**Annex 1**

**Examples of court cases**

**with the provisions of the Covenant applied or invoked**

Court of Final Appeal

1. *Kong Yunming v Director of Social Welfare* (2013) 16 HKCFAR 950 (December 2013)

* Article 2 (progressive realization of the rights recognized in the Covenant and the exercise of those rights without discrimination) and Article 9 (right to social security)

1. *GA v Director of Immigration* (2014) 17 HKCFAR 60 (February 2014)

* Article 2 (progressive realization of the rights recognized in the Covenant and the exercise of those rights without discrimination), Article 4 (permissible limitation of Covenant rights) and Article 6 (choice of occupation and labour rights)

1. *Comilang Milagros Tecson v Director of Immigration* (2019) 22 HKCFAR 59 (April 2019)

* Article 4 (permissible limitation of Covenant rights) and Article 10 (protection of the family)

Court of Appeal

1. *Leung Sze Ho Albert v Bar Council of Hong Kong Bar Association* (2016) 5 HKLRD 542 (October 2016)

* Article 6 (choice of occupation and labour rights)

1. *Lubiano Nancy Almorin v Director of Immigration* (2020) 5 HKLRD 107 (September 2020)

* Article 6 (choice of occupation and labour rights) and Article 7 (right to enjoy just and favourable conditions of work)

Court of First Instance

1. *Secretary for Justice v Liu Wing Kwong* (2014) 2 HKLRD 155 (July 2013)

* Article 4 (permissible limitation of Covenant rights)

1. *Loh Ming Yin v Hong Kong Examinations and Assessment Authority* (2020) 6 HKC 565 (July 2020)

* Article 13 (right to education)

**Annex 2**

**Legal aid services and eligibility**

1. Legal aid is available for civil proceedings in the District Court, Court of First Instance, Court of Appeal and Court of Final Appeal; applications to the Mental Health Review Tribunal; and death inquests if the interests of public justice so require. Criminal legal aid is also available in the Court of First Instance and the District Court, committal proceedings in the Magistrates’ Courts, appeals from the Magistrates’ Courts and appeals to the Court of Appeal and Court of Final Appeal.

2. In order to be eligible for civil legal aid, an applicant has to meet a statutory financial eligibility limit and to show that there are reasonable grounds for bringing or defending the proceedings. The Director of Legal Aid (“DLA”) may waive the statutory financial eligibility limit in meritorious cases where a breach of the Hong Kong Bill of Rights Ordinance (Cap. 383) or an inconsistency with the International Covenant on Civil and Political Rights as applied to Hong Kong is an issue.

3. For applicants facing criminal trials, those who pass both means test and merit test (i.e. if it is desirable in the interests of justice to grant legal aid) are eligible for legal aid. For appeals, it must be shown there are reasonable grounds to appeal, except where the applicant has been convicted of murder, treason or piracy with violence. DLA has the discretion to grant legal aid in a criminal case where the applicant’s financial resources exceed the eligibility limit, if it is desirable in the interests of justice to do so, subject to the payment of a contribution at higher rates calculated according to the applicant’s financial resources.

**Annex 3**

**Pre- and post-intervention poverty rate since 2009**

|  |  |  |  |
| --- | --- | --- | --- |
| Year | Pre-intervention poverty rate (%) | Post-intervention poverty rate (%) | Reduction in poverty rate (% points) |
| 2009 | 20.6 | 9.9 | -10.7 |
| 2010 | 20.1 | 9.4 | -10.7 |
| 2011 | 19.6 | 7.1 | -12.5 |
| 2012 | 19.6 | 7.8 | -11.8 |
| 2013 | 19.9 | 8.4 | -11.5 |
| 2014 | 19.6 | 8.8 | -10.8 |
| 2015 | 19.7 | 8.6 | -11.1 |
| 2016 | 19.9 | 9.7 | -10.2 |
| 2017 | 20.1 | 9.8 | -10.3 |
| 2018 | 20.4 | 9.3 | -11.1 |
| 2019 | 21.4 | 9.2 | -12.2 |

**Annex 4**

**Tax Revenue from 2011-12 to 2021-22**

(HK$Million)

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **2011-12** | **2012-13** | **2013-14** | **2014-15** | **2015-16** | **2016-17** | **2017-18** | **2018-19** | **2019-20** | **2020-21** | **2021-22  Estimate** |
| **Direct tax** |  |  |  |  |  |  |  |  |  |  |  |
| Profits tax | 118,600 | 125,638 | 120,882 | 137,847 | 140,227 | 139,238 | 139,100 | 166,620 | 155,900 | 135,540 | 126,650 |
| Personal assessment | 4,512 | 4,078 | 4,420 | 4,817 | 4,790 | 5,220 | 5,342 | 5,963 | 5,000 | 6,294 | 6,130 |
| Property tax | 1,949 | 2,259 | 2,584 | 2,939 | 2,998 | 3,372 | 3,448 | 3,624 | 2,807 | 3,957 | 3,500 |
| Salaries tax | 51,761 | 50,467 | 55,620 | 59,347 | 57,868 | 59,077 | 60,839 | 60,146 | 50,412 | 75,027 | 64,390 |
| Earnings and profits tax | *176,822* | *182,442* | *183,506* | *204,950* | *205,883* | *206,907* | *208,729* | *236,353* | *214,119* | *220,818* | *200,670* |
|  |  |  |  |  |  |  |  |  |  |  |  |
| **Indirect tax** |  |  |  |  |  |  |  |  |  |  |  |
| General rates | 9,722 | 11,204 | 14,911 | 22,272 | 22,733 | 21,250 | 22,203 | 17,167 | 20,980 | 19,044 | 19,099 |
| Stamp duties | 44,356 | 42,880 | 41,515 | 74,845 | 62,680 | 61,899 | 95,173 | 79,979 | 67,198 | 89,045 | 92,000 |
| Bets and sweeps tax | 15,761 | 16,565 | 18,066 | 19,479 | 20,127 | 21,119 | 21,959 | 22,194 | 22,012 | 20,877 | 22,100 |
| Duties | 7,725 | 8,977 | 9,720 | 10,010 | 10,712 | 10,254 | 10,701 | 10,636 | 11,391 | 11,852 | 12,129 |
| Fees and charges [tax-loaded fees] | 6,769 | 5,127 | 4,951 | 7,480 | 7,651 | 5,390 | 8,150 | 8,029 | 4,832 | 4,362 | 5,198 |
| Motor vehicle taxes | 7,070 | 7,466 | 8,338 | 9,549 | 9,311 | 7,814 | 8,594 | 9,432 | 7,219 | 6,594 | 6,369 |
| Air passenger departure tax | 1,947 | 2,029 | 2,244 | 2,347 | 2,516 | 2,598 | 2,737 | 2,881 | 2,347 | 101 | 714 |
| Royalties and concessions | 4,849 | 2,736 | 4,426 | 2,916 | 2,955 | 10,545 | 3,242 | 3,500 | 3,202 | 3,529 | 3,567 |
| Estate duty | 94 | 137 | 388 | 178 | 30 | 19 | 31 | 89 | 53 | 7 | 10 |
| Taxi concessions | - | - | - | - | - | 141 | - | - | - | - | - |
|  | *98,293* | *97,121* | *104,559* | *149,076* | *138,715* | *141,029* | *172,790* | *153,907* | *139,234* | *155,411* | *161,186* |
| **Total tax revenue** | **275,115** | **279,563** | **288,065** | **354,026** | **344,598** | **347,936** | **381,519** | **390,260** | **353,353** | **376,229** | **361,856** |
| **Tax revenue in terms of %**  **of government revenue** | ***62.9%*** | ***63.2%*** | ***63.3%*** | ***74.0%*** | ***76.6%*** | ***60.7%*** | ***61.6%*** | ***65.1%*** | ***59.8%*** | ***66.7%*** | ***61.2%*** |

**Annex 5**

**Total Public Expenditure by Policy Area Group from 2011-12 to 2021-22**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| (HK$Million) |  | |  | |  | |  | |  | |  | |  | |  | |  | | Revised Estimate | | Estimate | |
|  | 2011 -12 | | 2012-13 | | 2013-14 | | 2014-15 | | 2015-16 | | 2016-17 | | 2017-18 | | 2018-19 | | 2019-20 | | 2020-21 | | 2021-22 | |
| **Policy Area Group** | $M | % | $M | % | $M | % | $M | % | $M | % | $M | % | $M | % | $M | % | $M | % | $M | % | $M | % |
| Education | 67,891 | *17.6* | 76,600 | *19.1* | 76,392 | *16.7* | 73,724 | *17.4* | 78,968 | *16.9* | 82,436 | *16.7* | 88,465 | *17.4* | 108,035 | *19.0* | 125,341 | *19.5* | 108,011 | *12.6* | 110,870 | *14.4* |
| Social Welfare | 43,346 | *11.2* | 45,894 | *11.5* | 55,352 | *12.1* | 58,091 | *13.7* | 64,893 | *13.9* | 68,151 | *13.8* | 70,316 | *13.9* | 90,126 | *15.9* | 92,249 | *14.4* | 100,066 | *11.6* | 120,555 | *15.6* |
| Health | 45,297 | *11.7* | 59,572 | *14.9* | 67,602 | *14.8* | 57,508 | *13.6* | 70,424 | *15.0* | 66,474 | *13.4* | 71,095 | *14.0* | 78,275 | *13.8* | 87,347 | *13.6* | 98,308 | *11.4* | 115,827 | *15.0* |
| Security | 31,522 | *8.2* | 33,937 | *8.5* | 35,293 | *7.7* | 38,906 | *9.2* | 43,108 | *9.2* | 43,162 | *8.7* | 45,833 | *9.0* | 50,455 | *8.9* | 56,732 | *8.8* | 64,609 | *7.5* | 62,392 | *8.1* |
| Infrastructure | 52,545 | *13.6* | 61,695 | *15.4* | 73,723 | *16.1* | 74,126 | *17.5* | 81,021 | *17.3* | 89,402 | *18.1* | 86,291 | *17.0* | 75,211 | *13.3* | 66,844 | *10.4* | 77,575 | *9.0* | 84,381 | *10.9* |
| Environment & Food | 17,733 | *4.6* | 18,911 | *4.7* | 23,762 | *5.2* | 21,521 | *5.1* | 20,839 | *4.4* | 20,834 | *4.2* | 21,586 | *4.3* | 24,291 | *4.3* | 30,680 | *4.8* | 35,129 | *4.1* | 35,324 | *4.6* |
| Economic | 47,302 | *12.3* | 33,298 | *8.3* | 37,298 | *8.2* | 20,529 | *4.8* | 19,037 | *4.1* | 29,365 | *5.9* | 20,585 | *4.0* | 26,034 | *4.6* | 40,035 | *6.2* | 116,002 | *13.5* | 88,059 | *11.4* |
| Housing | 18,98 | *4.9* | 20,501 | *5.1* | 21,268 | *4.6* | 24,349 | *5.7* | 29,405 | *6.3* | 28,875 | *5.8* | 32,780 | *6.5* | 31,159 | *5.4* | 31,099 | *4.8* | 36,005 | *4.2* | 42,110 | *5.5* |
| Community & External Affairs | 26,033 | *6.8* | 13,228 | *3.3* | 27,718 | *6.1* | 12,618 | *3.0* | 13,495 | *2.9* | 14,851 | *3.0* | 16,343 | *3.2* | 24,835 | *4.4* | 20,302 | *3.2* | 22,749 | *2.6* | 26,046 | *3.4* |
| Support | 35,054 | *9.1* | 36,543 | *9.2* | 38,938 | *8.5* | 42,734 | *10.0* | 46,838 | *10.0* | 51,266 | *10.4* | 54,280 | *10.7* | 59,157 | *10.4* | 92,053 | *14.3* | 201,682 | *23.5* | 85,827 | *11.1* |
| **Total Public Expenditure** | **385,641** | ***100.0*** | **400,179** | ***100.0*** | **457,346** | ***100.0*** | **424,106** | ***100.0*** | **468,028** | ***100.0*** | **494,816** | ***100.0*** | **507,574** | ***100.0*** | **567,578** | ***100.0*** | **642,682** | ***100.0*** | **860,136** | ***100.0*** | **771,391** | ***100.0*** |
| **Nominal GDP** | **1,934,430** |  | **2,037,059** |  | **2,138,305** |  | **2,260,005** |  | **2,398,280** |  | **2,490,438** |  | **2,659,384** |  | **2,835,119** |  | **2,844,560** |  | **2,710,730** |  | **2,859,800** |  |
| **In term of % of Nominal GDP** | **19.9%** |  | **19.6%** |  | **21.4%** |  | **18.8%** |  | **19.5%** |  | **19.9%** |  | **19.1%** |  | **20.0%** |  | **22.6%** |  | **31.7%** |  | **27.0%** |  |
| **3 Major Policy Area Groups (Education, Social Welfare and Health)** | **156,534** | ***40.5*** | **182,066** | ***45.5*** | **199,346** | ***43.6*** | **189,323** | ***44.7*** | **214,285** | ***45.8*** | **217,061** | ***43.9*** | **229,876** | ***45.3*** | **276,436** | ***48.7*** | **304,937** | ***47.5*** | **306,385** | ***35.6*** | **347,252** | ***45.0*** |

**Annex 6**

**Public healthcare services in Hong Kong**

1. The provision of public healthcare services in Hong Kong is primarily prioritised to meet the needs of Eligible Persons (“EP”)[[1]](#footnote-1). Nevertheless, the Hospital Authority (“HA”) would provide medical services for Non-eligible Persons (“NEP”)[[2]](#footnote-2), including non-refoulement claimants, in emergency situations. In non-emergency situations, service provision for NEP is subject to HA’s capacity to provide such services without adversely affecting the services to EP on each episode. Medical services provided by HA for NEP are charged on cost recovery basis as published in the Gazette. Before settlement of all outstanding fees, NEP would only be provided with medical services related to major public health threats or in emergency situations. Once the NEP are stabilized, their care would be handed over to and continued by their own medical practitioners or their country of origin.

2. To ensure rational use of limited public resources, normally medical fees would not be waived for NEP unless there are exceptional circumstances and financial hardship. NEP in need may submit application for medical fee waiver to HA or the concerned service units of the Social Welfare Department. HA would consider the circumstances of each case and decide whether an application for medical fee waiver would be accepted. For approved applications, HA would exercise discretion to waive medical fees in full or partially.

3. Members of the public may access more information about the medical fee waiver mechanism for NEP and application procedures in HA’s internet website.

**Annex 7**

**Handling of enquiries and complaints  
from foreign domestic helpers**

1. If an foreign domestic helper (“FDH”) considers that his/her employer has failed to provide suitable accommodation or has breached any of the terms concerning accommodation arrangements as provided in the Standard Employment Contract (“SEC”), or his/her employment rights are being infringed, he/she may approach Labour Department (“LD”) for free consultation and conciliation services. The FDH may also report the case to the Immigration Department (“ImmD”). If an employer breaches his/her undertaking to the Government and/or fails to provide the FDH with free, suitable and furnished accommodation as provided under SEC, it will be one of the factors in ImmD’s consideration of the employer’s future applications for employing an FDH. The adverse record may lead to any such application being refused. Furthermore, if an employer knowingly furnishes a false representation or statement to immigration officers in the course of a visa application, including the intended accommodation arrangement, he/she may be subject to criminal investigation and prosecution.

2. In 2019 and 2020, LD handled 1 077 and 785 claims involving FDHs respectively. LD does not keep a breakdown of whether the claims concern accommodation, food or other in-kind benefits. Around 75% of the claims were settled through conciliation, showing that the majority of the claims were only normal labour disputes.

3. If FDHs have any enquiries about Employment Ordinance (“EO”) and their employment rights and benefits, or would like to file employment-related complaints, they can contact LD through the dedicated 24-hour FDH hotline which provides interpretation service in seven languages, by sending emails to FDH Division or through the online form on the FDH Portal. In 2019 and 2020, LD received 4 840 and 14 268 enquiries/complaints from FDHs respectively, the majority of which concerned FDHs’ employment rights and benefits. Among which, 3 836 and 10 367 enquiries/complaints were received through the dedicated FDH hotline respectively. LD does not maintain a breakdown of the nature of the enquiries/complaints.

**Annex 8**

**Support for foreign domestic helpers during COVID-19 epidemic**

1. During the COVID-19 epidemic, the Labour Department (“LD”) continued to provide support to foreign domestic helpers (“FDHs”) and their employers, including providing several rounds of free, voluntary COVID-19 testing service to FDHs from August 2020 to July 2021, setting up mobile specimen collection stations at popular gathering places of FDHs. Furthermore, FDHs can get vaccinated in Hong Kong free of charge.

2. LD also undertook a wide range of publicity, including conducting mobile broadcasts in popular gathering places of FDHs on Saturdays and Sundays to call upon them to wear masks and not to gather in groups and disseminating the latest health information to them. Since early 2020, LD repeatedly issued press releases to remind employers of their obligations under Employment Ordinance (“EO”) and Standard Employment Contract. For example, employers were reminded that they must not compel their FDHs to work on the latter’s rest days. An employer who compels his/her FDH to work on a rest day without the agreement of the FDH or fails to grant rest days to the FDH is in breach of EO and is liable to prosecution and, upon conviction, to a maximum fine of HK$50,000.

**Annex 9**

**Requirement and appeal system under the Public Order Ordinance (Cap. 245)**

1. Any public meeting with participants of more than 50 persons or any public procession with participants of more than 30 persons that are regulated under the Public Order Ordinance (“POO”) may be conducted only if a notice has been given to the Commissioner of Police (“the Commissioner”) who gives no prohibition or objection. The Commissioner will carefully examine each case based on all the relevant facts and circumstances. By law, the Commissioner may only prohibit or object a public meeting or public procession if it is necessary in the interests of national security, public safety, public order or the protection of the rights and freedoms of others, and when those interests could not be met by the imposition of conditions.

2. There is also a proper appeal system. If a person is aggrieved by the decision of the Commissioner to prohibit a public meeting, to object a public procession or to impose conditions on the holding of a public meeting or procession, he may lodge an appeal to the independent statutory Appeal Board on Public Meetings and Processions (“Appeal Board”). The Appeal Board is chaired by a retired judge. It may confirm, reverse or vary the prohibition, objection or condition imposed by the Commissioner. The decision of the Appeal Board is also amenable to the challenge of judicial review.

**Annex 10**

**Measures to ensure adequacy of retirement benefits under**

**Mandatory Provident Fund Scheme**

1. Under the Mandatory Provident Fund (“MPF”) System, a statutory mechanism is in place to review the minimum and maximum relevant income levels for the mandatory contribution not less than once in every four years. Furthermore, the Default Investment Strategy introduced in 2017 offers a default and low-fee investment solution for MPF scheme members by requiring trustees to offer funds that are subject to fee caps, global investment strategy for risk diversification and automatic de-risking as members approach retirement age.

2. The Government and the Mandatory Provident Fund Schemes Authority are taking forward the eMPF Platform project, being a major reform initiative since inception of the MPF System in 2000, to enhance operational efficiency and create room for fee reduction. The eMPF Platform is a common electronic platform to streamline, standardise and automate the MPF scheme administration processes through digital and innovative solutions. The Project is expected to achieve cost efficiency and savings to the benefit of scheme members, cumulating to an estimated range of HK$30 billion-$40 billion over a 10-year period. Our target is to complete the development work by end-2022 for phased migration of existing trustees to the centralised platform. The eMPF Platform is expected to be fully functional in around 2025.

3. The Government is taking steps to abolish the arrangement of using MPF benefits derived from employers’ mandatory contributions to offset severance payment and long service payment, and has proposed to pay mandatory contributions for low-income scheme members to enhance their retirement protection. These measures are to be implemented after the eMPF platform comes into full operation.

**Annex 11**

**The poverty alleviation impact of selected measures in 2019**

|  |  |
| --- | --- |
| Selected measures | Reduction in overall poverty rate  (percentage points) |
| **All selected measures** | **12.2** |
| *Of which:*  Public rental housing | 3.7 |
| Recurrent cash measures  *Of which:* | 5.6 |
| Comprehensive Social Security Assistance | 2.2 |
| Old Age Living Allowance | 2.2 |
| Working Family Allowance | 0.6 |
| Education benefits | 0.6 |
| Disability Allowance | 0.4 |
| Old Age Allowance | 0.2 |
| Non-recurrent cash measures | 2.1 |

**Annex 12**

**Measures to increase public housing supply and**

**Assistance to families in need of public housing**

1. In terms of housing construction, the Government departments concerned endeavour to expedite the development process and optimise the development potential of each public housing site where practicable. For example, where planning and infrastructure permit and without compromising the environment to an unacceptable extent, the Government will suitably relax development restrictions (e.g. plot ratio, building height) of sites through liaison with relevant departments or submission of planning applications; and enlarge and/or amalgamate sites to create larger development site area to increase housing production where appropriate.

2. In addition to building more Public Rental Housing (“PRH”), the Long Term Housing Strategy (“LTHS”) also underlines the importance of the rational use of existing PRH resources. From time to time, the Hong Kong Housing Authority reviews relevant policies and adopts appropriate measures to accord priority to allocating PRH resources to those with more pressing housing needs.

*Assistance to families in need*

3. As housing supply cannot yet fully meet demand, the Task Force on Transitional Housing under the Transport and Housing Bureau has been actively spearheading and collaborating with non-government organisations (“NGOs”) with a view to increasing the supply of transitional housing. In general, the target applicants of the transitional housing units are families waiting for public rental housing for a long time or those who live in inadequate housing. The NGO may also reserve not more than 20% of units for other types of applicants including those households that are reasonably considered to be in urgent need for community support.

4. In order to alleviate the difficulties on livelihood faced by grassroots families who have been waiting for public rental housing for a prolonged period of time, the Government launched the three-year Cash Allowance Trial Scheme launched in end-June 2021, and started to disburse cash allowance to eligible applicant households from late July 2021.

**Annex 13**

**Measures to enhance supply of**

**doctors and other medical personnel**

1. For healthcare manpower, given the projected shortage of various types of healthcare professionals, the Government increased the number of healthcare-related publicly-funded first-year-first-degree intake places by over 150 in the 2019/22 triennium. The Government has also subsidised over 1 300 students studying in qualified self-financing healthcare training programmes in the 2020/21 cohort.

2. To update the demand and supply projections of healthcare professionals, the Government conducts a new round of manpower projections once every three years in step with the triennial planning cycle of the University Grants Committee. The Government will consider further increasing the number of healthcare training places according to the latest projection results released in March 2021.

3. For admission of non-locally trained healthcare professionals, there are avenues for them to practise in Hong Kong. For those professions where full registration is granted to non-locally trained professionals through licensing examinations, the Medical Council of Hong Kong, the Dental Council of Hong Kong and the Nursing Council of Hong Kong had increased their frequency of licensing examinations and, where appropriate, introduced more flexibility for internship arrangement.

4. In view of the serious shortage of doctors in Hong Kong, the Government has introduced the Medical Registration (Amendment) Bill 2021 into the LegCo on 2 June 2021 in order to create a new pathway for admission of qualified non-locally trained Hong Kong doctors to practise in our public healthcare sector.

**Annex 14**

**General Outpatient Clinic Public-Private Partnership Programme**

1. The General Outpatient Clinic Public-Private Partnership Programme (“GOPC PPP”) launched in mid-2014 subsidises clinically stable patients with hypertension and/or diabetes mellitus attending the GOPCs of the Hospital Authority (“HA”) to opt for care from a private doctor of their choice to follow up on their chronic diseases, such that a long-term family doctor-patient relationship can be established for achieving the objectives of continuous and holistic primary care. Nearly 600 private doctors have participated in the Programme, which covers 18 districts of Hong Kong.

2. Patients fulfilling pre-defined clinical criteria and programme requirements and who have been attending HA Outpatient Clinic for at least 12 months, will be invited to join the Programme for receiving primary care service from the private sector. Each patient will receive up to 10 subsidised visits per year, including medical consultations and prescriptions covering both chronic and episodic illnesses; and X-ray and investigation services provided by HA as specified through private doctors’ referral.

3. Under the Programme, participating patients only need to pay the same fee as HA GOPC for each consultation. A participating patient who is eligible for a waiver may enjoy the same fee waiver arrangement as for HA’s service when he/she attends the private doctors for services under the Programme. Under mutual agreement, individual patients may receive further services and treatment at their own expenses. Those who have participated in the Elderly Health Care Voucher Scheme can meet such additional charges from their Health Care Voucher accounts.

**Annex 15**

**School placement assistance to children/ students**

**in an irregular immigration situation**

1. Upon receipt of application from school-age children who do not have a legal stay in Hong Kong but are released on recognizance for a placement in a secondary or a primary school, the Education Bureau (“EDB”) will take into account the circumstances of individual cases and consult Immigration Department (“ImmD”). If the children concerned will not be removed from Hong Kong shortly, and ImmD does not have any comment, EDB will vet the application and offer placement assistance having regard to factors like age, educational background, etc. of the children concerned. Their right to education is adequately protected under the existing mechanism.

2. For the purpose of admission to post-secondary programmes in Hong Kong, holders of recognizance forms are generally regarded as non-local students and their applications for admission, if any, will be processed in the same way as for other non-local students, outside the Joint University Programmes Admissions System (“JUPAS”). Post-secondary institutions enjoy a high degree of autonomy in admission of students; requirements for student admission may vary between institutions and programmes. Holders of recognizance forms are advised to contact the institutions direct on the admission arrangements of the programmes they are interested in.

1. Eligible Persons refer to (1) holders of Hong Kong Identity Card issued under the Registration of Persons Ordinance (Cap. 177), except those who obtained their Hong Kong Identity Card by virtue of a previous permission to land or remain in Hong Kong granted to them and such permission has expired or ceased to be valid; (2) children who are Hong Kong residents and under 11 years of age; or (3) other persons approved by the Chief Executive of the Hospital Authority. [↑](#footnote-ref-1)
2. Persons who are not Eligible Persons are classified as Non-eligible Persons. [↑](#footnote-ref-2)