

# 香港人權監察

## HONG KONG HUMAN RIGHTS MONITOR

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### **Press release**

### **Concerns about**

### **the Proposals on the Establishment of a Family Commission**

**(30 October 2006)**

Hong Kong Human Rights Monitor would like to express its views on the proposed Family Commission in the Policy Address 2006-2007.

1. The International Covenant on Economic, Social and Cultural Rights, Article 10(1) enshrines that “the widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society.”
2. The future of Hong Kong depends on how well our society assists each person to fully develop their talents and key to this is support for the family - the basic unit of our society.
3. Although the Chief Executive, Mr. Donald Tsang emphasized his forthcoming commitment to foster social harmony, with the deprivation of the rights of abode of ten thousands of children born in mainland China as permanent residents in Hong Kong by way of reinterpretation of the Basic Law, it is doubtful as to whether the Chief Executive takes family institution seriously. Immediate measures should be adopted to rectify the harm done to these split families.
4. The Chief Executive announced in the Policy Address his intention to set up of “an integrated, holistic and high-level Family Commission responsible for policies and initiatives relating to family support” in order to foster close and harmonious family relationships. By bringing all the various commissions and committees currently responsible for family-related matters under the same umbrella, it is said that the Commission “would be able to pool resources, and study and address problems from a cross-policy perspective with a view to achieving more effective co-ordination.” (paragraph 37)
5. While this may be a welcoming gesture, the Monitor would like to express our concern over the effectiveness of this Family Commission to take care of the rights and welfare of the women, children, elderly, or disabled persons. If well established and without abolishing and weakening of the existing bodies on children, women, etc., the Family Commission may serve the purpose of providing vulnerable parties the much needed assistance.

6. However, despite the apparently positive step in the establishment of Family Commission, we should guard against the possibility where the integrated and single Commission waters down the resources and efforts accorded to particular areas of concern.
7. The major weakness of a single and integrated Family Commission is the potential loss of focus on particular groups of populations. The wider the remit of the Commission, the more difficult for the Commission to prioritize different areas of human rights concerns. In case if inadequate resources is allocated to the Commission, such problem will turn more acute as different areas of concerns may compete for resources.
8. If the Family Commission is entrusted with a limited set of terms of reference and no enforcement power, the Commission is bound to be ineffective. The Women's Commission has been already described as "high level" by the HKSAR Government. Nevertheless, the Women Commission is only restricted to advisory and educational roles in promoting women's rights, and hence generated limited policy impact.
9. It matters not how the Government describe the Family Commission—"an integrated, holistic and high-level" as in the Policy Address. Without genuine commitment from the Government to put its feet down on protecting the rights of the vulnerable parties or concrete policy measures as to how to foster harmonious family institution and members in all families, the establishment of the toothless Commission can merely be a political talk show to relieve public sentiment, but not those whose rights at stake.
10. Given only few areas of concern are mentioned, the Policy Address failed to demonstrate the commitment of Tsang's administration to improving the enjoyment of rights of Hong Kong people and to implementing the concluding observations of the UN Human Rights Committees.
11. Major areas of concern unaddressed include, for example, the lack of progress in enacting the legislation against race discrimination<sup>1</sup>, the low level of political representation of women due to functional constituencies<sup>2</sup>, the discrimination against foreign domestic workers<sup>3</sup>, the status of refugees in Hong Kong<sup>4</sup>, and the split families across the border.<sup>5</sup>
12. The Monitor reinstates the call for the establishment of a proper statutory Human Rights Commission in Hong Kong. It will definitely contribute to the promotion and protection of human rights and welfare of children, women, elderly and all other individuals and families.

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<sup>1</sup> Hong Kong (CCPR/C/HKG/CO/2, 30 March 2006), paragraph 19; Hong Kong (unedited version – CRC/C/15/Add.271, 30 September 2005), paragraph 33.

<sup>2</sup> People's Republic of China (including Hong Kong and Macao), (CEDAW/C/CHN/CO/6, 25 August 2006), paragraph 39.

<sup>3</sup> People's Republic of China (including Hong Kong and Macao), (E/C.12/2005/SR.6-10, 13 May 2005), at paragraph 83; <sup>3</sup> People's Republic of China (including Hong Kong and Macao), (CEDAW/C/CHN/CO/6, 25 August 2006), paragraph 41.

<sup>4</sup> People's Republic of China (including Hong Kong and Macao), (CEDAW/C/CHN/CO/6, 25 August 2006), paragraph 43.

<sup>5</sup> Hong Kong (CCPR/C/HKG/CO/2, 30 March 2006), paragraph 11.