

**Response to the list of issues and questions
with regard to the consideration of periodic reports of China
(including the second report of HKSAR) under the
Convention on the Elimination of All Forms of
Discrimination against Women**

HONG KONG SPECIAL ADMINISTRATIVE REGION

Trafficking and exploitation of prostitution

Q26. Please provide information on measures taken to combat trafficking in women, as well as the exploitation of prostitution, in particular the enforcement of the Crimes Ordinance.

Response:

The Hong Kong Special Administrative Region (HKSAR) is not a destination for human trafficking or a place of origin for exporting illegal migrants. Immigration Department, Custom and Excise Department and the Hong Kong Police Force of the Government of HKSAR have made concerted efforts to tackle trafficking activities on all fronts, including prevention, enforcement and protection of victims. They have all along been cooperating with their counterparts outside HKSAR to prevent and combat such activities.

In terms of figures, trafficking-in-person cases are rare. Almost all illegal immigrants and prostitutes arrested came to Hong Kong voluntarily to take advantage of the economic prosperity of the HKSAR. They are not trafficked into the HKSAR by criminals, whether operating individually or as a syndicate by means of threat or use of force or other forms of coercion or abduction.

Prostitution itself is not an offence in the HKSAR. Our law targets at those who organize and exploit prostitution. The Crimes Ordinance outlaws trafficking in people, causing prostitution, and exercising control over prostitutes. It also provides that any person who unlawfully takes an unmarried girl under the age of 16 years out of the possession of her

parent or guardian is liable to imprisonment for ten years. Any person who unlawfully abducts an unmarried girl under the age of 18 years with the intention that she shall have unlawful sexual intercourse with men or with a particular man is liable to imprisonment for seven years. The offence of “keeping a vice establishment” seeks to prevent the use of premises by two or more prostitutes by targeting the keeper of the premises. This helps to combat the exploitation of women by organized crime elements.

Employment

Q27. Please provide the results of the 2001 Government-funded study on equal pay for work of equal value in both public and private sectors (para. 214).

Q28. The report indicates difficulty in the application of the principle of equal pay for work of equal value (para. 212). Please provide information on steps taken to implement the principle, particularly in small and medium-sized enterprises.

Response:

The Hong Kong Special Administrative Region (HKSAR) Government notes the recommendation of the CEDAW Committee on the inclusion of the principle of “equal pay for work of equal value” (EPEV) in relevant legislation. As stated in our initial response to the concluding comments of the CEDAW Committee made at the last hearing, our position is that we support, as a matter of principle, proposals that will enable the realization of equality. At present, the Sex Discrimination Ordinance (SDO) addresses the question of EPEV, though it defers adjudication on particular cases to the Court. Moreover, the Equal Opportunities Commission (EOC), an independent body established under SDO, has worked steadily to advance the EPEV principle, first by including it in the Code of Practice on Employment issued under SDO, which are equally applicable to large organisations as well as small and medium-sized enterprises, and secondly by commissioning a “Feasibility Study on

EPEV” in 1997 to examine the issues related to the implementation of the EPEV principle.

Putting the concept of EPEV into practice involves complicated matters, and requires better understanding and wider discussion across the sectors concerned. The “Feasibility Study on EPEV” recommended a suasive approach for implementing EPEV in Hong Kong rather than making EPEV mandatory through legislation. It suggested that the EOC could promote voluntary practice of EPEV by large organisations, while “unequal pay for equal work” could be tackled by SDO. Discriminatory policies and stereotypical socialization and attitudes, on the other hand, could be changed through education. Against this background, a conference was held in 2000 to introduce the EPEV concept into the public arena for discussion. A second conference on EPEV was held in 2001 to share international best practices in the field of pay equality. Participants came from various sectors.

As set out in our second report under CEDAW, the HKSAR Government provided funding to the EOC in 2001 to conduct research and educational projects on the concept of EPEV. The research includes a study on certain public sector jobs. A Task Force on EPEV was set up by the EOC comprising representatives from the EOC, Government and academics etc. to advise on the study. However, members of the Task Force have divergent views on the methodology adopted in the study, the interpretation of data and whether findings of the draft report could support the recommendations made. The EOC is currently considering how to take this complex subject forward, and a new working group comprising EOC members has been set up for this purpose. The EOC is also planning to organize further activities (e.g. workshops and seminars) to promote the concept of EPEV in the context of gender equality.