

Acting Permanent Secretary for Home Affairs' opening statement at ICESCR hearing

Following is the opening statement by the Acting Permanent Secretary for Home Affairs, Mr Stephen Fisher, at the hearing of the United Nations Committee on Economic, Social and Cultural Rights this afternoon (April 27 Geneva time):

Madam Chair, distinguished Members,

I am grateful to you and to Ambassador Sha for the opportunity to introduce our report. First of all, let me introduce my team.

As acting Permanent Secretary for Home Affairs, I have the honour to be the Alternate Representative of the Chinese delegation and to lead the Hong Kong team. Our team members are -

- my Home Affairs Bureau colleagues, Mr John Dean, Ms Amy Yeung and Ms Cynthia Tong;
- Mr Robert Allcock, Solicitor General and Ms Anita Ng from the Department of Justice;
- Ms Salina Yan, Deputy Secretary for Health, Welfare and Food and Ms Pallas Hoo from the Social Welfare Department;
- Ms Do Pang Wai-ye, Assistant Commissioner for Labour;
- Mr Tam Wing-pong, Deputy Director of Housing; and
- Mrs Fanny Lam, Principal Assistant Secretary for Education and Manpower.

Major issues of concern

I am aware that the Committee intends to focus at this hearing on the questions on our report sent to us last year. I would like to take this opportunity to address a few of the issues that I know to be of central concern to the Committee. I propose starting with the question of racial discrimination.

Race

I am sure that the Committee welcome the news that, in June 2003, we announced the decision to legislate against racial discrimination. I am pleased to inform the Committee that, having completed five months of public consultations on our legislative proposals, the law drafting process is well underway and we hope to introduce a Bill into the Legislative Council later this year. The

timing is a few months slower than we originally envisaged, largely because we extended the consultation period in response to public demand and because of the subsequent need to take account of the many useful and insightful responses that we received. We will be pleased to provide any additional information that Members may wish to ask us on this topic.

Equal Opportunities Commission

Let me now turn to another issue of interest to Members, that is, the Equal Opportunities Commission (EOC). I think it is likely that the Committee has learned from our friends in the NGOs about the controversy which surrounded the EOC in the last two years. I take this opportunity to explain where matters stand.

In September 2003 the employment contract of a new appointee to the EOC office was terminated by the newly-appointed Chairperson of the Commission. The incident created a controversy and the Chairperson subsequently resigned. An Independent Panel of Inquiry was appointed in May 2004 to investigate the matter and related issues. The Panel completed its task and submitted its report in February 2005. The report contains 70 recommendations to strengthen the institutional framework of the EOC, to enhance its performance and to restore its credibility.

A new Chairperson was appointed in January this year. The new Chairperson is also in this room. He is an experienced lawyer and the former Privacy Commissioner. And, just last week, we announced the appointment of an entirely new Commission. In handling the EOC incident, I think it is fair to say that the Hong Kong Special Administrative Region (SAR) Government has done everything practicable to restore the credibility of the Commission in the eyes of the public and to enable it to get on with the tasks for which it was created.

Sexual Orientation

A further matter on which I would like to explain our thinking is that of discrimination on the ground of sexual orientation. The Committee may have been disappointed in the response in paragraph 354(b) of our report to the recommendation in paragraph 15(c) of the 2001 concluding observations that we introduce legislation to prohibit such discrimination. However, we very much hope that Members will understand the difficulties that the recommendation presents in the face of deeply held moral beliefs and traditional values.

Hong Kong, like other developed societies, is changing and with such change, old preconceptions are gradually eroding and we are seeing the emergence of a new generation who do not share the prejudices of the past. The Hong Kong SAR Government is working hard to

promote non-discrimination and to foster a culture of tolerance and mutual respect. I take this opportunity to tell Members a little about that work.

In September 2004, as a first step towards accelerating that process, we established a 'Sexual Minorities Forum' to provide a formal channel of communication between the Government and persons of different sexual orientation. The Forum is meeting regularly and has attracted a positive response. And, in the next few months, we will set up a Gender Identity and Sexual Orientation Unit on a two-year pilot basis under the aegis of the Home Affairs Bureau. The Unit will promote equal opportunities for persons of different sexual orientation. It will serve as secretariat to the Forum, and will maintain a hotline for enquiries and complaints. Essentially, therefore, its work will mirror that of the Race Relations Unit, which we described in paragraph 352 of our report. We are now in the process of recruiting the Unit's staff. An additional initiative - that we will also implement in the current financial year - is to conduct a survey on public attitudes towards the issues entailed.

These are early steps but we believe they are in the right direction and that they will do much to bring forward the time when we will feel able to introduce legislation to prohibit discrimination against the sexual minorities.

Poverty

As Members know, we have long had in place a comprehensive social security safety net, which is augmented through public housing, healthcare, and of course - free and compulsory education for all children. The Committee has expressed interest in the question of poverty in Hong Kong. I am pleased to inform Members that we recently established a Commission on Poverty to study the issue in depth and to propose strategies for a way forward.

Conclusion

In conclusion, Madam Chair, I wish firmly to reiterate - as we did in 2001 - our total commitment to the Covenant.

Thank you.

Ends/Thursday, April 28, 2005

NNNN