100%)	993 (100.0%)	1,001 (100.0%)	877 (100.0%)	701 (100.0%)

*Because one abuser could abuse multiple children, and one child could be abused by multiple abusers, the number of abusers and child victims are not the same.

Relationship between Abuser and Victim	January to December, 2006	January to December, 2007	January to December, 2008	January to December, 2009	January to December, 2010	January to December, 2011	January to September, 2012
Father/Mother	521 (67.3%)	581 (67.1%)	535 (64.6%)	569 (60.5%)	580 (58.1%)	494 (55.6%)	397 (%)
Brother/Sister	30 (3.9%)	16 (1.8%)	26 (3.1%)	27 (2.9%)	13 (1.3%)	12 (1.4%)	18 (2.5%)
Grandfather/Grand-mother	9 (1.2%)	9 (1.0%)	12 (1.4%)	12 (1.3%)	15 (1.5%)	9 (1.0%)	13 (1.8%)
Stepfather/Step-mother	27 (3.5%)	29 (3.3%)	33 (4.0%)	34 (3.6%)	43 (4.3%)	36 (4.1%)	35 (5.0%)
Relative	25 (3.2%)	17 (2.0%)	16 (1.9%)	23 (2.4%)	28 (2.8%)	37 (4.2%)	37 (5.2%)
Friend of Family/Friend	43 (5.6%)	52 (6.0%)	62 (7.5%)	79 (8.4%)	66 (6.6%)	57 (6.4%)	51 (7.2%)
Guardian	14 (1.8%)	23 (2.7%)	20 (2.4%)	28 (3.0%)	25 (2.5%)	25 (2.8%)	13 (1.8%)
Teacher	5 (0.6%)	11 (1.3%)	5 (0.6%)	14 (1.5%)	10 (1.0%)	7 (0.8%)	12 (1.7%)
Tutor/Coach	8 (1.0%)	6 (0.7%)	13 (1.6%)	14 (1.5%)	14 (1.4%)	16 (1.8%)	11 (1.6%)
Live-in Tenant/Neighbor	10 (1.3%)	5 (0.6%)	7 (0.8%)	9 (1.0%)	8 (0.8%)	7 (0.8%)	37 (5.2%)
Stranger	79 (10.2%)	114 (13.2%)	84 (10.1%)	103 (10.9%)	101 (10.1%)	90 (10.1%)	44 (6.2%)
Unidentified Persons	3 (0.4%)	3 (0.3%)	15 (1.8%)	29 (3.1%)	95 (9.5%)	98 (11.1%)	38 (5.4%)
Other	/	/	/	/	/	/	/
Total	774*(100.0 %)	866*(100%)	828* (100%)	941* (100%)	998* (100.0%)	888* (100.0%)	706*(100.0%)

District where Incident Occurred	January to December, 2006	January to December, 2007	January to December, 2008	January to December, 2009	January to December, 2010	January to December, 2011	January to September, 2012
Central and Western	8 (1.0%)	9 (1.0%)	8 (0.9%)	19 (1.5%)	18 (1.8%)	17 (1.9%)	14 (2.0%)
Islands	17 (2.1%)	14 (1.5%)	20 (2.3%)	15 (1.5%)	22 (2.2%)	23 (2.6%)	11 (1.6%)
Eastern	34 (4.2%)	25 (2.6%)	33 (3.7%)	33 (3.3%)	47 (4.7%)	38 (4.3%)	32 (4.6%)
Wan Chai	9 (1.1%)	12 (1.3%)	4 (0.5%)	10 (1.0%)	14 (1.4%)	11 (1.3%)	6 (0.9%)
Southern	19 (2.4%)	20 (2.1%)	17 (1.9%)	21 (2.1%)	37 (3.7%)	28 (3.2%)	13 (1.9%)
Kowloon City	37 (4.6%)	49 (5.2%)	39 (4.4%)	33 (3.3%)	33 (3.3%)	23 (2.6%)	12 (1.7%)

newly reported cases, an increase of more than ten percent (13.5%) over 2008. There have always been a large number of child-abuse cases, including the case in Shek Kip Mei where an elderly woman was looking after several children on her own which led to the children getting injured; the case in Tin Shui Wai where a father punished his son by making his son walk the streets naked in front of crowds of people; the case in which parents tied up their son with a belt, and he passed away; the case in Tin Cheung Court located in the Lok Fu area where parents and a child repeatedly sought help but were killed by an ex-husband; the case in which a single mother beat and bit her own child;²⁹ the case in which a 5-year-old girl wandered onto the street because no one was watching her;³⁰ and the case in which a mentally ill mother tied up her children and forced them to jump off of a building.³¹ Thus, child abuse is a serious issue, neglected or abused children have not received public attention.

Other than being directly abused, children who witness domestic violence should also be considered to be abused. Statistics show that in 2011 there were 4,392 household-violence cases related to spousal abuse, child abuse, and sexual violence. The situation is becoming markedly worse.³²

Yau Tsim Mong	32 (4.0%)	44 (4.7%)	32 (3.6%)	42 (4.2%)	39 (3.9%)	37 (4.2%)	25 (3.6%)
Sham Shui Po	59 (7.3%)	56 (5.9%)	62 (7.0%)	51 (5.1%)	49 (4.9%)	42 (4.8%)	35 (5.0%)
Wong Tai Sin	35 (4.3%)	60 (6.4%)	46 (5.2%)	59 (5.9%)	62 (6.2%)	44 (5.0%)	53 (7.6%)
Sai Kung	27 (3.4%)	51 (5.4%)	39 (4.4%)	55 (5.5%)	53 (5.3%)	46 (5.2%)	33 (4.7%)
Kwun Tong	72 (8.9%)	77 (8.2%)	72 (8.2%)	78 (7.9%)	98 (9.8%)	100 (11.4%)	81 (11.6%)
Tseun Wan	36 (4.5%)	39 (4.1%)	28 (3.2%)	30 (3.0%)	44 (4.4%)	23 (2.6%)	19 (2.7%)
Kwai Tsing	78 (9.7%)	72 (7.6%)	68 (7.7%)	63 (6.3%)	65 (6.5%)	63 (7.2%)	55 (7.8%)
Tuen Mun	102 (12.6%)	110 (11.7%)	94 (10.7%)	117 (11.8%)	115 (11.5%)	99 (11.3%)	73 (10.4%)
Yuen Long	127 (15.7%)	144 (15.3%)	124 (14.1%)	145 (14.6%)	134 (13.4%)	142 (16.2%)	100 (14.3%)
Tai Po	23 (2.9%)	21 (2.2%)	27 (3.1%)	34 (3.4%)	21 (2.1%)	22 (2.5%)	29 (4.1%)
North	26 (3.2%)	47 (5.0%)	38 (4.3%)	47 (4.7%)	32 (3.2%)	37 (4.2%)	37 (5.3%)
Sha Tin	32 (4.0%)	48 (5.1%)	68 (7.7%)	79 (8.0%)	68 (6.8%)	51 (5.8%)	46 (6.6%)
Outside of Hong Kong	6 (0.7%)	7 (0.7%)	14 (1.6%)	10 (1.0%)	10 (1.0%)	11 (1.3%)	11 (1.6%)
N/A	27 (3.4%)	39 (4.1%)	49 (5.6%)	52 (5.2%)	40 (4.0%)	20 (2.3%)	16 (2.3%)
Total	806 (100.0%)	944 (100%)	882 (100%)	993 (100.0%)	1,001 (100.0%)	877 (100.0%)	701 (100.0%)

²⁹ Unmarried Mother Hits, Bites Own Child, Oriental Daily News (Page A14, Hong Kong) (October 3, 2007)

³⁰ Five-Year-Old Girl Roams the Streets, Mother Leaves Hong Kong, Hong Kong Economic Times (A24, Local News) (October 10, 2007)

³¹ Mother “stressed out” from handling will of husband suffering from cancer, kills children and herself Apple News (A01, News Brief) (October 15, 2007)

³² Social Welfare Department – Statistics of Victims of Child Abuse, Spousal Abuse, and Sexual Violence from January, 2004 to September, 2012

<http://www.swd.gov.hk/vs/chinese/stat.html>

	January to September, 2012	2011	2010	2009	2008	2007	2006	2005	2004
Newly Reported Child-Abuse Cases	701	877	1,001	993	882	944	806	763	622
Newly Reported Spousal-Abuse Cases	1,947	3,174	3,163	4,807	6,843	6,404	4,424	3,598	3,371
Newly Reported Sexual-Violence Cases	150	341	343	396	693	797	704	589	369
Total	2,798	4,392	4,507	6,196	8,418	8,145	5,934	4,950	4,362

The number of spousal-abuse cases went from 1,005 in 1998 to 3,174 cases in 2011, indicating that the situation has become extremely serious. Among these 3,000-plus cases, the children who witnessed domestic violence are also victims. They become psychologically harmed, their future interactions with others are affected, and they may even experience weakened concentration on their studies. However, the government's policies do not provide any safeguards for these children.

Children who witness domestic violence end up with psychological shadows that affect their future development. According to surveys, most children who have witnessed domestic violence feel panicked; however, the social services currently provided in Hong Kong do not give consideration to these children. Some academics even point out that the mode of services for domestic violence is incomplete and has not provided adequate guidance for children affected by domestic violence.³³

Most people today think that only the children who have been directly abused should be safeguarded; but children who witness domestic violence are actually abuse victims. However, the current laws do not clearly define causing children to witness domestic violence as a criminal offense. Even though the government modified the Domestic Violence Ordinance last year to allow children to represent themselves to file a claim, the Ordinance is still inadequate in some areas. For example, it has not defined "children being involved in or experiencing an act of domestic violence" as illegal behavior, thus ignoring the harm incurred by children who witness domestic violence.

Moreover, even though the police reiterate improving measures for dealing with domestic violence and strengthening training for front-line personnel, it is evident that the police in general are still not knowledgeable about anti-prejudice and domestic violence. Today nearly 80% of domestic violence occurs in newly immigrated families, but many times when new immigrants seek the police for help, the police will be suspicious and discriminatory towards the new immigrants and will not promptly reach out to them. This response from the police makes immigrants not want to seek help, which demonstrates that the police lack a cultured,

³³ Children who Witness Domestic Violence are Easily Irritable and Forceful, Oriental News Daily (December 16, 2009, A30, Hong Kong News)

According to a survey conducted by the Fortright Caucus, the Women's Commission, and the Civic Party from November 24 - 27, 2009, nearly 90% of the interviewed women's children had witnessed their father abuse their mother, and 96% of these children were afraid. However, only 13% of them received psychological treatment after the act of domestic violence, and only 7% of them received guidance from a psychologist. Among the abused families, 45% of the children felt like they were abused, and over 20% have told their mothers they "want to die." 90% of abused women felt like their children became irritable and over half behaved violently after the domestic-violence incidents occurred, but only 15% had follow-up with social workers.

Xiaorong was left with one son and two daughters after divorcing her husband ten years ago. She recalls that year when her husband abused her in front of her kids and making her oldest child remove his pants, seriously harming him psychologically. In the cloud of domestic violence, the oldest son became violent and temperamental. Research shows that the current method of services catering to domestic violence is incomplete and unable to meet the needs of domestic-violence victims.

unprejudiced train of thought. In another aspect, many abuse victims complain that the police resolve domestic violence cases as if they are domestic disputes, not considering domestic violence to be a crime nor seriously dealing with it.

Moreover, in the 2010/2011 Budget, the government mentioned allocating HK \$5,000,000 in funds each year to launch the Victim Support Scheme to support domestic-violence victims (including domestic-violence victims involved in legal proceedings), strengthen protection for victims, calm their feelings of fear and helplessness, and help them return to a normal life as soon as possible. However, the Victim Support Scheme handles about 800 cases per year. Even though there are thousands of cases each year, the service obviously falls very short of meeting society's demand.

Physical Punishment of Children Occurs Frequently

Another issue is many families using physical punishment to teach their children. This method not only harms the child's mental and physical development, but it also harms their parent-child relationships. According to a survey conducted by Against Child Abuse (ACA) in 2010, nearly half of the surveyed 120 parents who are new to Hong Kong have punished their children by making them stand in place or paddling them. 40% of interviewees said that physical punishment teaches the children a lesson.³⁴ Physical punishments of children by parents who are new to Hong Kong are similar to those of local households. However, since current laws can only safeguard children from suffering serious physical harm, legislation should completely forbid physical punishment and public awareness of safeguarding children should be strengthened.

Examples of Child Neglect and Abuse

Date	Incident
November 20, 2010	In August, 2010, a newly immigrated mother punished her 4-year-old daughter, who was being disobedient, by take off her clothes and making her walk around completely naked in front of everyone on Wan Hon Street in Kwun Tong. The little girl cried and followed her mother who ignored her. Conscience-stricken passersby tried to put clothes on the girl, but the mother would not let them. In the end, the police had to get involved. The mother later confessed to child abuse and was sentenced to 120 hours of community service. The judge said that the little girl's feelings had been hurt and that the mother should make the situation right.
August 14, 2010	36-year-old mother, Ms. Lam, took her daughter to register for elementary school and left her 5-year-old at home alone. The young child became frightened and fell out of their third-floor home and was injured. Lam was later sentenced to probation. In May of this year, a mother was sentenced to seven days in prison and one year of probation for child neglect.
July 8, 2010	Thirty-three-year-old divorced woman, Ms. Dung, went to work and was not able to prepare food for her 8- and 11-year-old daughters. Dung later confessed to child neglect and common assault, and received a reduced 12-month sentence. On August 14 of this year a small child was injured from falling from a third-floor home.
November, 2009 to	Ms. Lau, a 34-year-old single mother working as a clerk, left 11- and 13-year-old children at home

³⁴ Nearly Half of New Immigrants to Hong Kong Physically Punish their Children, Wenweipo (April 30, 2010) A12, Hong Kong News

January, 2010	alone because she frequently had to take trips to Singapore. Lau was later sentenced to seven days in prison and one year of probation.
December 15, 2009	Unemployed, 57-year-old Chen left two-year-and-ten-month-old son asleep at home alone. After waking up, the child fell from the balcony of their fourth-floor home, leaving the child covered in blood and with four broken limbs. Chen was later sentenced to one month in prison and one year of probation.

Advice from the Ombudsmen:

4.1 Strengthen After-School Care Services and Improve the Community Babysitters Scheme

The government should provide adequate and systematic services for low-income individuals and further improve after-school care services and the Community Babysitters Scheme to ensure that children obtain the appropriate care:

- 4.1.1 Expense-exemption quotas should be unlimited and should be allocated centrally instead of by districts. Expense reductions and exemption quotas should be increased to relieve the economic burden of after-school care borne by low-income households.
- 4.1.2 Strengthen the content and quality of after-school service by including lesson tutoring and extracurricular-learning activities.
- 4.1.3 After-school childcare centers should be open every day and service times should be extended to 9pm (including dinners) and provide after-school care at school so that parents do not have to pick the children up and send them off again.
- 4.1.4 Allocate more resources to provide daily lesson tutoring in after-school-care services for poor children.
- 4.1.5 Hire more professional teachers and mobilize community volunteers or junior-college students to help teach children.
- 4.1.6 Increase after-school cleaning, management, and food services to create basic-level job opportunities.

4.2 Legislate a Clear Definition of Domestic Violence and Child Abuse

The authorities should make child involvement or experience in acts of domestic violence illegal as quickly as possible to squarely face the harm that children suffer from witnessing domestic violence. Additionally, in order to get better control of child abuse in Hong Kong, the authorities should include in their statistics the children who are involved and should amend laws to legally protect children who witness such tragedies. Moreover, the government should also strengthen public education and encourage neighbors to look out for each other and proactively expose child neglect and abuse cases.

4.3 Provide Adequate Support for New Immigrant Abuse Victims

Because most victims in domestic violence cases are newly immigrated families, other than strengthening law enforcement, the authorities should promptly arrange residences for

child and parent abuse victims. If the child's parents are new immigrants, the authorities should treat the situation as a special case by carefully considering whether to remove the restriction of only allocating public housing to those who have lived in Hong Kong for seven full years so that children will not be denied a safe and stable residence. Furthermore, the current stipulation that CSSA applicants must have lived in Hong Kong for seven years directly prevents newly immigrated female victims from obtaining assistance. Because of this, mothers often need to share their children's social-assistance money, causing single-parent households to lack adequate economic support. Thus, the authorities should also loosen the application restrictions of being domiciled in Hong Kong for a certain period of time and should consider the situations carefully when providing timely economic support for children and their guardians who are living in an abusive environment.

4.4 Strengthen Services that Assist Abused Children

The current number of abused spouses rose from 1,005 in 1998 to 3,174 in 2011, among which most victims were women and over 80% were new immigrants who had lived in Hong Kong for less than seven years. However, Hong Kong only has five shelters, which accommodate less than 200 persons. This number is seriously insufficient, and many shelters require children and abused spouses to move out after several weeks. Additionally, since the shelters lack quality education and tutoring services, the children do not receive adequate care. Thus, the government should increase the number of shelters, loosen housing policies, arrange abused family members and children to live in public housing as quickly as possible, and strengthen tutoring and education support for children.

4.5 Create Legislation Prohibiting Physical Punishment

Among foreign nations, there are currently 28 countries that are willing to prohibit physical punishment, but Hong Kong still does not have these laws. There has also been a dearth of complete, in-depth, systematic legal reviews. The government should create laws to improve the prevention of physical punishment and ensure the rights of the child.

4.6 Implement Child-Lodging Services

Most children from low-income households face economic constraints, and their parents commute to work to provide for the family and have no time to take care of their children. If one-stop child-lodging services that parents will accept can be created, it would certainly help the children's learning environment and improve their ability to learn. These services would also help parents better contribute to the labor market and rely on their own work to climb out of poverty, and would also help the development of underprivileged children. There are currently only just over 700 student-lodging spaces available to provide lodging and learning services for children who need them. However, since children today are facing more family problems, they need lodging services. Thus, the government should provide child-lodging services to children with special needs.

(5) No domestic legislation pertaining to the United Nations' Convention on the Rights of the Child

The United Nations' Convention on the Rights of the Child clearly includes States Parties' children, who should enjoy children's rights according to the Convention. However, whether children's rights can be reasonably upheld according to the law and whether children can receive adequate assistance when harmed is extremely important. Ipso facto, whether the Convention on the Rights of the Child is legally effective and binding is very important. As a common-law area, Hong Kong should generally implement human-rights conventions through local legislation to ensure legal-binding power.

Article 39 of the Basic Law stipulates that "The provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and international labor conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of the Hong Kong Special Administrative Region." As a States Party, Hong Kong should implement the Convention on the Rights of the Child as local law; however, there has still been no local legislation. Even though the government and citizens violate the Convention on the Rights of the Child, affected children cannot use the Convention in court in a lawsuit, and local courts only see the Convention as a reference, and not as a document with any binding power. Thus, local legislation of the Convention is imperative.

Additionally, Section 5AA of the Legal Aid Ordinance stipulates that (even if a lawsuit is related to violation of the Hong Kong Bill of Rights ordinance (Cap. 383) or conflicts with the International Covenant on Civil and Political Rights, then the legal-aid applicant is exempt from economic investigation) the goal is to emphasize the importance that the social and legal systems attach to basic human rights. However, the current legal system has not provided exemptions for economic investigations lawsuit cases in which the Convention on the Rights of the Child is involved. Therefore, if a lawsuit is related to the Convention on the Rights of the Child, legal-aid applicants should be exempt from economic investigation.

Advice from the Ombudsmen

5.1 Implement Local Legislation for the Convention of the Rights of the Child as soon as Possible

The SAR government has been criticized on multiple occasions by the United Nations for not implementing the Convention. Thus, the authorities should implement local legislation for the Convention of the Rights of the Child as soon as possible so that children and their families whose rights have been violated can seek legal remedies and the United Nations' Convention on the Rights of the Child can be completely implemented.

5.2 Exempt Economic Investigations for Legal-Aid-Application Cases Involving the Convention on the Rights of the Child

Because the United Nations' Convention on the Rights of the Child relates to the most basic rights of the child, the government should refer to Section 5AA of the Legal Aid Ordinance, which stipulates that (even if a lawsuit is related to violation of the Hong Kong Bill of Rights ordinance (Cap. 383) or conflicts with the International Covenant on Civil and Political Rights, then the legal-aid applicant is exempt from economic investigation) if the lawsuit relates to the Convention on the Rights of the Child, then the legal-aid applicant will be exempt from economic investigation.

(6) Difficulties for undocumented children to receive education and unite with their families and issues with Mainland Chinese/Hong Kong family members being unable to come to Hong Kong

Separated Family Members are Unable to Reunite

There are currently over 200,000 Mainland Chinese-Hong Kong marriages in Hong Kong every year. However, policies for entering Hong Kong need improvement. Many Mainland Chinese-Hong Kong families struggle, and those suffering the most harm are the children, especially those who are living with one parent in a separate location from the other parent.

These mothers' Hong Kong husbands have either passed away or abandoned them, rendering the mothers unable to obtain permission to come to Hong Kong on One-way Permits. Meanwhile, their children have already received permission to come to Hong Kong, and these mothers can only come to Hong Kong as long-term visitors. Some children even have to put their studies on hold for several weeks to go back to their hometown with their mothers to renew their visitor documentation. **These trips seriously affect the children's studies, and the mothers have no I.D. Card and cannot find work. They can only rely on their children's CSSA. The children's study expenses and personal development are thus seriously affected, leaving mothers and their children in a state of long-term poverty and fear, and seriously harming them mentally and physically. Some families cannot even reunite after ten long years of separation. It is currently estimated that at least 5,000 families are affected. Mainland China has recently launched policies for visits of over a year, but each city implements the policies differently, and many separated family members do not benefit.** These issues are further described below:

Separated Mothers are not Included in Quotas for One-way Permits

Mainland China and Hong Kong currently have approximately 100,000 separated families. Hong Kong provides a daily quota of 150 with five types of classifications which can be applied for in Mainland China (husband/wife (45), minor dependents of Hong Kong parents and children with residence rights (90), dependent elderly parents of adult sons/daughters residing in Hong Kong (5), adult sons/daughters coming to Hong Kong to take care of their dependent elderly parents (5), other special situations), to let families reunite. However, some Hong Kong husbands unfortunately pass away early or leave their families, rendering Mainland Chinese unable use their husband's name to apply to come to Hong Kong. They must apply under the other special-situation classification, which is not clearly defined. Mainland China's Public Security Bureau has stated that only in special situations will it approve mothers to come to Hong Kong with their children who were already approved by the Public Security Bureau before the Hong Kong father passed away, and that it would not approve children to come to Hong Kong if their Hong Kong father had already passed away and will not approve mothers to come to Hong Kong after they have divorced their Hong Kong husband. Even if the husband passed away after a One-way Permit was just

approved, the approval will be voided. However, if the daily quota of 150 is not met, but only about 125 are used, the authorities will not use the remaining amount in a good way that benefits the people and helps distressed families.

Applying to extend visitor documentation drains mothers and their children mentally and physically, affects children's studies, and does not bring any visiting benefits for over a year

It is currently estimated that at least 7,000 Hong Kong minors only rely on their Mainland Chinese mothers' visiting documentation to go to Hong Kong. **Every three months or 1 - 2 weeks, the children must accompany their mothers to return to their hometowns for two weeks to get an extension, often cutting into their studies.** Some families cannot even reunite after ten long years of separation. Some are even willing to secretly stay in Hong Kong so that undocumented mothers can take care of their children. Mothers and their children will live in fear for a long time, and some even become depressed. The children may become extremely insecure and lack resources for development. At the end of 2009, Mainland China's Public Security Bureau announced implementing visiting policies that last for over a year, but each province and city have different implementation times. Some still do not have the policies, some have announced not approving divorced families, and some have said that children 14 or 16 years old will not be approved, preventing truly struggling, separated families from receiving any benefits. **Even though children and mothers have been approved for over one year, the Mainland has clearly stated that divorcees and children whose father has passed away will not meet requirements to apply for One-way Permits. Mothers and their children have unlimited separation time, and mothers never obtain I.D. Cards and remain unemployed. Mothers and their children continue to bear heavy pressure in their daily lives both economically and psychologically.**

Mothers become undocumented and ill but unable to afford treatment; mothers and their children both live on one person's CSSA and struggle to make ends meet

Mothers without I.D. Cards cannot work, and children must rely on CSSA. A family of two only relying on HK \$3,440 of CSSA to cover rent for cubicle flats and living expenses has to go scavenging and miss meals to make ends meet. These mothers who go without three daily meals and live in fear for a long period of time easily have physical problems. However, Hong Kong's healthcare costs have been based on the Support Group on Population Policy's recommendation to change policies that allowed Mainland Chinese spouses and children to use their Hong Kong relative's documentation to receive treatment at public hospitals at prices incurred by Hong Kong residents, and having them pay exorbitant traveler's prices as follows: increasing accident and emergency from HK \$100 to HK \$700 and increasing hospital stays from HK \$100 to HK \$3,300. These price increases keep sick mothers with Two-way Permits from getting treatment. Because they cannot afford the exorbitant medical expenses, single mothers' lives are in danger, which affects their ability to look after their

children and gives them a serious psychological burden. Mothers have to run back and forth between Hong Kong and the Mainland for a long time, which harms them physically, mentally, and economically. They desperately need to reunite with their families.

Mainland China and Hong Kong's Public Security Bureaus Neglect the Rights of the Family

Even though the Public Security Bureaus in the Mainland's provinces and cities have made many improvements, there have been no significant safeguard enhancements towards issues that Mainland Chinese/Hong Kong families face or for the rights of women and children. There are still some city and county Public Security Bureaus in which the higher authorities have policies for which the lower levels have countermeasures or corrupt tactics. SoCo has received many complaints from women saying that they have to give money or gifts in order to receive approval for documentation.

When SoCo and these families seek the Mainland's Public Security Bureaus for assistance, there is a clear letter or email response from Mainland China stating that the central government's directive is to only approve children to go to Hong Kong if their mother was approved before her husband passed away, and that other cases in which mothers are divorced or received approval after their husbands passed away will not be approved for One-way Permits.

Through verification from multiple sources, SoCo can attest that currently only the Hong Kong government can help these families. However, the Hong Kong Public Security Bureau and Immigration Department have not proactively tried to persuade the Mainland to improve its policies, nor has it been able to help separated mothers and children reunite; it has only been able to handle some cases according to their particular circumstances. Meanwhile, many mothers have sought help from the Immigration Department, but have been unable to obtain an extension. Those who do obtain extensions can only extend for 1 – 2 weeks at a time and have to pay HK \$160 each time. This situation makes economic constraints even harsher and fails to establish a coordinating mechanism for reuniting Mainland Chinese/Hong Kong families.

Issues with Reuniting Undocumented Children with their Families in Hong Kong

Mainland China and Hong Kong lack a coordinated system, and undocumented children in special situations have nowhere to go for help

Policies for One-way Permits between the Mainland and Hong Kong lack a formally coordinated system. Because Mainland/Hong Kong marriages create special situations, such as adoption and children from previous marriages, there is no quota for these children to come to Hong Kong and they have nowhere to go for help. These children are in special situations, such as being abandoned by their parents at birth in the Mainland, then trying to obtain local-

household status through their biological Hong Kong parents, but not carrying out adoption procedures and having trouble completing them now. There is also no application quota or channel.

Undocumented Children Seek Help from the Immigration Department, which has Investigated the situation for many Years and Yielded no Progress

These children's relatives are in Hong Kong, so children who overstay seek help from the government to get education and allow them to remain in Hong Kong based on their circumstances. However, the Immigration Department will often take over half a year to approve the children to receive education. Some children are still unable to receive education after living in Hong Kong for a year, and circumstance-based investigations take at least several years. The longest case SoCo has ever seen lasted nearly twenty years, which is extremely tortuous for children and their families. Furthermore, some children were raised in Hong Kong by their mothers, but many years later the Immigration Department finds that their parents are not their biological parents and confiscates their I.D. Cards. The children become undocumented and have to wait for several years while their case is being reviewed to determine whether they can stay based on circumstances or must return to the Mainland. Thus, innocent children are forced to live in fear. These children really are innocent, as they could not where they were born, and they did not cause the problems with the documents. No one in the Mainland is willing to take care of them; only their Hong Kong relatives can look out after them. They have also grown up in Hong Kong and are used to Hong Kong life. Their future is in the hands of the Hong Kong government, which takes years to approve them to formally stay, causing these innocent children to give up their youth and countless education opportunities.

Nearly One Hundred Undocumented Children from Separated Chinese/Hong Kong Families Lack Education Opportunities

Hong Kong currently has nearly one hundred refugee children seeking shelter and undocumented Mainland Chinese children applying to unite with their families, and they lack education opportunities. These children are in Hong Kong waiting for the Immigration Department to investigate their residence rights or immigration status, or are carrying out legal procedures required for immigration. However, undocumented children have no way of obtaining education while they wait for the results. As described above, the Immigration Department will issue Recognizance Forms to the undocumented children, but academic organizations look at the Director of Immigration's decision when it decides whether to arrange the children to receive education. In fact, the Hong Kong government has always refused to acknowledge the education and welfare rights of foreigners or Mainland Chinese who come to Hong Kong to seek shelter, or of children awaiting their investigation of approval to stay based on their circumstances. Just for education, circumstance-based processing often requires a wait time of more than one year. These rules seriously violate

regulations for children's rights to receive education, and we sincerely advocate public awareness.

Advice from the Ombudsmen

Long-term separation truly hurts these innocent mothers and children. Family unity is a basic human right, and the Mainland Chinese and Hong Kong governments have the responsibility of creating a method to help families stay together:

6.1 Separated Family Members

- 6.1.1** Require the Hong Kong government to approach the Chinese government and request investigation rights and estimate a daily quota for approving separated mothers whose husbands and children are Hong Kong residents to come to Hong Kong to live and take care of their children.
- 6.1.2** Set up policies for reuniting families and assimilating new immigrants.
- 6.1.3** The current daily quota is 150 persons, but because the number of Mainland births has decreased, on average only 125 persons receive approval each day. The difference in the number of persons actually approved and the quota for persons to approve should be allocated to reuniting husbands and wives, as well as to mothers whose husbands have already passed away or abandoned them so that these mothers can come to Hong Kong and take care of their children. Separated family members should receive priority treatment. Depending on the wait time, a quota of at least ten people can be set. As long as the parents are married, either party is a Hong Kong resident, and the children are in Hong Kong, regardless of whether they were born in the Mainland or in Hong Kong, or if they were born prior to or after the marriage, and regardless of whether their father has already passed away or abandoned them, these children have undergone a major family change. Thus, the Chinese and Hong Kong governments should approve separated mothers or fathers to come to Hong Kong as quickly as possible so that the children (as long as they are in school, age should not matter) can receive good care and development opportunities.
- 6.1.4** Policies allowing for visits that last over a year should benefit widowed or divorced spouses.
- 6.1.5** The Hong Kong Immigration Department should approve as many extensions and issue as many I.D. Cards as possible according to particular situations.
- 6.1.6** The Chinese and Hong Kong governments should establish an organization that can coordinate the reuniting of families, coordinate applications and complaints, and safeguard the rights of women and children.
- 6.1.7** The authorities should approve undocumented children whose parents are Hong Kong residents to come to Hong Kong and stay indefinitely and be with their families.
- 6.1.8** The Hospital Authority and the Food and Health Bureau should re-implement healthcare-discount policies for Hong Kong residents and their family members

(spouses, children, parents), to ensure the health of Hong Kong residents' family members and the quality care of their children.

6.2 Undocumented Children

- 6.2.1** According to the Convention on the Rights of the Child and the International Convention on Economics, Social, and Cultural Rights, undocumented children should enjoy equal education rights and should have the right to receive education.
- 6.2.2** The Education Bureau should safeguard the education rights of undocumented children and create appropriate policies to arrange education for children according to the stipulations of international conventions. The Immigration Department has no authority to interfere with the decisions of the Education Office and Education Bureau.
- 6.2.3** The Immigration Department should appropriately issue circumstance-based approvals of Hong Kong residence for undocumented children with special difficulties to ensure that children obtain care from their parents and enjoy equal development opportunities.
- 6.2.4** Healthcare-expense discounts should be provided for undocumented children.

- (7) **Social welfare – there are over 110,000 children on CSSA; the government dramatically reduced CSSA by over 30% from 1999 to 2003, and only increased it by less than 10% during the recent high-inflation years; the requirement of dwelling in Hong Kong for seven years before being able to apply for CSSA is harmful to the children**

One Tenth of Hong Kong's Children are on CSSA

Statistics reveal that in 2011 the number of children under the age of 18 in Hong Kong was 1,073,500, among which the number of children who live below the poverty line is 281,900, among which 113,483 (October, 2011) children receive CSSA. In other words, one of every ten children in Hong Kong receives CSSA.

Aimed at the education needs students on CSSA, the 2012/2013 Budget announced that there would be a supplemental monthly base rate allocated to households on CSSA. However, the Social Welfare Department adjusted CSSA rates on February 1, 2012 based on inflation, and the authorities have not reviewed base rates, nor have they re-launched special subsidies. Additionally, with the increasing cost of living, CSSA increases have been static. Thus, poor children have endured tough lives.

With the shockwaves of the Financial Tsunami still reverberating, Hong Kong's economy has remained slow. Even though salaries of middle- and upper-class laborers have increased slightly, most grassroots laborers are treated as low-income and face inadequate employment. Over 110,000 children under 18 years of age rely on CSSA; however, the government repeatedly decreased CSSA, thereby harming the mental- and physical-development opportunities of these children. **In 1999, household CSSA was decreased by 10% - 20% based on number of persons per household, and there was also an elimination of special subsidies** (including phone expense, tooth fillings, eyecare, long-term assistance, moving subsidies, and down payments). The impact was substantial, **and even prevented some families from moving into a nicer living environment or into public housing, but they had to continue dwelling in cramped cubicles.** These families have no phone or people to communicate with, and do not even have money to treat nearsightedness.

On June 1, 2003, there were further decreases in standard rates by 11.1%, rental subsidies by 15.8%, separated-parent subsidies and student-meal subsidies by 11.1%, and education subsidies by 7.7%. Children's lives were seriously affected. For example, **book expenses were too high,³⁵ and most families had insufficient rent subsidies,** and children had poor nutrition and were unable to participate in extracurricular activities.³⁶ The

³⁵ Society for Community Organization, Children's Rights Association (August, 2004) Survey on children's expense hardships for summertime activities and studies
www.soco.org.hk/publication/publication_index.htm#4

³⁶ Society for Community Organization, Children's Rights Association (January, 2004) Series 3 of Survey on Poor Children – Investigative Report on the Living Conditions of Children on CSSA
http://www.soco.org.hk/publication/publication_index.htm#four

quality of life was very low. CSSA was even 31% below the poverty line. Children had to go out and collect and sell paper to support themselves.

Each district's population and poverty rate (2010 and 2011) of children under the age of 18 from families with average monthly household incomes (excluding the incomes and populations of foreign domestic helpers) less than half the median monthly household income (excluding the incomes and populations of foreign domestic helpers) of all families in Hong Kong, according to District Boards:

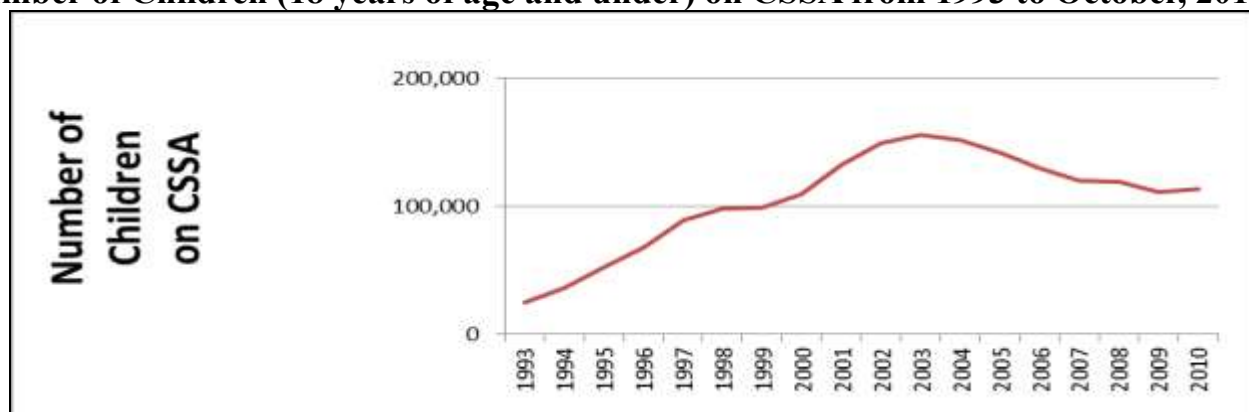
District	Population of Children Under 18 Years of Age (2010)	Population of Children Under 18 Years of Age and Below the Poverty Line (2010)	Poverty Rate (%) of Children Under 18 Years of Age (2010)	Population of Children Under 18 Years of Age (2011)	Population of Children Under 18 Years of Age and Below the Poverty Line (2011)	(2011 年) Poverty Rate (%) of Children Under 18 Years of Age (2011) (%)
Central and Western	39,300	4,800	12.2%	34,800	5,000	14.4%
Wan Chai	20,300	1,600	7.9%	18,700	1,900	10.2%
East	84,500	14,800	17.5%	81,500	15,100	18.5%
South	42,300	6,000	14.2%	42,000	6,700	16.0%
Yau Tsim Mong	45,700	11,000	24.1%	46,900	11,400	24.3%
Sham Shui Po	55,700	19,700	35.4%	58,200	20,500	35.2%
Kowloon City	54,500	10,000	18.3%	55,700	9,900	17.8%
Wong Tai Sin	58,800	20,100	34.2%	58,300	19,000	32.6%
Kwun Tong	94,400	30,400	32.2%	95,700	32,200	33.6%
Kwai Tsing	78,800	29,300	37.2%	76,100	28,200	37.1%
Tseun Wan	50,300	10,900	21.7%	49,600	10,500	21.2%
Tuen Mun	76,700	24,500	31.9%	73,100	22,400	30.6%
Yuen Long	107,600	38,800	36.1%	104,200	34,000	32.6%
North	52,300	16,600	31.7%	49,300	15,400	31.2%
Tai Po	41,500	8,600	20.7%	40,700	8,400	20.6%
Sha Tin	90,900	20,400	22.4%	90,300	17,800	19.7%
Sai Kung	72,400	13,400	18.5%	71,700	13,800	19.2%
Islands	30,500	9,700	31.8%	26,500	9,700	36.6%
Total	1,096,500	290,600	26.5%	1,073,500	281,900	26.3%

Number of People Receiving Standard Child Rates from 1993 to 2011

Year	Number of Children on CSSA	Total Number of CSSA Applicants	Percentage of Total Number of CSSA Applicants who are Children	Percentage of Children on CSSA among Total Child Population	Total Population of Children (under 18 years of age) in Hong Kong
1993	20,900	107,900	19.37%	N/A	N/A
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
2001	109,593	397,468	27.57%	8.0%	1,361,600
2002	132,232	466,868	28.32%	9.8%	1,353,300
2003	149,667	522,456	28.65%	11.3%	1,328,700
2004	155,766	542,017	28.74%	11.9%	1,303,700
2005	151,865	539,963	28.13%	11.9%	1,274,200
2006	141,962	521,611	27.22%	11.8%	1,207,315
2007	129,782	496,922	26.12%	11.0%	1,176,900
2008	120,265	475,625	25.29%	10.4%	1,157,500
2009	119,336	482,001	24.76%	10.6%	1,120,800
2010	111,472	466,066	23.92%	10.2%	1,096,500
October, 2011	113,483	446,783	25.40%	10.6%	1,073,500

Source: Social Welfare Department (January, 2012)

Number of Children (18 years of age and under) on CSSA from 1993 to October, 2011



It is worth noting that, other than issues with household environment (such as handicapped or single parents), the number of CSSA cases have continuously increased due to both parents being unemployed or having low income (please see table below):

Percentages of Different Types of Cases in which Recipients Received Standard Child Rates from 1993 to 2011

Year/Month	Old Age	Permanently Handicapped	Poor Health	Single-Parent Household	Low Income	Unemployed	Other	Total
December, 1993	5.5%	5.7%	16.1%	54.1%	6.9%	4.6%	7.3%	100.0 %
December, 1998	6.2%	2.7%	8.3%	48.7%	12.8%	15.9%	5.5%	100.0 %
December, 2003	9.2%	3.2%	9.0%	36.4%	14.1%	25.1%	3.1%	100.0 %
December, 2005	9.5%	3.2%	8.5%	37.1%	18.2%	19.5%	3.9%	100.0 %
December, 2006	9.7%	3.3%	8.5%	37.4%	19.0%	17.6%	4.5%	100.0 %
October, 2007	9.6%	3.2%	8.6%	38.4%	19.0%	16.0%	5.0%	100.0 %
July, 2008	10.0%	3.3%	8.7%	38.8%	19.0%	14.9%	5.3%	100.0 %
April, 2009	9.6%	3.5%	8.4%	39.2%	18.1%	15.3%	5.8%	100.0 %
June, 2010	9.3%	3.4%	8.4%	39.4%	17.8%	15.0%	8.4%	100.0 %
October, 2011	10.3%	2.6%	7.9%	31.5%	21.3%	13.8%	11.6%	100.0 %

Source: Social Welfare Department (January, 2012)

In 1996, the Social Welfare Department entrusted social-welfare experts with the task of formulating new laws for CSSA levels. However, CSSA was decreased multiple times from CSSA standards set in 1996. In 1999, it was cut to three or more people based on how much money they used. In 2003, the Social Security Assistance Index of Prices (SSAIP) replaced the Social Security Assistance Index of Estimated Prices as the standard to compute the cost of living for a year based on the previous year's index, which is unable to meet the living needs of families. The items included in SSAIP are narrow as they make adjustments based on the budgets of families on CSSA. These budgets become distorted after they are cut and do not accurately reflect actual budget needs. However, the Social Welfare Department utilized this standard to show that the SSAIP only increased 0.2%, CSSA Quota increased 1.2% in 1996, and that the CSSA standard rates increased by 2.8%, 4.4%, 4.7%, and 5.2% on February

1, 2008, August 1, 2008, February 1, 2009, and February 1, 2012, respectively. Yet, CSSA rates were still behind inflation levels; thus, the problems with SSAIP and the hardships endured by CSSA recipients were ignored.

Additionally, increasing CSSA by taking the average increase in the price of goods for the current year to be the next year's standard for increase on one hand underestimates increases, and on the other hand keeps CSSA adjustments behind inflation. This method cannot quickly enable CSSA recipients to climb out of poverty, thus making their lives harder. Even though the government has adjusted the base CSSA rates, the maximum rent subsidy has not been adjusted since it was reduced in 2003. As of January, 2012, the number of CSSA families living in private housing was 37,638, among which 22,688 had actual monthly rental rates that were greater than the maximum subsidy rates and represented 60.3% of private-based CSSA recipients. If single-person households renting private housing are included, the number of recipients paying monthly rental rates greater than the subsidies would be nearly seventy percent (67.6%). The situation worsened several years ago and the lives of those on CSSA became progressively harder. Households and children receiving CSSA were naturally affected.^{37 38}

Furthermore, even though the Social Welfare Department **gave one month's standard rates and handicap subsidies to CSSA recipients in 2009, 2010, 2011, and 2012, the subsidies were only one-time subsidies and could not help solve long-term problems.** With the currently worsening conditions of the poor, unemployed, and low-income individuals, only **446,783** of the 1.2 million poor individuals receive CSSA, and most of the recipients are minors, elderly, injured, or handicapped individuals who have no one to care for them. However, the government has cut its assistance to this cohort. At the same time, the government has exempted HK \$1.5 billion in death tax. This amount would be sufficient to cover the amount of CSSA that was cut in 2003 and would give the elderly, the weak, the injured, and the handicapped respectable lives, and children could be devoted to their studies instead of scavenging the streets. With inflation as high as it is today, not reviewing standards for raising or lowering CSSA but continuing to rely on unreasonable standards to not even raise the rates by a few dollars reveals how cold and bureaucratic the government is.

In 2003 the HK SAR government formulated new population policies in which it tightened up support for new immigrants. After January 1, 2004, new immigrants who come to Hong Kong to unite with family do not qualify for CSSA application unless they reside in Hong Kong for seven years instead of the previous one-year requirement. Each year roughly

³⁷ Society for Community Organization "Combat inflation and exorbitant rents; the government is incapable of alleviating poverty," Residents dwelling in private-housing cubicles go to the headquarters of the Social Welfare Department and petition for news coverage (June 30, 2008)

http://www.soco.org.hk/publication/press_release/privatehousing/2008/press_release_2008_6_30.doc

³⁸ Society for Community Organization, Center for Civil Rights Law, Private-housing rental rates are exorbitant and difficult to afford, and the CSSA rent mechanism is not reasonable, ---CSSA recipients paying excess private-housing rent request legal review of rent-subsidy cap, Press Release (September 7, 2012)

http://www.soco.org.hk/publication/press_release/crc/2012/SoCO%20press%20release%20on_2012_Sept_7.doc

54,000 new Mainland Chinese immigrants come to Hong Kong to unite with family and over ninety percent of them do so at their own expense. Only a small portion of households with special hardships can apply for CSSA.

Even though the Social Welfare Department emphasizes the right to make decisions based on circumstances, only several hundred among several thousand applications are successful. New immigrants often say they are denied registration and application without being checked because they have not lived in Hong Kong for seven years. New-immigrant mothers with illness are even rejected. A gambit of parties including social workers, middlemen, and help seekers have to get involved before there is a chance to register and apply. Even if they are approved, it takes several months to over half a year before they obtain special-case approval, thus revealing how seriously flawed the Social Welfare Department's procedures and efficiency are in making approval based on circumstances. Moreover, the Social Welfare Department requires new-immigrant mothers to find jobs that pay HK \$1,630 per month before they can get approved for CSSA, irrespective of their children's age or the seriousness of their husband's illness. They must work, take care of their children, and report their employment to the Social Welfare Department. They are sometimes forced to leave their children at home while they work, giving them very heavy pressure and seriously affecting their children's lives. However, single mothers in Hong Kong can only receive approval for CSSA if they have financial hardship and their children are under the age of 12, thus demonstrating the policies' discrimination of new immigrants.

According to the Social Welfare Department's 2010 data, from January 1, 2004 to July, 2010, the Social Welfare Department has received 24,199 CSSA applications from individuals involved in the rule requiring seven-year Hong Kong residence, and only 7,975 (or just 33.0%) of these applications were approved for CSSA based on their circumstances. Additionally, the government has not released data of applications received and approved for children who are 18 years of age or under, which also reveals how the authorities have not looked squarely at the effects their policies have on the children's families.³⁹

Data on CSSA Applicants who do not Meet the Seven-Year Hong Kong Residence Requirement

Cases	Fiscal Year								Total
	January to March, 2004	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011 (as of July)	
Applications	114	1,665	3,856	4,925	3,553	4,069	4,512	1,505	24,199
Approvals	3	230	843	1,383	1,307	1,549	1,918	742	7,975
Refusals	1	18	26	33	39	35	30	12	194
Revokes	76	1,299	2,892	3,480	2,221	2,377	2,750	756	15,851

³⁹ Correspondence of response from the Social Welfare Department in 2010 regarding inquiries from the Society for Community Organization

In fact, in a 2008 report by the Subcommittee for the Welfare Services Comprehensive Social Security Assistance Scheme under the Legislative Council Panel, most of the Committee members also recommended that the government consider repealing the seven-year Hong Kong residence stipulation, but the government ignored this idea.⁴⁰

The SAR government on one hand reiterates that new immigrants are the pillars of Hong Kong society, while on the other hand it weakens children's foundations for family growth. The family members who take care of the children cannot obtain help when they meet difficulties, thus causing more problems. For example, there are situations in which two people live off of one person's CSSA, or children having to work so their families can make ends meet, which affect children's development and makes the poverty cycle continue.

The CCF's one-time rent subsidy for CSSA recipients living in private housing is inadequate

Moreover, in 2011 the government, through the CCF, provided one-time subsidies of HK \$1,000 (for people living alone) to HK \$2,000 (for two or more persons living together) for CSSA recipients living in private housing. However, the funds were merely one-time subsidies provided for CSSA recipients living in private housing; they were limited, inadequate, and incapable of solving the problem with exorbitant private-housing rents.

Advice from the Ombudsmen:

7.1 Re-Define the Lowest Standard of Living and Make Adjustments According to Inflation Projections

The current standard rates are not adjusted to according to the "basic needs" standards that the government set many years ago, especially not for the different classifications of households with three or more members. Therefore, the authorities should re-define standards for the "lowest standard of living." Additionally, each year it should investigate CSSA standard rates according to actual prices. Inflationary times stagnate purchasing power; however, if CSSA rates are adjusted according to inflation projections, this problem can be mitigated.

7.2 Increase CSSA Levels and Bring Back Special CSSA Subsidy Rates

The authorities should increase and decrease standards from newly formulated CSSA levels based on the level of social progress, in order to keep the living standards of families and children receiving assistance on track with society. Hong Kong's current economy is

⁴⁰ Ad Hoc Committee report on CSSA submitted to the Social Welfare Department on January 14, 2008, [CB(2)778/07-08], http://www.legco.gov.hk/yr07-08/chinese/panels/ws/ws_cssa/reports/ws_cssac2-778-c.pdf

already seeing improvements and inflation is continually on the rise. The government should bring back the CSSA rates that were cut in 1999 and 2003, as well as **bring back special subsidies (such as subsidies for telephone, dental, vision, long-term expenses, moving, downpayments, etc.)**, in order to improve the economic conditions of families receiving assistance.

7.3 Provide Base-Rate Levels for CSSA Children of Different Ages

Children' s base rates have not been adjusted relative to their age, development, and studies. Because children of different ages and grade levels have different study expenses and development needs, the Social Welfare Department should adjust base rates according to needs of children of different ages. Alternatively, it could provide, in addition, base rates for children, subsidies such as powdered milk vouchers, study vouchers, and child subsidies, to ensure that children from poor families receive the most basic growth necessities.

7.4 Eliminate the Seven-Year Hong Kong Residence Application Requirement

The Welfare Department should eliminate the seven-year Hong Kong residence requirement for applying for CSSA, and only require applicants to undergo investigations into income and assets, to ensure that newly immigrated families and children with hardships can receive adequate assistance.

7.5 Increase and Broaden CSSA Study Subsidies

In addition, the government should increase the amount of CSSA study subsidies and broaden the range of what the subsidies cover to include extracurricular activities and tutoring expenses, to ensure that poor children can obtain equal development opportunities.

(8) Serious wealth-gap issue; the SAR government's disregard for the grassroots; inadequate child-poverty support; unresolved cross-generational poverty issues

The poor population has continuously increased and the grassroots have not enjoyed the benefits of a developing economy

According to the government's data, Hong Kong's poor population was 1,138,000 in the third quarter of 2012, the number of poor families increased to 440,600, and the poverty rate⁴¹ reached 17.0% (1986: 11.9%; 1991: 14.5%). These statistics are certainly a major warning signal of a social crisis. Regarding the number of poor households, the increase from 2001's 420,000 households to 2011's 460,000 households is an 8.4% increase over a ten-year period. The data clearly demonstrates that the so-called poverty-alleviation measures that the government has pushed forward over the years have not been truly effective.

Table 1: Hong Kong's Poor Population (000's) (from 2001 through the first half of 2012)

Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	3Q2012
Poor Population (000's)	1,149.0	1,191.7	1,144.2	1,181.8	1,142.9	1,155.4	1,176.3	1,162.7	1,197.8	1,190.3	1,150.6	1,137.7
Poverty Rate	18.0%	18.6%	18.0%	18.4%	17.8%	18.0%	18.0%	17.8%	18.3%	18.1%	17.4%	17.0%

Since Hong Kong's return to China in 1997, Hong Kong's economy has greatly increased and the per capita GDP has remained among the highest in the world. However, the grassroots have not been able to enjoy economic prosperity, and the seriousness of the wealth gap is among the top three in the world. The government's statistical data indicates that during the fifteen years (1997 - 2001) following Hong Kong's return to China, Hong Kong's local GDP has recorded nearly 30% actual growth. However, during the same period, the median monthly household income in Hong Kong did not increase but decreased, demonstrating that economic growth did not equate to all levels of residents reaping benefits. Even more troubling is the fact that problems such as the "wealth gap" and "the poor getting poorer" have been exacerbated during Hong Kong's overall economic growth since its return to China. **The Gini Coefficient, which reflects the rich-poor gap, increased from 0.525 in 2001 to 0.537 in 2011.** The median monthly household income among households in the lowest-income cohort decreased from HK \$2,760 in 2001 to HK \$2,070 in 2011. At the same time, households in the highest-income cohort increased dramatically from HK \$79,000 in 2001 to HK \$95,000 in 2011. The income gap increased from the original 28.6X to 45.9X.⁴²

⁴¹ The poor population refers to the population living in low-income households, and low-income households refers to households with income levels equal to or less than half of Hong Kong's median household income, divided up according to number of persons per household. In the third quarter of 2012, (Hong Kong Census and Statistics Department, Quarterly Report on General Household Survey, July through September, 2012), the median household income of the Hong Kong household population was as follows: HK \$7,700 (1 person), HK \$16,200 (2 persons), HK \$23,500 (3 persons), and HK \$28,500 (4 persons). If the mid-range is considered the poverty line, then the poverty line is set as follows: HK \$3,850 (1 person), HK \$8,100 (2 persons), HK \$11,750 (3 persons), and HK \$14,250 (4 persons).

⁴² Hong Kong Census and Statistics Department (2012), Thematic Reports on the 2011 Population Census: Hong Kong's Household Income Distribution, Table 5.1b (pg. 76)

Additionally, if monthly income from the major occupations were separated into deciles, the median income of the “highest occupation-income cohort” had an actual increase of 8.6% over the past ten years (calculating based on the price of goods in June, 2011, the median income increased from HK \$50,630 in 2001 to HK \$55,000 in 2011). While at the same time, the median income of the “lowest occupation-income cohort” had an actual decrease of 9.1% over the past ten years (calculating based on the price of goods in June, 2011, the median income decreased from HK \$3,940 in 2001 to HK \$3,580 in 2011). Thus, the rich-poor gap is very significant, and the poor getting poorer is the prevailing trend of today. The so-called “economic growth is the cure for poverty” has not come to fruition.⁴³

Table 2: Decile Groups of Monthly Local Household Income (excluding foreign domestic helpers)

Decile Groups	1981	1986	1991	1996	2001	2006	2011
First Decile	1.4%	1.6%	1.3%	1.1%	1.8%	1.7%	1.7%
Second Decile	3.2%	3.4%	3.0%	2.6%	3.4%	3.2%	3.3%
Third Decile	4.4%	4.4%	4.0%	3.6%	4.3%	4.1%	4.1%
Fourth Decile	5.4%	5.4%	5.0%	4.6%	5.1%	4.9%	4.7%
Fifth Decile	6.5%	6.4%	6.1%	5.7%	5.8%	5.7%	5.4%
Sixth Decile	7.8%	7.6%	7.4%	7.0%	6.8%	6.6%	6.7%
Seventh Decile	9.4%	9.1%	9.0%	8.5%	8.4%	8.3%	8.2%
Eighth Decile	11.5%	11.4%	11.4%	10.6%	10.6%	10.6%	10.5%
Ninth Decile	15.2%	15.2%	15.5%	14.5%	14.3%	14.6%	15.0%
Tenth Decile	35.2%	35.5%	37.3%	41.8%	39.6%	40.4%	40.3%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Gini Coefficient	0.451	0.453	0.476	0.518	0.525	0.533	0.537
Adjusted Gini Coefficient				0.466	0.47	0.475	0.475

(Source: Hong Kong Census and Statistics Department, Thematic Reports on the 2011 Population Census: Hong Kong's Household Income Distribution)

The income gap between the poorest and wealthiest classes has continuously widened. The wealthiest-income decile was 23.7 times that of the poorest-income decile. Incomes in the lower half of the middle class declined in their proportion of Hong Kong's total income, whereas the income of the upper half of the middle class increased. The lower a cohort's income, the greater its decrease in proportion, and the greater a cohort's income, the greater its increase in proportion.

⁴³ Hong Kong Census and Statistics Department (2012), Thematic Reports on the 2011 Population Census: Hong Kong's Household Income Distribution, Table 2.3 (pg. 21)

Table 3: Median of average household-member income, number of households from land-based non-institutional population, and proportion of monthly household income based on decile groups from 2008 to 2010

Decile	2008			2009			2010		
	Median of Average Household-Member Income	Households from Land-Based Non-Institutional Population	Proportion of Monthly Household Income	Median of Average Household-Member Income	Households from Land-Based Non-Institutional Population	Proportion of Monthly Household Income	Median of Average Household-Member Income	Households from Land-Based Non-Institutional Population	Proportion of Monthly Household Income
	\$HK	Number	Percentage	\$HK	Number	Percentage	\$HK	Number	Percentage
1 st (Lowest)	1,700	683 600	1.8	1,700	681 700	1.7	1,700	672 400	1.7
2 nd	2,800	684 200	3.1	2,800	697 700	3.2	2,900	711 300	3.2
3 rd	3,700	683 000	4.0	3,500	677 500	3.9	3,700	652 700	3.7
4 th	4,600	727 400	5.4	4,400	724 000	5.2	4,500	731 500	5.2
5 th	5,600	722 200	6.6	5,400	715 300	6.4	5,500	727 000	6.3
6 th	6,900	724 600	8.1	6,700	726 000	8.0	6,800	728 400	7.7
7 th	8,600	709 700	9.9	8,300	706 600	9.7	8,500	725 400	9.6
8 th	11,100	671 300	12.2	10,800	684 700	12.3	11,000	687 500	11.9
9 th	16,000	617 400	16.2	15,500	638 800	16.5	15,800	647 000	16.2
10 th (Highest)	30,000	529 400	32.7	30,000	532 800	33.1	30,000	554 400	34.5
Total	6,200	6 752 800	100.0	6,000	6 785 100	100.0	6,100	6,837,500	100.0

The income gap between the poorest and wealthiest classes has continuously widened. Calculating based on median household income, the top 20% of total-income earners increased from 48.9% to 50.7% in 2010, whereas the bottom 20% of total-income earners remained at 4.9% in 2010 from 2008.

Even though the minimum wage increased the income of low-income workers, the working poor is still a very serious problem.

Hong Kong began implementing a set minimum wage on May 5, 2011, after which the income of the low-income cohort increased. According to Census and Statistics data quoted by the Hong Kong Council of Social Service (October, 2012), the income of the low-income cohort increased dramatically following the implementation of the minimum wage. If the full-time workers (i.e. those who work 35 hours or more per week) are divided into deciles based on income level and the changes in each decile's median income is compared, the incomes of lowest three decile groups show increases ranging from HK \$500 to HK \$1,000 (See Table 3).

Table 13: Decile groups of median monthly income of individuals who work over 35 hours per week (2010 and 2011) (units: HK\$)

	1st Decile	2nd Decile	3rd Decile	4th Decile	5th Decile	6th Decile	7th Decile	8th Decile	9th Decile	10th Decile
2010	5,500	7,000	8,000	9,500	11,000	13,000	15,000	20,000	30,000	50,000
2011	6,000	7,500	9,000	10,000	12,000	14,000	17,000	21,300	30,000	52,000

In 2011 Hong Kong had 185,000 working-poor households, demonstrating a 15,000-household decrease from 2010 and showing signs that the working-poor issue is improving (see table 15).

Table 15: Number of Working-Poor Households (2001 - 2011)											
Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Number of Working-Poor Households (000's)	198	197	181	191	181	189	199	198	197	200	185

However, with high inflation and housing prices along with increasing private-housing rents, the grassroots are in a precarious position. Their income cannot keep up with the increasing price of goods, transportation fees, rents, education expenses for their children, and expenses for taking care of their parents. Thus, they struggle to make ends meet. The serious rich-poor gap makes it difficult for the residents to earn a living, and has brought about serious, unprecedented social issues. For example, the poor not only have to live in cages and cubicles, but they also have to live in illegal industrial buildings, pigsties, and subdivided flats. The government throws the people a bone and neglects the poor, which has caused countless people to be destitute and unable to support themselves even though they work day and night. The young and the old scavenge their way through life, resulting in cross-generational poverty.

The previous administration sat on HK \$1 trillion in reserves without giving consideration to those suffering

The SAR government sat on over HK \$1 trillion in fiscal reserves and accumulated surpluses of exchange funds, but overlooked the suffering citizens. The government used the “big market, small government” excuse to the grassroots’ struggle to find work and failure to have work security. The so-called non-interference policies are tantamount to acquiescing to the business circles which continue to legally exploit labor and cause the grassroots to lack security. Under mounting public pressure, the government started putting forth all kinds of short-term or untimely measures (such as the Food Assistance Scheme in 2009, transportation subsidies for all 18 districts in 2011, and minimum-wage legislation in 2011) that benefitted very few people and were very ineffective. **Thus, the increase in the local per capita GDP from HK \$210,350 in 1997 to HK \$273,657 in 2011 demonstrates that, despite the economic growth experienced since the return to China, the poverty issue has continued and is even worsening, which underscores that economic growth is not in fact the key to solving poverty issues.**

Hong Kong has the world’ s third-largest rich-poor gap, but the SAR government lacks poverty-eradication policies

The Human Development Reports released in 2009, 2010, and 2011 by the United Nations Development Program (UNDP) reveals that Hong Kong’s Gini coefficient is number one among twenty-seven developed economies in terms of size of rich-poor gap. It ranked third in the latest 2011 rankings among the areas with Very High Human Development, and was only behind Chile (0.521) and Argentina (0.458). Scholars point out that wealth inequality very easily creates social differentiation and that the government should adopt measures to balance out the rich-poor gap.⁴⁴

Facing a serious, continued rich-poor gap, the SAR government has taken little action and has no measures to deal with this problem. Section 123 of the chief executive’ s 2009/2010 Policy Address stated that “As a city economy, Hong Kong must strive for economic growth and wealth creation to address the employment and poverty issues.”⁴⁵ However, the fact is that at many times superficial economic improvement does not necessarily solve poverty-related issues. Additionally, section 192 of former chief executive Donald Tsang’ s 2011/12 Policy Address states that “The wealth gap has become a structural cause of social tension. Those working in globalised and high-end economic sectors, such as the financial sector, have seen their pay rising continuously. On the contrary, those in low-end service sectors have had to live with a consistently low income. In addition, the disappearance of middle-level positions has removed a rung on the ladder for upward mobility. The wealth gap generated by globalization is all the more acute in a city economy like Hong Kong. I believe that it is difficult to solve the problem completely. However, we will ease the resulting tensions through various policy measures.” These statements reveal that the government has no long-term policies to effectively deal with the poverty issue.

The above information clearly shows that the temporary, ineffective measures that the government put forth several years ago to supposedly help relieve people’ s burdens have been utterly useless. The government is bound and determined to push forward development of the high value-add industries and the six major competitive industries. However, since these industries are unable to attract a large amount of low-skilled workers, it must enhance overall wealth distribution in order to ensure their survival. Additionally, even though society and economy have continuously developed and wealth has continued to amass, not every social class has reaped benefits. Thus, the government must adjust the current wealth-redistribution system so that the families that cannot improve their lives through working will be able to obtain assistance. If the government does not review and re-formulate its poverty-alleviation policies, society may be even more tumultuous and non-harmonious, and could

⁴⁴ United Nations Development Program, 2011 Human Development Report, <http://hdr.undp.org/en/reports/global/hdr2011>, Chart 3 (Inequality-adjusted Human Development Index)

⁴⁵ 2009-2010 Policy Address by Chief Executive <http://www.policyaddress.gov.hk/09-10/chi/p123.html>

even lead to a governance crisis.

The Child Ombudsmen doubt that the four pillar industries and the six competitive industries mentioned multiple times in the Policy Address are able to effectively help improve employment and the lives of hundreds of thousands of low-skilled, low-income workers. Most of the ten main industries do not actually benefit grassroots-worker positions. If the government continues to just blindly develop the ten main industries and completely neglects carrying out any poverty-alleviation measures instead of developing a large number of positions that require appropriate skills and are for low-income individuals, Hong Kong's cross-generational poverty will continue to worsen!

It is also worth noting that the poverty issues that new-immigrant households face are especially serious. According to the Census and Statistics Department's 2011 Mid-Year Census, the number of Mainland-Chinese domestic households⁴⁶ who have lived in Hong Kong for less than seven years is 115,323, among which the number of low-income households earning less than half of the overall median household income is 46,138, yielding a 40% poverty rate among new-immigrant households. If calculations are carried out based on number of people, the number of Mainland Chinese who have lived in Hong Kong for less than seven years is 403,409, among which 173,994 are low-income residents, yielding a poverty level of 43.1% among this cohort. (see table below)

The number of low-income domestic households among the Mainland Chinese who have lived in Hong Kong for less than seven years

Number of low-income Mainland Chinese who have lived in Hong Kong for less than seven years	Number of Mainland Chinese who have lived in Hong Kong for less than seven years	Poverty rate (percentage) of new immigrants
173,994	403,409	43.1%

Number of low-income Mainland Chinese domestic households who have lived in Hong Kong for less than seven years	Number of Mainland Chinese domestic households who have lived in Hong Kong for less than seven years	Poverty rate (percentage) of new-immigrant domestic households
46,138	115,323	40.0%

*Mainland Chinese domestic households that have lived in Hong Kong for less than seven years means households

⁴⁶ Mainland Chinese households that have not resided in Hong Kong seven years refers to households with at least one member who:

(1) was born in Mainland China

(2) is "Chinese (Place of Domicile – Hong Kong)"

(3) has resided in Hong Kong for less than seven years

Additionally, low-income families refers to households whose members' average income is less than half of the median of the overall average household members' income

with at least one member (1) who was born in Mainland China; (2) whose nationality is “Chinese (with permanent Hong Kong residency)” ; (3) who has lived in Hong Kong for less than seven years. The number of low-income residents means residents whose income is less than half of the overall median income.

The Minimum Wage was Set too Low and Fails to Alleviate Poverty

The SAR government decided to set the minimum wage at HK \$28 per hour, which is much lower than the HK \$33 per hour that the laborers had hoped to receive. Additionally, because salary adjustments referenced previous economic data and grassroots laborers are facing static salaries and high inflation, their income increased by an average of 9.7% since the minimum wage was implemented. Even though their income increased, the price of goods experienced a cumulative increase of 9.25% during the same period. Inflation chips away at the grassroots’ income, making life more difficult for the poor.

Application Criterion for Transportation Subsidies is Harsh

The Hong Kong government announced that it would provide transportation subsidies for all eighteen districts. In March, 2012, the authorities increased the Work Incentive Transport Subsidy Scheme and loosened the maximum applicant disposable income and assets. However, applicant criterion was only limited to households and still did not include the individuals’ or households’ reported assets and income system (known as “dual track”), and there was no consideration for providing transportation subsidies for part-time employees. Some people work 18 hours, precluding many laborers from reaping benefits. The new administration had to be established before it could announce in January, 2013 whether applications for subsidies could be for individuals or families.

The specific use and efficacy of the HK \$10 billion CCF is questionable

Moreover, the 2010/11 Policy Address mentioned the formation of the HK \$10 billion CCF, of which \$5 billion is provided by both the government and business circles, and that the funds would be used to implement all kinds of measures for assisting individuals outside the safety network, thus benefiting a wide-range of residents.

The CCF can indeed provide another fiscal resource to assist needy individuals outside of the CSSA network. However, the establishment of CCF is unable to improve the inadequacies (such as supply, application criterion, scope and amount of financial assistance, and qualification limitations) currently present in public policies (such as housing, healthcare, education, social welfare, employment, transportation subsidies, etc.) related to people’ s livelihood. Therefore, other than considering how to implement the Fund, the SAR government must set its sights on the long term, and assume absolute responsibility to truly handle deep-seated contradictions such as the rich-poor gap and worsening poverty issues. It should proactively review the scope of each department’ s policies, and thus establish long-term poverty-alleviation policies.

With a non-democratic political system, the government is not accountable to the people and its policies favor the rich over the poor

Even though the grassroots and residents proactively reflect the grassroots levels in their appeals to the government, the administration and legislative bodies are unable to effectively absorb public opinion and formulate policies and measures that benefit the grassroots, because the political system is not democratic. The current voting system for the chief executive is not democratic as only 800 people are nominated to form an election committee which casts the votes. The common citizens have no voting rights and thus do not participate in electing the chief executive. Because the citizens are not voters, the chief executive is not accountable to the people. Most of the election committee members are prominent business people as well as members of the NPC and the CPPCC National Committee who are close to the Central Government. With a dearth of grassroots representatives, the chief executive's policies are naturally partial to the business circles. Thus, the system innately favors business circles and neglects the ideas and voice of the grassroots, thereby breeding collusion and distribution of interests between government officials and businesspeople.

At the same time, the legislative body has been unable to reflect the views of the people. Currently, among the 60 legislative council seats, half are functional-constituency seats. However, not just any permanent Hong Kong resident at least 18 years of age can become a functional-constituency voter. Only individuals belonging to different industries or circles or companies or groups can obtain voting rights. This system not only forces the public to become "second-class citizens" without voting rights, the elected legislative council members will not fully consider the benefit of all classes of citizens when deliberating bills or evaluating government policies because all of their voters belong to the inner circles. Thus, most social policies and livelihood issues related to the grassroots are not promptly reviewed or implemented.

There was no real increase in democratic elements, nor was there comprehensive implementation of universal suffrage⁴⁷ in the authorities' advice in the Package of Proposals

⁴⁷ According to the 2005 Constitutional Package (i.e. the Fifth Report of the Constitutional Development Task Force) (<http://www.cmab.gov.hk/cd/chi/report5/index.htm>), the advice for the 2007 Chief Executive Election and the 2008 Legislative Council Election mainly include the following:

2007 Chief Executive Election

- The Election Commission should increase from 800 to 1,600 persons
- The Election Commission's first subsector (business and finance sectors), second subsector (professional sector), and third subsector (labor, social services, and religious sectors) should increase from 200 persons to 300 persons.
- The Election Commission's fourth subsector (legislative council members, district council members, rural committee representatives, Hong Kong deputies to the National People's Congress and the Chinese People's Political Consultative Committee) should increase from 200 persons to 700 persons, with all elected District Council members included in the Election Committee.
- Maintain the number for Chief Executive nominations at one-eighth, or 200 persons, of the total membership of the Election Committee.
- Consider establishing an appropriate mechanism mandating that, under the conditions that only one Chief Executive candidate is effectively nominated, the election process should still be conducted.

for the Methods for Selecting the Chief Executive in 2007 and for Forming the Legislative Council⁴⁸ in 2008 brought forth by the SAR government in 2005 or in the Consultation Document on the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012 brought forth by the authorities in 2010. Even though the packages that the SAR government has allowed the Democratic Party to bring forth since July, 2010 have enhanced democracy by adding five new functional constituency group voting seats (there were nearly 3,200,000 Hong Kong voters without a functional constituency) and have enabled constitutional packages to get passed by the Legislative Council in the end, the packages still have the following inadequacies:

- **Did not** respond to the people's ideas for implementing 2017 and 2020 dual universal suffrage
- **Did not** make specific commitments for a time table or plan for universal suffrage
- **Did not** commit to overall elimination of functional constituencies
- **Did not** attempt to increase democracy by reforming the original functional-constituency-election method
- The package on Legislative Council Members and elected district council members electing each other inherently **fails to meet** the principals of universal equality
- **Did not** mention the specific way in which Legislative Council Members and voting-district members would elect each other
- **Did not** mention the complete elimination of the district-council-appointment system

Universal suffrage is a natural human right, and is a constitutional right according to Hong Kong law. Article 25 of the International Covenant on Civil and Political Rights stipulates that every citizen has universal and equal voting rights. Article 26 of Basic Law states that Permanent residents of the Hong Kong Special Administrative Region shall have the right to vote and the right to stand for election in accordance with law. Article 45 (Section 68) of Basic Law states that the chief executive and legislative council shall be appointed by democratic procedures and then elected through universal suffrage.⁴⁹

Even though in 2007 the Standing Committee of the National People's Congress vetoed the possibility of universal-suffrage elections for the chief executive and legislative council for 2007 and 2008, the SAR government passed the 2010 constitutional package in 2010.

Maintain the current stipulation that the Chief Executive shall not belong to any political party.

48 2008 Legislative Council Election

- Indirectly elected seats (functional constituencies + district council): increase to 35 seats (there were 30 seats in 2004)
- Directly elected seats: 35 seats (there were 30 seats in 2004)

New seats: 5 district-council seats and 5 direct-election seats

⁴⁹ Article 45 (sixty-eight) of the Basic Law states that the Chief Executive of the Hong Kong Special Administrative Region shall be selected by election or through consultations held locally and be appointed by the Central People's Government (Legislative Council is selected by election). The method for selecting the Chief Executive (Legislative Council) shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee (all members) in accordance with democratic procedures.

However, referring to the well-deserved rights that international conventions give to citizens, the SAR government should implement dual universal suffrage as quickly as possible. Democracy and livelihood go hand in hand. Implementing a democratic system not only embodies the constitutional rights of the residents, but it also helps push forward improvements to governance and policies related to the people's well-being. Thus, the authorities must implement dual universal suffrage as quickly as possible to allow the grassroots residents to have a legitimate political system and enable the government's decision-making authorities hear the voice of the people and improve governance.

Advice from the Ombudsmen:

The rich-poor gap is widening and the poor have no opportunities to move up. Subsequent generations are harmed from the worsening cross-generational poverty. Thus, poverty must be eradicated before the following generation can have opportunities to develop:

8.1 Short-Term Measures

- 8.1.1 Create Employment Opportunities:** Create one hundred thousand employment opportunities that last at least one year in aspects including urban greening, elderly services, community cleaning, after-school care and tutoring, cultural preservation, and small community projects. There should also be a loosening of management of illegal street vendors as well as issuance of temporary vending licenses and establishment of temporary street vending areas.
- 8.1.2 Provide free breakfast and lunch for poor children to ensure their rights of survival and adequate nutrition for growth and development.**
- 8.1.3 Provide two-month rental reimbursement of HK \$8,000 for residents dwelling in inadequate housing such as cage homes and cubicles. The government should create separate rental-housing registries for Hong Kong's cage homes, cubicles, and small suites. Or, it could offer assistance to those who struggle the most by seeking out people who are on the public-housing waiting list or are listed in food-bank data. Eliminate the point system for single households and the seven-year Hong Kong residency restrictions for new immigrants.**
- 8.1.4 Loosen criterion for retraining by allowing people to take two courses per year with provision of half-per diem subsidies as well as subsidies for English and computer courses. Subsidize certification and enrollment courses for the grassroots residents.**

8.2 Long-Term Strategies

- 8.2.1 Implement complete universal suffrage for election of chief executive and legislative council members**

Under a non-democratic system, the current political power is held by a small group of

people with special rights. The benefits of the poor are often overlooked, making the poor poorer and unable to climb out of poverty. Society has very little faith in the government. Thus, Hong Kong should implement complete universal suffrage to elect the chief executive and legislative council members as quickly as possible to push forward policies for completely equal development opportunities and to eradicate poverty and cross-generational poverty.

8.2.2 Establish low-income household subsidies (also known as “negative income tax”) and strengthen policies related to social welfare and retirement protection

Regarding specific poverty-alleviation policies, other than researching and establishing a Low-Income Household Subsidy (also known as “negative income tax”) (e.g. Working Tax Credit in the UK), every month a subsidy related to living expenses should be provided so that poor households can have their incomes adjusted to equal median-household-income levels and sustain a basic standard of living. The government should set up all-round economic policies to develop a diversified economy, increase employment opportunities for the grassroots, and aid the grassroots and increase their income to create opportunities to move up in society. Regarding labor compensation, the authorities should increase the minimum wage to HK \$35 per hour to safeguard grassroots’ retirement life. In addition, the authorities should increase the supply of public housing and provide rental subsidies for those on the waiting list. The authorities should also loosen the application criterion for Food Aid and extend the time limit for getting Food Aid, so that more low-income individuals may benefit. The elderly could also be included in a half-price public-healthcare-service system, so that sick individuals who are elderly and poor may benefit.

8.2.3 Launch holistic child policies to eradicate cross-generational poverty

The current child-poverty issue has worsened over the years. Research⁵⁰ shows that issues concomitant with child poverty include malnutrition, mental and physical growth deficiencies, low self-esteem, and the need to work after school to make ends meet. These issues seriously strip children of their rights and violate the U.N.’s Convention on the Rights of the Child. They also harm Hong Kong’s future development. The government should set up a central child database, to have a firm grasp of child-poverty data and the needs of the children, as well as formulate policies for child-poverty alleviation from the standpoint children’s rights. Each department should put forth policies for child-poverty assistance and investment resources, to ensure that all schools and social services have ample resources and a complete system to assist all poor children to obtain equal development opportunities.

⁵⁰ Series 3 of Research on Poor Children: Report on children dwelling in rented run-down private housing, and the living conditions of poor children on CSSA (January, 2004)
http://www.soco.org.hk/publication/press_release/privatehousing/2004/child_cssa_2004-1-18.zip

(9) The lack of comprehensive child policies and a central child database; undefined poverty lines and poverty eradication goals

Scheduled searches of accurate data and complete child policies would help the government formulate comprehensive child policies. However, as of now, the government has not established a central database, based on the excuse that each department pays much attention to children's rights and already considers children in their formulation of policies and laws. However, there is no big-picture perspective or overall exploration into the needs of the child.

Commission on Poverty Dead on Arrival

Years ago, the Commission on Poverty formulated 24 child-poverty indices (among which 8 are child- and adolescent-related indices)⁵¹ through government economic advisors, but it has not established detailed indices pertaining to the growth and development of poor children. However, the SAR government unexpectedly unwound the Commission on Poverty on June 30, 2007. Without the formulation of poverty-alleviation policies, the central poverty-alleviation system is utterly ruined, making poverty-alleviation policies non-sustainable and monitoring Hong Kong poverty out of the question. Even though the new chief executive CY Leung announced in 2012 that the Commission on Poverty would be re-established with six task forces that handle issues including child poverty, but their specific efficacy has yet to be seen.

In fact, the SAR government still only makes collective plans for all government departments to provide child-related statistical data, but is unable to monitor child-rights development and has not set a poverty line or defined indices for child-poverty eradication, which is very disappointing.

There are no long-term policies for handling child poverty

Moreover, the authorities have no long-term plans for handling child poverty. Most of the so-called poverty-eradication measures are short-term measures that are practically useless as

⁵¹ According to documents from the Commission on Poverty (Commission Document No. 14/2006 <Poverty Index-The Latest Information>)

(1) Unemployed households with children 5 years of age and under and 6 to 14 years old

(2) Households with income less than the average CSSA rates and with children 5 years of age and under and 6 to 14 years old

(3) Households with single parents, income less than the average CSSA rates, and with children 5 years of age and under and 6 to 14 years old

(4) CSSA recipients who are 5 years of age and under and 6 to 14 years old, as well as CSSA recipients who are 15 to 21 years of age

(5) The ratio of 16- to 19-year-old adolescents

(6) 20 to 24 year olds with higher education

(7) 15- to 19-year-old adolescents waiting for employment or academic enrollment

(8) Children 5 years of age and under and 6 to 14 years old who are dwelling in private temporary housing and regular private housing with shared units

(<http://www.cop.gov.hk/b5/pdf/CoP%20Paper%2014%202006%20chi.pdf>)

they do not solve the root of the problem.

For example:

- For 0 – 5-year-olds: The Comprehensive Child Development Scheme was launched but was not aimed at improving the health and lives of children who are poor or from low-income households, and there is no long-term follow-up.
- For 6 – 15-year-olds: HK \$175,000,000 from subsidies schemes for extracurricular activities was given to poor children through all schools, but is unable to benefit all poor students and does not squarely address the issue of numerous school-related costs.
- For 10 – 16-year-olds: The **Child Development Fund** was launched --- The SAR government set aside HK \$300,000,000 in the 2007-2008 Budget to set up the Child Development Fund, which includes three main parts: **target savings, personal development, and mentorship**. There have only been 2,270 participants in the scheme since it was incepted on July 1, 2008. Even though the quota of participants increased by 2,188 in 2011/2012, there is still only a total of 4,458 participants, which is a drop in the bucket compared to the 300,000 poor children.

Moreover, according to surveys by SoCO and the Child Rights Association, poor households simply have a hard time contributing to their fund. Most interviewees had monthly expenses that nearly exceeded their monthly income. If they also had to pay long-term fund contributions for their children, their lives would certainly be even more difficult. Additionally, poor households' economic conditions are extremely difficult, but over seventy percent (75%) of interviewed families scrimp and save for their children's future, and have lifestyles that deviate from today's norm in order to contribute to the funds. However, tightening basic living expenses for the long term in order to contribute to the funds leads to child malnutrition and harms children's development.⁵²

Advice from the Ombudsmen

9.1 The New Commission on Poverty should include all social circles and proactively break the shackles of fiscal funds

Poverty alleviation is a major issue that involves areas of public policy including housing, education, social welfare, healthcare, labor, economics, taxation, population, etc. The authorities must make comprehensive considerations when addressing the problem. Therefore, if each policy is adjusted in a coordinated manner, the Commission on Poverty must have high-level decision-making officials involved. Whether the Commission can prepare ample funds and resource to launch long-term policies is critically important. Fifteen years after Hong Kong's return to Mainland China, even though the SAR government has sat on over a

⁵² Series 7 of Research on Poor Children: Investigative Report on Children's Opinions of the Child Development Fund (June 1, 2008)

http://www.soco.org.hk/publication/private_housing/CDF_report_2008_6.zip

trillion in fiscal reserves and accumulated surpluses of exchange funds, it has always locked its so-called conservative finances up in shackles, and has rigidly mandated that public funds not exceed 20% of the local GDP, which has led to a lack of resources for sustained development of many long-term policies. The Commission must break these regulations, strive to use public funds well, and create policies according to social needs.

9.2 Have clear poverty-alleviation principals and formulate poverty-alleviation indices to measure efficacy

Regarding the direction of poverty alleviation, the newly formed Commission on Poverty Alleviation should first re-work how the government understands what causes poor communities and the principals of poverty alleviation, among which requires consideration of policy principals that put people first, focus on basic human rights, place the family at the core, and benefit social cohesion. On all levels, the Commission on Poverty should set a clear poverty line and poverty-eradication indices, and draw up time tables for programs and phased time tables to measure and review poverty-alleviation efficacy. Furthermore, because the poor population includes all social groups, such as the unemployed, the working poor, children and adolescents, and the elderly from all districts, the Commission on Poverty should undertake deep investigations into the hardships and special needs of each social group to systematically and specifically respond to these various poor population groups and formulate and implement poverty-alleviation policies.

9.3 Formulate policies to alleviate child poverty, and create a central child database

Child-related issues such as low self-esteem and needing to work after school to make ends meet seriously strips children of their rights, violates the U.N.'s Convention on the Rights of the Child, and harms Hong Kong's future development. The government should create a central child database in order to grasp the data and needs of poor children and formulate policies that alleviate child poverty. Each department should create policies and investment resources to help children in poverty and ensure that all schools and social services have adequate resources and excellent mechanisms so that all poor children can have equal opportunities for development.

9.4 Set a poverty line and create specific child-poverty indices for a broad scope of policies

The government should utilize internationally recognized poverty-line definitions and include children in households with income that is less than half of Hong Kong's median household income as households that need complete assistance.⁵³ Additionally, the

⁵³ The poor population refers to the population living in low-income households, and low-income households refers to households with income levels equal to or less than half of Hong Kong's median household income, divided up according to number of persons per household. In the Hong Kong Census and Statistics Department's data on the first quarter of 2010, the median household income of Hong Kong was as follows: HK \$6,600 (1 person), HK \$14,200 (2 persons), HK \$20,000 (3

government has always defined children as residents who are fifteen years of age or under, which differs from the definition established by the U.N. Convention on the Rights of the Child, which defines children as residents who are eighteen years of age or under. The latter definition would better reflect child poverty in Hong Kong.

Other than the eight child-related indices, the government should respond to the health, housing, education, and any other basic aspect of living, and create more specific indices and research and monitor the number of poor people and changes in the poverty situation (such as the number of poor children who are inadequately housed, discovered to have poor nutrition, and lack education resources). Indices that are accurate and policy-driven would help the government formulate social-related policies (including social welfare, education, housing, tuition, and transportation subsidies) for the alleviation of child poverty. At the same time, it can establish task forces that combat child poverty to understand the needs of children, create appropriate policies and resource support, and raise and collect social resources.

9.5 Formulate long-term policies that alleviate child poverty, and reform the Child Development Fund

The authorities should formulate long-term policies for the alleviation of child poverty and have reformed short-term assistance measures. For instance, if the authorities are going to launch the Child Development Fund, they should put forth the following measures of improvement:

- **The government should create a base fund for each participating child fund**
- **The government should increase its ratio of public funds:** The government should provide funds with business circles at a child-contribution ratio of 1:2 (that is, the government and business circles could each donate HK \$2 for each child's HK \$1). Moreover, the authorities should also provide scheduled interest-rate yields to incentivize more savings and stronger plans.
- **Provide interest-rate yields to increase child capital:** The authorities could refer to methods adopted by similar funds launched in other countries. After parents provide funds for their children for a certain period of time, the organizations with the savings can distribute interest to the children so that they can further save up capital for future use.
- **Let volunteer work replace fund contribution:** Because children from poor households may not have extra money to contribute to the funds, the authorities should allow children or parents who do not have money for the funds to do volunteer work instead of contribute to the funds. If the children are unable to participate in the voluntary work, the government should contribute to the fund for them.

persons), and HK \$24,000 (4 persons). Half of the median household income of the first half of 2010 was as follows: HK \$3,275 (1 person), HK \$7,100 (2 persons), HK \$10,000 (3 persons), and HK \$12,000 (4 persons).

- **Utilize targeted savings in a flexible manner:** Allow children participating in the program to take out a certain percentage as their personal study expense, so as to relieve their financial pressure.
- **Expand the program to include children eighteen years of age and under:** In order to enable more poor households prepare for their future, the Fund and the Mentorship Program should include among their beneficiaries poor children who are eighteen years of age or under.
- **Launch the programs throughout Hong Kong and target children of different ages:** Additionally, other than implementing the programs throughout all of Hong Kong as quickly as possible, the authorities should include them among the policies for alleviating child poverty. Furthermore, design different content for children of different ages in order to meet their future growth needs.
- **Expand the programs to include all of Hong Kong:** Moreover, the authorities should implement the programs throughout all of Hong Kong and include them among the policies for alleviating child poverty. Furthermore, it should design different content for children of different ages in order to meet their future-growth needs.

Regarding the Personal Development Plan, because different children have different development goals (both short-term and long-term) in their Personal Development Plans, the authorities should increase subsidy amounts and review and approve subsidy amounts based on the child's actual, personal-development needs. Moreover, regarding the Mentorship Program, because each mentor is a volunteer, the authorities should continue monitoring the quality of service by making sure the mentors are continuously in contact with the children and providing adequate training for and scheduled reviews of the mentors, in order to continue improving the program.

Furthermore, the Comprehensive Child Development Scheme that the government is currently launching is not aimed at the growth needs of children from poor families, especially in the area of providing adequate support for physical health, learning, and extracurricular activities. Thus, the government should refer to America's Head Start program, and provide long-term, case-based follow-up for those on welfare and children from low-income families, and continue to monitor all the development needs (including nutrition, study needs, extracurricular activities, and personal development) of underprivileged children to keep all aspects of their development from falling behind.

(10) No establishment of Children's Rights Ombudsmen or a Children's Rights Committee

The U.N.'s Convention on the Rights of the Child was extended to Hong Kong as early as 1994, and the HKSAR government is responsible for completely implementing all of the rights that the Convention safeguards for Hong Kong's nearly 1,200,000 children (one fifth of Hong Kong's total population) who are 18 years old or under. Hong Kong currently has many policy bureaus related to children, but lacks a department that specializes in handling child-related matters by ensuring that the principals and spirit of the Convention are undertaken. With no such commitment, the rights of children will only continue to be ignored in policy agenda.

Establishing a Children's Commission or ombudsmen to look after the special needs of children has already become international trend. The U.N.'s Committee on Rights of the Child and its newly formed Human Rights Committee focus on advocating the States Parties' establishment of a Children's Committee as a critical task. In 2005, twenty non-government organizations related to child and adolescent services submitted to the U.N. a shadow report (Convention on the Rights of the Child: A Report by NGOs in the Hong Kong SAR) on child rights Hong Kong. The organization unanimously requested that Hong Kong establish a Children's Commission as quickly as possible to effectively utilize its rights and resources to implement the Commission-related functions. In its review conclusion, the U.N.'s Committee on Rights of the Child encouraged the Hong Kong government to set up this organization to improve child rights in Hong Kong.

Additionally, in June, 2007 Legislative Council members unanimously passed the motion requesting the government to establish a Children's Commission as quickly as possible.⁵⁴ However, as of four years later, the government has not implemented the motion, thus disrespecting the Council and ignoring society's request to establish a Children's Commission.

Thus, both the Hong Kong community and U.N. have clearly requested that Hong Kong establish a Children's Commission. In fact, in 2008 multiple Hong Kong humanitarian groups selected the top-ten child-related issues,⁵⁵ among which each issue is related to all kinds of laws and policies, making the establishment of a Children's Commission essential. Their reviews involved laws and policies related to all issues and called for all-round implementation of children's rights.

⁵⁴ Hong Kong Legislative Council, Official Record of Proceedings, Friday 9am, June 8, 2007 (pg. 104 - 146)

⁵⁵ Strive to establish the Alliance for Children's Rights Commission (July, 2008), Voting-style investigative report on the top-ten child-related issues

However, the authorities have only set up a children' s rights forum that convenes once every three to six months, and serves largely as a non-authoritative "mud-slinging fest." It carries no authority to follow up on child-related ideas, and it has not drawn up a legal structure that allows children to participate in policy formulation, thereby turning the participating children into a decorative political formality for the government' s implementation of children' s rights. Moreover, Hong Kong lacks a legitimate, independent organization to carry out the Convention, and has not established child ombudsmen or a Children' s Rights Commission to handle and field the children' s complaints.

Other nations' experience in establishing children' s commissions

In order to further improve the safeguarding of children' s rights, countries must proactively carry out legislation and establish effective organizations. Take the United States for example. America' s Children' s Bureau, which is under the Department of Health and Human Services, specializes in monitoring, funding, policy research, bill drafting, and other services related to children' s rights. It hopes to jointly ensure child safety and growth through the cooperation of other nations and communities. In 2003, the federal government passed legislation on child abuse and neglect in order to ensure the benefits of children. In 2008, the federal government added a bylaw to the Social Security Act clearly listing five main guidelines that provide state governments with complete guidance pertaining to child-related matters. What can be learned here is that comprehensive frameworks ensure understanding of child-related matters and helps make policy suggestions that reflect the desires of the people.⁵⁶

The U.K. released the green paper, *Every Child Matters*, in 2003, and the next year child laws were formulated and the child ombudsman position was created. England, Scotland, and Ireland set up their own child ombudsmen, who are responsible for different areas to ensure that committee members have a deep understanding of the local needs. A newspaper very familiar with children' s affairs once wrote an in-depth introduction to *Every Child Matters*, reflecting the British government' s sincerity in improving the children' s growth environment.⁵⁷

SoCo and humanitarian organizations met with Norwegian child ombudsman, Mr. Reidar Hjermann, to understand the necessity of establishing child ombudsmen and the practical efficacy they bring forth locally, and discussed the issues related to establishing child ombudsmen in Hong Kong. Norway' s Children' s Rights Ombudsmen completely supported the establishment of Children' s Rights Ombudsmen in Hong Kong and wrote letters to Hong Kong newspapers requesting that the SAR government create children' s ombudsmen. Thus, the SAR government must consider setting up relevant organizations to

⁵⁶ Recording from Losing Dodo and Bobo's Hong Kong, Ceoi Waihang, Singtao News (December 12, 2010)

⁵⁷ Same as footnote 50

improve the mechanism for monitoring children' s rights.

Advice from the Ombudsmen

10.1 Create Children' s Ombudsmen

The government should learn from the experience of foreign countries (such as Switzerland and Norway) and create legitimate, independent children' s ombudsmen to handle and survey the complaints related to the harming of children' s rights, perform scheduled reviews of all child-related social policies and laws, push forward child-related policies, and ensure that children have equal opportunities for development.

10.2 Establish a Legitimate Children' s Rights Committee and Monitoring Mechanism

In order to encourage children' s participation in public affairs, the authorities should create legitimate organizations such as a Children' s Rights Committee to bring in ideas that children express to the committees or try to utilize the children' s ideas in different policy bureaus in order to embody the roles of children in policy creation.

2012 OMBUDSMEN REPORT ON CHILDREN’S RIGHTS IN HONG KONG
SOCIETY FOR COMMUNITY ORGANIZATION
CHILDREN’S RIGHTS ASSOCIATION (DECEMBER 31, 2012)

Staff: 2012 Children’s Rights Association Ambassadors,
Society for Community Organization (SZE Lai Shan, WONG Chi Yuen)
Address: 52 Princess Margaret Rd Hong Kong
Telephone : (852) 2713 9165 Fax : (852) 2761 3326
Website : <http://www.soco.org.hk> Email : soco@pacific.net.hk
