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## Committee on Economic, Social and Cultural Rights

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## Replies of Macao, China to the list of issues in relation to its third periodic report<sup>\*, \*\*</sup> \*\*\*

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\* The present document is being issued without formal editing.

\*\* The present document forms part of the replies to the list of issues in relation to the State party report of China (E/C.12/CHN/RQ/3), which should be read in conjunction with the replies to the list of issues in relation to the report of Hong Kong, China (E/C.12/CHN-HKG/RQ/4).

\*\*\* The annex to the present report may be accessed from the web page of the Committee.



### **Reply to paragraph 1 of the list of issues (E/C.12/CHN-MAC/RQ/3)**

1. Article 40 of the Basic Law of the Macao Special Administrative Region of the People's Republic of China (hereinafter referred to as the "Basic Law") stipulates that the provisions of the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as the "Covenant") as applied to Macao remain in force.
2. As regards the implementation of the Covenant in the legal system of the Macao Special Administrative Region of the People's Republic of China (hereinafter referred to as the "Macao SAR"), paragraph 80 of the Core Document (HRI/CORE/CHN-MAC/2010) and paragraphs 243 to 245 of its updated version (HRI/CORE/1/Add.21/Rev.2) are still accurate.
3. The Legal and Judicial Training Centre (hereinafter referred to as the "LJTC") continues to provide legal training to magistrates, lawyers, notaries and other legal professionals, especially training programmes on the subject of human rights protection, including protection of human rights and fundamental freedoms, fight against the crimes of trafficking in persons and crimes against sexual freedom and self-determination, protection of disadvantaged groups and prohibition of torture. Please refer to Table 1 of the Annex for information on the training programmes on the Covenant provided by the LJTC between 2014 and 2020. In addition to the above-mentioned training, the procuratorate magistrates were also provided with "basic training of child protection", "seminar on interviewing sexually abused minor victims" and basic training on handling domestic violence cases involving spouses and children, *etc.*
4. Between 2014 and 2020, the Court of Second Instance and the Court of Final Appeal applied or invoked the provisions of the Covenant in 5 and 1 cases respectively.

### **Reply to paragraph 2 of the list of issues**

5. The Commission against Corruption (hereinafter referred to as the "CCAC") accumulates the Ombudsman's functions. Article 2-A(1) of the Legal Framework of the Commission against Corruption of the Macao Special Administrative Region (Law 10/2000, as amended by Law 4/2012) expressly stipulates that one of the missions of the CCAC is to "perform ombudsman actions, to defend and promote the rights, freedoms, safeguards and legitimate interests of individuals", including the rights enshrined in the Covenant. Adequate financial and human resources are provided to the Commissioner to guarantee the exercise of his/her Ombudsman's functions in an independent and autonomous manner (Article 59 of the Basic Law and Article 37 of Law 10/2000, as amended).
6. The CCAC has been using different methods, including seminars, symposiums, teaching materials, advertisements, campus activities and competitions, to disseminate its work and role to the public and to enhance residents' integrity and law-abiding awareness.
7. From 2014 to 2020, the CCAC handled 14 cases related to the Covenant. Among them, the CCAC respectively urged the relevant public departments to properly deal with 1 case each in 2016 and 2018. The remaining cases were filed as there was no sufficient information or no violations were found.
8. With respect to information on the provision of legal aid to disadvantaged groups, please refer to paragraphs 195 to 200 of the 2nd periodic report of the Macao SAR on the implementation of the International Covenant on Civil and Political Rights (CCPR/C/CHN-MAC/2). Please also refer to Table 2 of the Annex for data on legal aid applications from 2014 to 2020.

### **Reply to paragraph 3 of the list of issues**

9. The Macao SAR Government is committed to responding to climate change and reducing carbon emissions. From 2014 to 2020, the following laws and regulations were formulated for this purpose: (1) Administrative Regulation 12/2014 on Air Pollutant Emission Standards and Facilities Management Provisions for Cement Manufacturing Industrial Sites; (2) Administrative Regulation 20/2014 on Regulation of Safety and

Installation of Grid Connection of Solar Photovoltaics; (3) Administrative Regulation 15/2016 on Standards for Lead-free Gasoline and Light Diesel Used for Vehicles; (4) Administrative Regulation 30/2016 on Emission Limits for Exhaust Pollutants from In-use Vehicles and Measurement Methods; (5) Administrative Regulation 2/2017 on Financial Support Plan for Scrapping Motorcycles and Scooters with Two-stroke Engines; (6) Law 16/2019 on Restrictions on the Distribution of Plastic Bags; (7) Administrative Regulation 24/2019 on Air Pollutant Emission Standards for Power Plants; and (8) Administrative Regulation 22/2020 on Construction Waste Management System.

10. In terms of action plans, the Macao SAR Government established the Environmental Protection Planning of Macao (2010-2020) (please refer to paragraphs 204 to 206 of the 3rd periodic report on the implementation of the Covenant in the Macao SAR (hereinafter referred to as the “3rd report”)) and issued an evaluation report on the effectiveness of the mid-term implementation of the Planning, pointing out that in relation to the 3 principal themes (“Optimising the Environment Suitable for Living and Tourism”, “Promoting a Conservation and Recycling-oriented Society” and “Integrating into the Green and Quality Region”) set for the mid-term implementation of the Planning, among a total of 68 action plans, 42 were completed or continued to be followed up while 16 were launched; therefore, the implementation has been relatively satisfactory. Please refer to the website of Environmental Protection Bureau for the report: [https://www.dsqa.gov.mo/richtext\\_plan.aspx?a\\_id=1528439477](https://www.dsqa.gov.mo/richtext_plan.aspx?a_id=1528439477). Moreover, the Environmental Protection Bureau also formulated the “Short-, mid- and long-term plans for introducing and promoting environmentally friendly vehicles in Macao” to reduce vehicle exhaust emissions.

11. Meanwhile, the Macao SAR Government continues to follow up the implementation of the provisions of the Montreal Protocol on Substances that Deplete the Ozone Layer (hereinafter referred to as the “Protocol”), including the prohibition on the production of ozone depleting substances and on the import of eliminated substances, the implementation of a licensing system for the import and export of substances that are still allowed to be traded by the Protocol, which may only be carried out with contracting parties, and the stipulation that when importing such substances, the opinions of the Environmental Protection Bureau and import licences should be obtained. At present, most of the ozone depleting substances cannot be produced, imported and exported in accordance with the requirements of the Protocol while HCFCs, which are mainly used as refrigerants, are subject to import quotas and are gradually eliminated.

12. It is worth mentioning that the Macao SAR Government proposed in its Policy Address in 2011 that carbon dioxide emissions per unit of gross domestic product (GDP) should be reduced by 40 - 45% by 2020 from the 2005 level. And as early as 2019, the carbon dioxide emissions per unit of GDP in the Macao SAR dropped by 67% from the 2005 level, thus achieving the corresponding target in advance.

13. To adapt to climate change and enhance the capacity to defend against and respond to natural disasters, the Macao SAR Government also adopted a number of measures, including the formulation of the “Ten-year Plan for Disaster Prevention and Mitigation (2019-2028)” of the Macao SAR and the optimisation of the tropical cyclone warning system, storm surge warning system and rainstorm warning system (Executive Orders 61/2018, 76/2018 and 17/2020). Moreover, as of 2020, a total of 17 emergency shelters and 4 meeting places were set up and places to stay for emergency evacuation were also set up. When it is predicted that it will be cold (temperature drops to or below 12 degrees Celsius), hot (temperature rises to or above 34 degrees Celsius) or when there is a sudden crisis, the Social Welfare Bureau (hereinafter referred to as the “SWB”) will open cold/heat and emergency shelters, providing temporary emergency accommodation or placement services for those affected.

14. With respect to ensuring water supply, the Macao SAR Government began the Seac Pai Van Water Treatment Plant construction project in 2018 and completed the 4th Zhuhai-Macao water supply pipeline in 2019, improving the efficiency of the water supply system and stabilising the supply of water resources. As regards ensuring power supply, more than 100 electrical substations in low-lying areas were elevated and improved with waterproof facilities in 2018. To alleviate the flooding problems in the inner harbour area, the installation

of valves for flood protection in the inner harbour area was completed in 2019, reducing the impact of extreme weather disasters on residents in low-lying areas.

#### **Reply to paragraph 4 (a) of the list of issues**

15. According to the information provided by the Statistics and Census Service (hereinafter referred to as the “SCS”), in the past 10 years, the Macao SAR Government conducted household budget surveys in 2012/2013 and 2017/2018. According to the data collected by the surveys, the levels of income inequality before and after taxes and transfers in 2012/2013 were 1.38 and 1.75 respectively, while the relevant data for 2017/2018 were 1.45 and 1.55 respectively.

#### **Reply to paragraph 4 (b) of the list of issues**

16. The Macao SAR Government does not compile specific statistics on the assets owned by residents; therefore, it is not possible to provide the data referred to in the question.

#### **Reply to paragraph 4 (c) of the list of issues**

17. According to the information provided by the Financial Services Bureau (hereinafter referred to as the “FSB”), from 2010 to 2019, the proportion of public revenue that was financed through taxes has gradually increased, being 78.27%, 81.02%, 79.05%, 76.99%, 86.04%, 82.32%, 81.88%, 84.06%, 84.42% and 84.63% by year respectively.

#### **Reply to paragraph 4 (d) of the list of issues**

18. As regards tax rates levied on corporate profits and on personal income, according to the laws of the Macao SAR, the above two types of taxes are understood to correspond respectively to profit tax and salaries tax. The former is levied on the total income of natural persons or legal persons obtained from local industrial or commercial activities. The latter is levied on working income. The tax rates of the above two types of taxes remained the same from 2010 to 2019. Please refer to Tables 3 and 4 of the Annex for details. As for value-added tax, the Macao SAR Government currently does not levy such tax.

19. In respect of the personal income tax that is collected from the richest 10% of the population of the Macao SAR, as mentioned in the response to Question 4(b), the Macao SAR does not compile specific statistics on the assets owned by residents; therefore, it is not possible to provide relevant data.

#### **Reply to paragraph 4 (e) of the list of issues**

20. Between 2010 and 2019, public expenses as a percentage of the GDP of the Macao SAR were 17%, 15%, 16%, 12%, 15%, 22%, 23%, 20%, 19% and 19% by year respectively.

21. In 2019, labour affairs, education, health, social security, housing and culture accounted for 0.49%, 15.06%, 10.15%, 10.31%, 1.75% and 1.56% of the public expenses respectively. For detailed statistics from 2010 to 2019, please refer to Table 5 of the Annex.

22. Regarding expenses dedicated to food, water and clean water, as there is no corresponding specific classification in the expenses and budget of the Macao SAR, it is not possible to provide relevant data. Nevertheless, it is worth stressing that there are no problems in the Macao SAR’s water supply and residents’ access to water. Moreover, the Macao SAR Government has been cooperating with the non-governmental organisation, Caritas Macau, to provide adequate basic food assistance to low-income or impoverished individuals in need through the Caritas Short-term Food Assistance Service Centre. The Government continues to dedicate resources in order to help more individuals in need. The number of beneficiaries

and corresponding expenses have increased from 1,923 beneficiaries and approximately 2.6 million Patacas in 2011 to 4,757 beneficiaries and approximately 13 million Patacas in 2020.

#### **Reply to paragraph 4 (f) of the list of issues**

23. According to data provided by the SCS, the inflation rates from 2010 to 2019 were 2.81%, 5.81%, 6.11%, 5.50%, 6.05%, 4.56%, 2.37%, 1.23%, 3.01% and 2.75% by year respectively. Please refer to Table 5 of the Annex for data on social spending.

#### **Reply to paragraph 5 of the list of issues**

24. The CCAC has the competence to carry out actions to prevent and investigate, in accordance with the criminal law and criminal procedural law, the commission of the crimes of corruption and related crimes of frauds within the scope of the activities of the public and private sectors and to cooperate with criminal police bodies within its scopes of activity. All natural persons and legal persons are under the obligation to cooperate with the CCAC, when their own rights and legitimate interests are protected (Articles 2-A, 5 and 6 of Law 10/2000, as amended, and Article 7 of Law 19/2009 on Prevention and Suppression of Bribery in the Private Sector).

25. At the level of prevention, the CCAC continues to hold seminars and symposiums to spread the message of integrity and law-observance to different sectors, such as public departments, private organisations, local associations, youth and students. The CCAC also prepared a series of guidelines for the reference and use of the public and private sectors, including the Guidelines on the Professional Ethics and Conduct of Public Servants, Guidelines on the Procurement and Acquisition of Public Goods and Services, Recommendations on the Formulation of Code of Conduct for Public Services and Institutions, Corruption Prevention Tips for Private Companies and Corruption Prevention Guide for SMEs in Guangdong, Hong Kong and Macao, *etc.*

26. In order to promote transparency and accountability in the conduct of public affairs and government actions, firstly, the establishment of all public departments and their organisational structures, including their nature, duties, and the name and competences of their auxiliary units, as well as the arrangements of their personnel and financial regimes have to be stipulated by administrative regulations and published in the Official Gazette of the Macao Special Administrative Region for public knowledge; then, the Administrative Procedure Code regulates the activities of public administrative authorities and stipulates the observance of the principles of legality (Article 3), of pursuit of the public interest and of protection of the rights and interests of residents (Article 4), of equality and proportionality (Article 5), of justice and impartiality (Article 7) and of good faith (Article 8), *etc.* Furthermore, Article 279 of Decree-law 87/89/M on Statute of the Public Administration's Workers, as amended, stipulates that civil servants must comply with general statutory duties such as impartiality, loyalty and confidentiality. At the same time, civil servants must also comply with the provisions of the Administrative Procedure Code. For instance, civil servants who follow up the procurement procedures must comply with the duty regarding recusal to ensure the fairness and impartiality of administrative actions and administrative decisions. Those who fail to comply with these duties will be subject to disciplinary sanctions and criminal penalties, if any.

27. Actually, since the establishment of the mechanism of civil servants' declaration of assets by law in 1998, the mechanism has been improved continuously. In 2013, Law 11/2003 on Declaration of Assets and Interests was amended by Law 1/2013 to further stipulate that officials at the deputy director level and above and their spouses or persons living in analogous situations must declare their assets. Information on pecuniary and non-pecuniary interests in the declaration and positions held in non-profit organisations is disclosed on the website of the courts of the Macao SAR for public perusal in order to achieve strict public supervision (Articles 1, 2, 21(2) of Law 11/2003, as amended).

28. In addition, in order to prevent civil servants who work as directors of public departments from immediately engaging in private business, right after the termination of

appointment, which might give rise to conflicts of interests, Articles 19 and 20 of Law 15/2009 on Fundamental Provisions of the Statute of Directors and Chiefs stipulate that former directors who intend to engage in private business within 6 months from the date of termination of their appointment have to request prior approval from the Chief Executive. Offenders are liable to up to 6 months' imprisonment or a fine up to 120 days. Those who still engage in private business even if their requests for authorisation were officially declined commit the offence of aggravated disobedience and may be liable to up to 2 years' imprisonment or a fine up to 240 days.

29. In fact, the CCAC publishes Investigation Reports and Recommendations periodically on topics that have proved to be of relative concern to the public, holding decision makers publicly accountable and serving as a warning, in order for them to act for the benefit of legality, justice and transparency. The relevant Investigation Reports and Recommendations are available on the CCAC website: <https://www.ccac.org.mo/en/news.html>.

30. On the other hand, in order to promote the extensive participation of all sectors of the society in public affairs and to allow the Macao SAR Government to properly listen to the opinions of the public, the Normative Guidelines for Public Policy Consultation have been implemented since 2011 (Order of the Chief Executive 224/2011).

31. At the level of the judiciary, the courts, as the only bodies with the competence to exercise judicial functions, make judgments independently on issues within their exclusive jurisdiction in accordance with law without any interference (Articles 3 and 5 of Law 9/1999 on Legal Framework of the Judiciary, as amended by Law 9/2004, Law 9/2009 and Law 4/2019). Similarly, the Procuratorate, as the only judicial body that exercises the procuratorial functions conferred by law, is autonomous in nature, exercising its duties and competence independently without any interference (Article 55 of Law 9/1999, as amended).

32. Correspondingly, magistrates have to observe a set of obligations. For instance, unless otherwise provided for by law, magistrates may not perform any other public or private functions; magistrates have to strictly comply with the provisions on recusal and are prohibited from intervening or participating in proceedings that have been intervened or participated by judges, prosecutors or judicial officers to whom they are related, other than in exceptional cases provided for by law; they are also prohibited from engaging in political activities or holding positions in political associations; and unless otherwise provided for by law, magistrates should not make statements or comments on cases (Articles 22 to 25 of Law 10/1999 on Legal Statute of the Members of the Judiciary, as amended).

33. Regarding public procurement, the Regime of Expenses with Works and Acquisition of Goods and Services (Decree-law 122/84/M, as amended) expressly regulates the expenses required by all public administration departments and agencies to carry out works, obtain goods and services. It is worth pointing out that when the estimated value of goods and services to be obtained by public departments exceeds 5 million Patacas or when the contract price of public works exceeds 10 million Patacas, a representative of the Procuratorate must attend the tender openings to monitor the legality of the tendering process (Article 25(4) of Decree-law 63/85/M regulating the Process for the Acquisition of Goods and Services, as amended, Article 77(2) of Decree-law 74/99/M on Legal Regime for Public Works Contracts and Article 1 of Executive Order 34/2000).

34. Besides, as mentioned above, the CCAC published the Guidelines on the Procurement and Acquisition of Public Goods and Services indicating the guidelines on matters worth attention at different stages of a procurement process, *e.g.*, how to set up the tender evaluation criteria; entities to be requested for quotations in a direct negotiation process have to be selected randomly; tender openings and evaluation panels have to comprise members from different backgrounds, *etc.*. The Macao SAR Government also continues to provide civil servants with on-the-job training on public procurement.

35. In the use of public funds, the Commission of Audit audits the budget execution and final accounts of auditees and monitors the management and application of their non-budgetary funds. Meanwhile, the Commission of Audit conducts performance audits to assess the performance of their duties in terms of economy, efficiency and effectiveness (Article 3 of Law 11/1999 on the Commission of Audit of the Macao Special Administrative Region).

36. With respect to tax management, Law 15/2017 on Budget Framework Law and Administrative Regulation 2/2018 on Regulation of the Budget Framework Law constitute the main legal framework of the Macao SAR for the management of public revenue and expenditure (including tax management). Both of them strictly regulate public revenue and expenditure, improve budget transparency, and further strengthen budget control and supervision.

37. Regarding the protection of whistle-blowers, the Macao Criminal Procedure Code stipulates that judges may take all necessary or appropriate preventive measures, disciplinary measures or coercive measures permitted by law to protect the safety of all parties to court proceedings (including witnesses) (subparagraph e of Article 304). For witnesses, the Macao Criminal Procedure Code provides special protection, such as allowing witnesses to undergo identification procedures without being seen by suspects (Article 134); and if the appearance of the witnesses will cause them serious inconvenience, the judge may also decide to hear their statement in the place where they are (Article 104(8)).

38. Considering the particularity and seriousness of organised crime, Law 6/97/M against Organised Crime, as amended, specifies exceptions for giving evidence in court involving organised crimes (including criminal organisations involved in the crime of bribery). If witnesses or civil parties have fear for reprisals, the judge may exempt them from attending trial or giving evidence in court (subparagraph p of Article 1(1) and Article 26). Moreover, the judge takes appropriate measures to prevent revealing the identity of the civil servants or third persons who act as infiltrators, which are protected by judicial secrecy (Article 28(4)).

39. It has to be pointed out that there have been no cases of reprisals or intimidation against witnesses in corruption cases for many years.

40. In respect of victims' claims for compensation, victims may request compensation under the civil system (Article 477 and following articles of the Macao Civil Code), or when the relevant act constitutes a criminal offence, file a supplementary civil action in the criminal proceedings or the judge may ex officio decide an amount as compensation (Article 60 and following articles of the Macao Criminal Procedure Code).

41. From 2014 to 2020, the CCAC received and investigated 1,983 corruption cases, including 175 cases involving directors and chiefs. Please see Tables 6 and 7 of the Annex for details. Moreover, according to the information provided by the Office of the President of the Court of Final Appeal, regarding criminal cases involving civil servants (as defined in Article 336 of the Macao Criminal Code, with principal officials excluded) committing the crimes of corruption, between 2014 and 2020, the courts concluded 26, 18, 27, 34, 38, 25 and 24 cases respectively, involving 168, 449, 771, 820, 172, 416 and 222 charges, with 137, 303, 197, 140, 105, 92 and 150 final convictions by year respectively.

### **Reply to paragraph 6 of the list of issues**

42. The Macao SAR Government has been committed to promoting women's rights and interests, including their labour rights and interests. Law 7/2008 on Labour Relations, as amended by Law 2/2015, Law 10/2015 and Law 8/2020, Law 4/98/M on Framework Law on Employment Policy and Worker's Rights and Decree-law 52/95/M on Equal Opportunities and Treatment in Employment establish equality of opportunity and treatment in work and occupation as the major principle. Employers are obliged to pay workers reasonable remuneration consistent with their work. At the same time, any form of discrimination based on grounds such as gender is also expressly prohibited. No worker or job applicant should be deprived of any rights or be exempted from any obligation for such reason.

43. The discrimination of an employer against workers or job applicants without reasonable grounds or the violation of the statutory employment protection (e.g., lowering workers' basic remuneration) constitutes a contravention. The employer may be imposed a fine ranging from 20,000 to 50,000 Patacas for each worker involved in the contravention (subparagraphs 1 and 2 of Article 85(1) of Law 7/2008, as amended).

44. Between 2014 and 2020, the gender pay gap in median monthly earnings of the employed population in the Macao SAR remained less than 10%, and even remained flat in 2019. For details, please refer to Table 8 of the Annex.

45. It is worth stating that, in order to strengthen the protection of women's rights and interests, the Macao SAR amended Law 7/2008 by adopting Law 8/2020 in 2020, to increase maternity leave for female workers to 70 days (Article 54) and establish 5 working days of paternity leave for male workers (Article 56-A), in order to allow male workers to better take care of mothers and newborn babies and promote family harmony.

46. Violation of the provisions on maternity leave and paternity leave is a contravention. The employer may be fined between 20,000 and 50,000 Patacas for each worker involved in the contravention (subparagraph 4 of Article 85(1) of Law 7/2008, as amended).

47. As stated in paragraph 27 of the 3rd report, the Macao SAR Government created the Commission for Women and Child Affairs pursuant to Administrative Regulation 27/2016 on the Commission for Women and Child Affairs, to assist the Macao SAR Government to formulate and promote policies related to women and children and to monitor relevant implementation, with the aim to defend the rights and interests to be enjoyed by women and children. In order to better integrate the data of different categories on women in the Macao SAR, the "Macao Women Database" was created in 2015, which includes gender inequality index, indicators and data with respect to family, health, education, social security and employment. The contents and data of relevant indicators are continuously optimised and regularly updated.

### **Reply to paragraph 7 of the list of issues**

48. For the Macao SAR, workers in the informal economy and in non-standard forms of employment mainly include self-employed persons, unpaid family workers, temporary workers without a regular employer, domestic helpers and part-time workers. The above-mentioned labour relations are of special nature and highly mobile; therefore, there is no comprehensive statistical data at present. For relevant statistical data on self-employed persons and unpaid family workers, please refer to Table 9 of the Annex.

49. Regarding the legal protection provided to workers in the informal economy and in non-standard forms of employment, labour relations are constituted legally if a worker receives remuneration and provides the employer with intellectual or manual activities under his/her authority and direction (Article 1079(1) of the Macao Civil Code) and the worker's rights and interests are protected in accordance with law.

50. As for social security, in addition to the contents described in paragraphs 92 to 105 of the 3rd report, it has to be emphasised that the enrollment in the social security system does not presuppose that the applicants are employed to work for others, nor does it depend on the form of employment. All Macao SAR residents may participate in contributions (Articles 9 to 11, 13 of Law 4/2010 on Social Security System, as amended by Law 6/2018) and apply for various social security benefits, as long as they meet the statutory requirements.

### **Reply to paragraph 8 of the list of issues**

51. With respect to wage protection, the Macao SAR Government adopted Law 5/2020 on Minimum Wage for Workers in 2020 to ensure that workers have the right to receive the minimum wage, so as to properly guarantee their basic living needs. The above-mentioned law entered into force on 1 November 2020 and Law 7/2015 on Minimum Wage for Cleaning and Security Workers of the Property Management Industry, as amended by Law 11/2019, was repealed on the same day. The minimum wage protection applies to resident workers and non-resident workers in all industries (with the exception of domestic helpers and Disability Assessment Registration Card holders). Its Article 4(1) stipulates different methods of calculating the minimum wage. The current minimum wage is set at 6,656 Patacas per month, which is more than 50% higher than the minimum subsistence index for one-person households in 2020.



52. The minimum subsistence index is an indicator compiled by the Macao SAR Government to help the impoverished and disadvantaged groups, with an adjustment mechanism in place. The need and range for its adjustment are estimated every half a year based on an evaluation made by the calculation model. The calculation method of the adjustment mechanism was reviewed by the Macao SAR Government in 2014 and 2019 to continuously ensure that the living standard of the impoverished would be maintained at an adequate level. Please see Table 10 of the Annex for the adjustments of the minimum subsistence index over the years.

53. In addition, Administrative Regulation 39/2020 on Income Subsidy Plan for Employees with Disabilities also entered into force on 1 November 2020 simultaneously with Law 5/2020, in order that eligible workers with disabilities may apply for wage subsidies and that their income may meet the minimum wage level.

54. As mentioned in the response to Question 6, Article 57(2) of Law 7/2008, as amended, subparagraph b of Article 5(1) of Law 4/98/M and Article 9 of Decree-law 52/95/M clearly stipulate the principle of equal pay for work of equal value. Workers providing equal services or services of equal value to the same employer are entitled to receive equal pay. The Labour Affairs Bureau (hereinafter referred to as the “LAB”) also formulated internal work guidelines to allow labour inspectors to better analyse cases in the course of their investigations, in order to identify and handle illicit acts.

### **Reply to paragraph 9 of the list of issues**

55. The LAB monitors the compliance with laws and regulations in the labour field and deals with labour dispute cases, with a view to guaranteeing the legitimate rights and interests of employers and workers. The LAB has been actively conducting preventive labour inspections in different types of workplaces, such as construction sites, hotels, catering establishments and employment agencies, and carrying out law promotion, education and training activities on labour rights and interests, including the promotion of occupational safety, for employers and workers to learn about the laws and abide by the laws and to enhance the occupational safety and health levels of various industries, with the objective of promoting harmonious and stable labour relations.

56. From 2014 to 2020, the number of labour dispute complaints received by the LAB has shown a downward trend. Taking 2020 as an example, the complaints mainly involved 5 major categories, namely wages, dismissal compensation, work suspension, prior notice period and overtime work compensation. For detailed data on labour disputes and work accidents from 2014 to 2020, please refer to Tables 11 to 13 of the Annex. As for occupational diseases, there were 24 cases confirmed by court judgments from 2014 to 2020, with pneumoconiosis being the most common disease (10 cases in total).

### **Reply to paragraph 10 of the list of issues**

57. The Macao SAR attaches great importance to labour rights and interests. As mentioned above, the Government adopted Law 5/2020 to provide non-resident workers with the same minimum wage protection as resident workers. The rights, obligations and protection of non-resident workers (including suitable accommodation) are mainly set out in Law 7/2008, as amended, and Law 21/2009 on Employment of Non-resident Workers, as amended by Law 4/2010, Law 4/2013 and Law 10/2020. For details, please refer to paragraphs 62.3, 65.8 and 65.9 of the reply of the Macao SAR in part 3 of the reply to the List of Issues relating to the 2nd report of the People’s Republic of China on the implementation of the Covenant (E/C.12/CHN/Q/2/Add.3), the contents of which are still accurate.

58. The LAB always ensures the rights and interests of non-resident workers through the vetting mechanism of non-resident worker quotas. Specifically, when examining and approving employment permits for non-resident workers, the LAB makes a comprehensive consideration of the treatment conditions of non-resident workers based on official data,

market data and the size of the entity submitting applications, *etc.*, before making an approval decision.

59. The LAB continues to adopt different measures to promote workers' rights and interests, including uploading templates of labour contracts, pay slips and agreements, as well as frequently asked questions on labour relations on its official website, publishing promotional leaflets and infographics in different languages, setting up the functions of "Labour Contract Printing" and "Calculation of Labour Rights and Interests" on its website and mobile app, and conducting law promotion campaigns through various channels and media, such as WeChat, Facebook, YouTube, television and radio advertisements. Moreover, the LAB also co-organises special seminars on labour laws, with Q&A session and interactive discussion, with various institutions and associations (such as consulates and Caritas Macau), as well as exit briefing sessions for non-resident workers in the construction industry upon termination of labour relations to explain the labour rights and interests involved.

### **Reply to paragraph 11 of the list of issues**

60. Article 27 of the Basic Law guarantees the right and freedom of association, of assembly, of procession and of demonstration, to form and join trade unions, and to strike.

61. At present, the Macao SAR does not have a law specifically regulating trade unions. However, in respect of association, Article 154 of the Macao Civil Code and its following articles and Law 2/99/M establishing the Regime for the Freedom of Association protect the right of association and regulate the registration of associations, stipulating that Macao SAR residents have the right of association freely without the need for any permission. As long as the relevant associations do not promote violence, violate criminal laws or endanger public order, the Identification Bureau will register the associations free of charge. Anyone, even if it is a public authority, forcing or coercing anyone to join or leave an association may be punished by a maximum of 3 years' imprisonment or a fine (Article 4(2) of Law 2/99/M).

62. The rights and interests of workers (including the freedom to join trade unions) are protected through a series of laws, such as Decree-law 52/95/M, Law 4/98/M, Law 7/2008, as amended, Law 21/2009, Law 5/2020 and the Labour Procedure Code, *etc.*. Among them, Law 4/98/M stipulates that workers have the right to join associations representing their interests (subparagraph f of Article 5(1)). Law 7/2008, as amended, expressly stipulates that no worker or job applicant should be prejudiced, deprived of any rights or be exempted from any duties due to his/her membership in an association (Article 6). Once a worker's labour rights and interests are found to be infringed, the LAB will take the initiative to open a case and start an investigation. Penalties for related violations will be imposed in order to effectively protect workers' legitimate rights and interests.

63. Concerning the formulation of the trade union law, the Macao SAR Government continues to learn about the views of all sectors of society regarding the trade union law, conducts relevant preliminary research and drafts the consultation paper. Related work is being carried out continuously in an orderly manner and public consultation will be conducted in due time.

### **Reply to paragraph 12 (a) of the list of issues**

64. As mentioned in the 3rd report, the Retirement and Survivor's Pensions Scheme is a retirement scheme exclusively for civil servants and service personnel of the Macao SAR Government. Only those who meet the statutory forms of employment are eligible to join this scheme. When the above-mentioned personnel meet the retirement requirements stated in the law for public administration workers, they will receive a lifetime monthly pension after termination of employment. If those personnel pass away, their eligible heirs who fulfill the requirements under the law for public administration workers will be entitled to a monthly survivor's pension. In order for retirement and survivor's pensions to be effective, both the personnel and the Macao SAR Government have to make monthly contributions. The contribution rates are respectively 27% of the basic salary plus seniority premiums (of which 9% is from the civil servants/service personnel while 18% is from the Government) and 3%

(of which 1% is from the civil servants/service personnel while 2% is from the Government) (Articles 258 to 275 of the Statute of the Public Administration's Workers, as amended).

65. Since 2007, the Provident Fund Scheme for Workers in the Public Services has replaced the above-mentioned Retirement and Survivor's Pensions Scheme, with the exception of judicial and procuratorate magistrates who are in the staff establishment. Both public service workers and the Government make monthly contributions at pre-defined contribution rates and the workers build their own investment portfolio. Contributions are accumulated together with the returns on their investments for the provision of retirement protection. Monthly contributions are calculated based on the member's monthly salary plus the contribution time premiums. Under general circumstances, the total contribution rate is 21%, of which 7% is from the member and 14% is from the Government. The above scheme is more flexible than the original Retirement and Survivor's Pensions Scheme. Public service workers may leave their jobs and cancel their enrollment at any time according to their personal status. Upon cancellation of the enrollment, scheme members will be entitled to the full balance of the Personal Contributions Account and the balance of the Government Contributions Account in accordance with the vesting ratio based on the cumulative contribution time (Articles 3, 5 and 13 to 15 of Law 8/2006 on Provident Fund Scheme for Workers in the Public Services, as amended by Law 3/2009 and Law 4/2010).

66. The main consideration to maintain the application of the Retirement and Survivor's Pensions Scheme for judicial and procuratorate magistrates is the professionalism and specialty of the magistrate profession. Magistrates are scarce human resources in the Macao SAR; therefore, it is necessary to maintain the retirement scheme for magistrates to increase their career stability, to ensure the continuous and smooth functioning of the judicial system and to protect public interest.

### **Reply to paragraph 12 (b) of the list of issues**

67. The Macao SAR Government provides basic social security, especially old-age security, to its residents through the establishment of a two-tier social security system. The first-tier (Social Security System) (Law 4/2010, as amended) operates on the principle of social insurance. Funds come from beneficiaries, employers and the Macao SAR. However, at present, most of its expenditures are supported by public funds and are of a welfare nature. As for the second-tier (Non-mandatory Central Provident Fund System) (Law 7/2017 on Non-mandatory Central Provident Fund System), the function and mode of operation of the contributory system are similar to those of the private pension schemes. It is not mandatory and it allows residents to make voluntary contributions to enhance their retirement protection in the future.

### **Reply to paragraph 12 (c) of the list of issues**

68. Indeed, since the nature of non-resident workers working in the Macao SAR is temporary and complementary and they may also obtain relevant security through the private pension schemes, there is currently no plan to include non-resident workers who are allowed to stay and work in the Macao SAR for a short time in the scope of the local social security system.

### **Reply to paragraph 12 (d) of the list of issues**

69. The Macao SAR Government follows up a comprehensive study on the adjustment of various benefits of the Social Security System in an orderly manner, including the consideration of various factors such as local economic development, the aging of the population, the financial resources of the Macao SAR Government, *etc.*, in order for the old-age pension, disability pension, unemployment allowance and other benefits to be adjusted more scientifically and systematically (Article 25 of Law 4/2010, as amended).

70. Actually, the amount of the above 3 benefits was increased in 2014, 2015, 2016, 2019 and 2020 respectively. At present, the old-age pension and disability pension are both 3,740

Patacas per month while the unemployment allowance is 150 Patacas per day (Order of the Chief Executive 212/2019).

71. The Macao SAR Government has always been committed to ensuring an adequate standard of living for older persons and persons with disabilities. In addition to the assistance and benefits provided under the Social Security System, the Government also provides eligible older persons and persons with disabilities with the subsidy for senior citizens and disability subsidy (Article 5 of Administrative Regulation 12/2005 on Regime for Subsidy for Senior Citizens, as amended by Administrative Regulation 17/2006, and Article 6 of Law 9/2011 on the Regime of Disability Subsidy and Free Healthcare Services). Between 2014 and 2020, the amount of the subsidy for senior citizens was increased in 2014, 2015, 2016 and 2018 respectively, and is currently 9,000 Patacas per year (Order of the Chief Executive 144/2018). Similarly, the amount of the disability subsidy was increased in 2014, 2015, 2016 and 2019 respectively and the current general disability subsidy is 9,000 Patacas per year while the special disability subsidy is 18,000 Patacas per year (Order of the Chief Executive 101/2019).

72. It is worth pointing out that, when adjusting the subsidy for senior citizens and old-age pension, the Macao SAR Government follows the governance policy that their sum is not lower than the minimum subsistence index, in order to protect the basic needs for the living of older persons. At the same time, the Government promotes the Wealth Partaking Scheme and allocates budget surplus to individual accounts of the provident fund, as well as adopts support measures, such as healthcare vouchers, free healthcare, bus fare exemption, meal delivery and home cleaning services, *etc.*, which are important elements that constitute the comprehensive security for older persons.

73. In respect of support for persons with disabilities, in addition to the above-mentioned disability pension and disability subsidy, the SWB also provides the non-regular subsidy to those with financial difficulties, especially persons with disabilities, with illness and older persons, to help them purchase various types of assistive equipment and healthcare materials, carry out barrier-free works for their residential units, acquire basic furniture and household equipment, *etc.* (Article 8 of Administrative Regulation 6/2007 on Allowance Regime for Individuals and Families with Financial Difficulties, as amended). In addition, the Macao SAR Government also promotes employment and self-reliance of persons with disabilities through fiscal benefits and subsidies for the difference between their income and the minimum wage (Law 8/2018 on Fiscal Benefits for Hiring Persons with Disabilities and Administrative Regulation 39/2020).

74. Moreover, the Macao SAR Government pays particular attention to disadvantaged families and provides 3 types of families (single-parent families, families of persons with disabilities and families of the chronically ill) with the special subsidy, which includes the Supplementary Study/Learning Grant, Supplementary Nursing Care Grant and Supplementary Grant for the Disabled (Order of the Secretary for Social Affairs and Culture 18/2003 on Regulation on Special Assistance for Vulnerable Families, as amended). The subsidy amount has also been adjusted several times according to socio-economic development, so as to effectively assist the above-mentioned families to improve their lives. The current Supplementary Study/Learning Grant is 300 Patacas (for kindergarten or primary school students), 500 Patacas (for secondary school students) and 750 Patacas (for higher education students) per month; the Supplementary Nursing Care Grant is 1,200 Patacas (for those living alone) and 1,000 Patacas (for those with families/relatives) per month; and the Supplementary Grant for the Disabled is 1,000 Patacas (for those living alone) and 750 Patacas (for those with families/relatives) per month (Order of the Secretary for Social Affairs and Culture 158/2018).

75. As regards supporting the unemployed, in addition to helping them to overcome their difficulties through unemployment allowance, the Macao SAR Government puts more emphasis on assisting them in employment and to be self-reliant. To this end, the LAB continues to provide different employment support measures such as job matching and vocational training. The SWB also launched the Community Employment Assistance Programme with civil associations, to allow allowance beneficiaries to have understanding and experience in the environment and operation of each job position in organisations, thereby building their work ability and confidence. Participants may receive a monthly

allowance of up to 2,000 Patacas, with a period of 6 months, which may be renewed up to 18 months. On the basis of the above programme, the Government also launched the Positive Life Service Programme, under which the SWB provides allowance beneficiaries who have full employment conditions with employment counselling, skills training, job referral, employment follow up and other services to assist them in re-employment. Please refer to Table 14 of the Annex for the number of participants in the above two programmes.

76. Older persons, persons with disabilities or the unemployed may also apply for the monthly general subsidy from the SWB if they are financially deprived. The subsidy amount is the difference between the individual monthly income or the sum of family group monthly income and the corresponding minimum subsistence index (Articles 3 and 7 of Administrative Regulation 6/2007, as amended). Between 2014 and 2020, there were 5,413, 4,637, 4,456, 4,118, 3,827, 3,594 and 3,364 beneficiary families by year respectively. Please refer to paragraph 51 for details about the minimum subsistence index.

### **Reply to paragraph 13 of the list of issues**

77. In order to ensure and improve the rights and interests of older persons, the Macao SAR Government formulated Law 12/2018 on the Rights and Interests of Older Persons, and established the Senior Citizens Affairs Committee (Order of the Chief Executive 307/2007) and the Inter-departmental Steering Group for the Elderly Protection Mechanism (Order of the Chief Executive 109/2016) to assist the formulation, review and follow up of social policies related to older persons. Please refer to paragraphs 154 to 161 of the 3rd report for details.

78. The Macao SAR Government is committed to building an inclusive society in which older persons are well supported, feeling a strong sense of belonging in the society and leading a fruitful life, and formulated the “Elderly Protection Mechanism of the Macao SAR”, the policy framework of which has 4 major categories, namely Medical and Community Services, Protection of Rights and Interests, Social Participation and Living Environment, followed by 14 subcategories, serving as policy guidelines for the development of future old-age security services of the Macao SAR. In order to achieve the goals of the above-mentioned policy, the Government formulated the “Ten-year Action Plan for Older Persons Services 2016-2025”, covering the protection of the rights and interests of older persons in medical and rehabilitation services, continuing education, information and communication, recreation and sports, civic participation, law, work or retirement, transportation and housing, which is to be implemented in 3 stages: short-term, mid-term and long-term.

79. The Inter-departmental Steering Group for the Elderly Protection Mechanism is responsible for planning, coordinating and promoting the achievement of the policy goals of the “Elderly Protection Mechanism of the Macao SAR”, as well as for the implementation of the relevant measures of the action plan and their regular review. The main tasks carried out included the pilot programme for dentures for older persons, the caregiver subsidy pilot scheme, the temporary residential service for elderly homes, the creation of the Dementia Assessment and Treatment Centre and the Dementia Support Centre and the optimisation of the Fare Concession Scheme for Older Persons, *etc.*

80. Regarding the trial of cases involving maintenance for older persons, from 2014 to 2020, the courts did not receive or conclude criminal cases involving the crime of violation of maintenance obligation (Article 242 of the Macao Criminal Code) in which older persons were victims. As for civil cases, in 2014, there was 1 case in which an older person (male) filed special maintenance enforcement proceedings against his children. In the case, the older person filed a legal aid application with the Legal Aid Commission, which was approved. He was exempted from advance payment and the costs of proceedings, and was appointed a representative in court and exempted from payment of the representation. The case was concluded in 2015 and the two parties reached a settlement. His children involved in the case promised to pay maintenance of 168,856.30 Patacas in arrears in 12 installments, and to increase the monthly maintenance payment to 4,000 Patacas.

81. It is worth restating hereby that Law 13/2012 on Legal Aid System does not regulate the upper age limit of legal aid applicants. As long as they meet the statutory requirements,

they may be granted legal aid. Please refer to Table 2 of the Annex for data on applications filed by older persons aged 65 or above from 2014 to 2020.

82. In order to promote family harmony and good parent-child communication, the SWB organises large-scale community activities, parent-child activities, lectures, seminars, symposiums, *etc.* independently as well as in cooperation with civil organisations, to promote and raise parents' awareness of their roles and responsibilities and to improve their parenting skills. Please refer to Table 15 of the Annex for specific data on related activities.

### **Reply to paragraph 14 of the list of issues**

83. Regarding the definition of poverty line, as mentioned in paragraph 51, the Macao SAR established the minimum subsistence index, which is an indicator compiled by the Macao SAR Government to help the impoverished and disadvantaged groups. It serves as a calculation basis for granting certain subsidies while subsidy applications are voluntary. Therefore, there is no data on the proportion of persons living below the poverty line (minimum subsistence index).

84. As mentioned in the 3rd report and in this reply, the Macao SAR Government has been committed to assisting disadvantaged individuals who lack economic resources to obtain adequate basic living conditions through various forms of subsidies, grants and support measures. In recent years, the Macao SAR Government has also shared the fruits of economic development with residents through the Wealth Partaking Scheme, which has, in the meanwhile, further assisted grassroots families to improve their lives to a certain extent. Since its launch in 2008, the Wealth Partaking Scheme has continued to be in force every year until now. In 2020, an annual amount of 10,000 Patacas and 6,000 Patacas was distributed to permanent residents and non-permanent residents respectively (Article 3 of Administrative Regulation 3/2020 on Wealth Partaking Scheme 2020), with around 730,000 beneficiaries. Please see the following website for specific statistics: <https://www.planocp.gov.mo/zh/about/statistics>.

85. Actually, taking older persons and persons with disabilities as examples, benefiting from the old-age pension, subsidy for senior citizens, disability pension, disability subsidy and Wealth Partaking Scheme, older persons may receive up to 67,620 Patacas while persons with disabilities receiving the special disability subsidy may receive up to 76,620 Patacas in 2020. The Macao SAR Government believes that multiple support, multiple guarantees and assistance systems are sufficient to help grassroots residents who lack economic resources live a stable life and to ensure that their basic living needs are met.

86. In addition, the Macao SAR Government focuses on helping persons with work ability enter the labour market, become self-reliant and eventually eradicate poverty by promoting employment. Please refer to paragraph 74 for details.

### **Reply to paragraph 15 (a) of the list of issues**

87. In respect of supporting homeless persons, the SWB subsidises the civil society facility, the Centre for Homeless "Casa Corcel", to provide short-term accommodation services for short-term and long-term street wanderers and homeless persons. At the same time, the SWB also provides outreach services, case and group counselling, knowledge of community resources and personal skills training, *etc.*, for street wanderers and homeless persons in the community who have no awareness of seeking support, with low motivation or refusal to seek help, in order to help them reintegrate into society and return to normal life. Between 2014 and 2020, there were a total of 724 person-times using the services of the Centre for Homeless "Casa Corcel".

### **Reply to paragraph 15 (b) of the list of issues**

88. In respect of increasing social housing, between 2014 and 2020, the supply of social housing units has increased from 12,810 housing units in 2014 to 14,269 housing units in

2020. Regarding waiting time, in recent years, applications were open in 2013 and 2017 respectively. For the applications filed in 2013, the processing time was 32 months. The social housing applications filed in 2017 are still being processed.

89. It is worth pointing out that since 2020, the social housing application mechanism has become constant in nature, *i.e.* families or individuals that meet the statutory requirements may apply at any time (Article 9 of Law 17/2019 on Legal Regime of Social Housing). In addition, in order to reduce the housing cost burden of families on the social housing waiting list, families concerned may receive temporary housing subsidies during the waiting period. At present, families with 1 to 2 persons may receive 1,650 Patacas monthly while families with 3 or more persons may receive 2,500 Patacas monthly (Administrative Regulation 23/2008 on Subsidy Scheme for Families Awaiting Social Housing, as amended).

90. Regarding the expenses allocated to the building of social housing, they are included in the category “housing” in public expenses. For data on expenses, please refer to Table 5 of the Annex.

### **Reply to paragraph 15 (c) of the list of issues**

91. Regarding the accommodation conditions of non-resident workers, Order of the Chief Executive 88/2010 stipulates the minimum sanitary and living conditions for non-resident workers in their lodgings, as well as the minimum amount when paying in cash. The Order stipulates that the lodgings of non-resident workers must have an average living area no smaller than 3.5m<sup>2</sup> per worker, and contain the following equipment: (1) A single bed for each non-resident worker; (2) A fan in each compartment in which there are beds; (3) 1 bathroom with a shower dispensing hot and cold water and a washing machine for each group comprising 8 or less non-resident workers; (4) Wardrobes to store personal belongings, as well as a sufficient capacity and quantity of tables for meals, chairs, kitchen cupboards, refrigerators and ovens relative to the number of workers (paragraph 1).

92. Should a domestic worker reside at his/her workplace, the respective employer should provide lodgings which are adequate for and capable of protecting his/her privacy in a reasonable manner and provide such worker with basic commodities, particularly with a bed, wardrobe and access to a bathroom. Should a worker’s right to lodgings be provided for in cash, he/she should be given a monthly sum of no less than 500 Patacas by the employer (paragraphs 2 and 3 of Order of the Chief Executive 88/2010).

93. The failure of an employer to ensure the right of a worker to his/her lodging in accordance with law constitutes an administrative infraction. The LAB may fine the employer 5,000 to 10,000 Patacas for each non-resident worker involved (Article 32(3) of Law 21/2009, as amended).

### **Reply to paragraph 16 of the list of issues**

94. Decree-law 31/99/M on Mental Health Regime stipulates the general principles for the protection and promotion of mental health policies. It stipulates that the relevant policy aims to ensure or restore persons’ psychic balance, help the development of their abilities involved in building up their personality, promoting their integration into society and regaining their economic abilities, and establishes the concept of 3 levels of prevention in the maintenance of mental health. The first level aims at prevention and includes measures to reduce the incidence of mental illnesses while the second level aims at early detection and early treatment to avoid deterioration, and the third level aims at reducing the complications arising from mental illnesses and promoting rehabilitation and reintegration into society (Article 2).

95. To this end, in accordance with the guidance of the World Health Organisation, the Health Bureau established a mental health service model with “4 levels of joint prevention, closely interconnected to one another”, and built platforms of mental health services formulated by community service groups, specific community mental health service

institutions, health centres and the São Januário Hospital, in order to provide residents with comprehensive mental and psychological services.

96. Regarding community services, the SWB cooperates with civil organisations with the concept of 3 levels of prevention to jointly promote and establish a service blueprint based on “early prevention, early intervention, treatment plus counselling”, whereby family service centres and community centres funded by the SWB are responsible for the first and second levels of prevention work, which actively discover cases that require special attention; family and community integrated service centres are responsible for the second and third levels of prevention work. If a crisis case is found, it will be referred through the Family Crisis Support Service Network for counselling and support.

97. In order to raise residents’ awareness of mental illnesses and reduce the society’s prejudice, promoting residents’ attention to mental health, the Macao SAR Government actively co-organises with or supports, by means of funding or technical support, different civil organisations and social institutions to hold various community publicity and public education activities, such as holding psychological health lectures and workshops (*e.g.*, preventing and curing mood disorders or preventing suicide), thematic promotional activities (*e.g.*, disseminating the Convention on the Rights of Persons with Disabilities) and providing free psychological support services to residents.

98. In response to the mental stress or psychological health issues caused by the novel coronavirus pneumonia pandemic, the Health Bureau has established a corresponding psychological support and emergency mechanism, including creating anti-pandemic webpages, providing various types of resources and information concerning psychological counselling and setting up a psychological support hotline, where psychotherapists provide telephone counselling and referral services to residents in need.

99. During the pandemic period in 2020, the SWB, through the “District Collaboration Network”, worked closely with civil organisations to jointly study and develop community prevention work, including taking the initiative to care for disadvantaged families and high-risk individuals, to provide appropriate support and counselling services for individuals and families affected by more serious emotional and suicidal problems.

100. Similarly, in order to care for the mental health of students and parents during the pandemic period, the Education and Youth Development Bureau (hereinafter referred to as the “EYDB”) and 9 counselling institutions established a student counselling support hotline to provide students and parents in need with emotional support and psychological counselling services during class suspension. In addition, the EYDB also launched anti-pandemic educational videos and set up the webpage “Walking Together during the Epidemic, Staying Calm and Fearless” to provide information about counselling services for all students and parents.

101. Regarding suicide among children and adolescents, the Macao SAR Government has always been concerned about the psychological and mental health needs of children and adolescents. In fact, since 2003, a survey of health behaviours has been conducted among secondary school students by the Health Bureau every 5 years, including issues such as mental stress, self-harming behaviours and social support, in order to understand the health behaviours of adolescents, to obtain data on risk behaviours, and to evaluate trends, serving as a reference for the formulation of health policies. The relevant reports are available on the website of the Health Bureau (<https://www.ssm.gov.mo/cpc/monitor>). Meanwhile, campus and community publicity activities continue to be carried out to enhance the awareness of the public, especially students, parents and school staff, regarding mental health issues, and guide adolescents in need to take the initiative to seek help, in order to strengthen the preventive effects.

102. Moreover, the EYDB distributes guidance documents to schools every academic year, such as the Guidelines for Protecting and Handling Students from Maltreatment, Guidelines for Helping Students to Make Good Use of the Internet, Guidelines for Handling School Bullying Incidents, Procedures of Reporting Suspected Domestic Violence Cases and Guidelines for School Crisis Management in order to strengthen the skills and abilities of schools, teachers and student counsellors to identify and deal with students with special conditions or needs. The EYDB also launched the Life Education Sharing Sessions to help



improve the resilience of adolescents for them to establish a positive outlook on life. The EYDB also provides students with emotional distress with 24-hour psychological counselling and support services through online platforms.

### **Reply to paragraph 17 of the list of issues**

103. The Macao SAR Government has always attached importance to and been actively protecting the right of children to education. Compulsory universal education (free education) has been implemented for children aged between 5 and 15 and different measures have been adopted to ensure the enrollment of school-age children in school (Articles 3 and 20 of Law 9/2006 on Legal Framework on the Non-higher Education System).

104. If there are children aged between 3 and 15 who are Macao SAR Resident Identity Card holders and have never enrolled in local schools, the Macao SAR Government will send registered notification letters to their parents and guardians, urging them to enroll their children in school. Meanwhile, the EYDB also provides school place consultation and suitable school allocation for school-age students who have not obtained a school placement, new immigrants and emigrants from other places, *etc.*. If the student's family is in financial difficulties, parents may apply to the EYDB for tuition fee, meal and stationery allowances and so forth. If the student has special educational needs, the EYDB will arrange the student to receive assessment services and provide suitable educational placement according to the student's ability and specific circumstances.

105. About the changes in the enrollment rate at the pre-primary education level in recent years, with the conclusion of the Framework Agreement on Cooperation between Guangdong and Macao in 2011 and the issuance of the Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area in 2019, people flow in the area has been more vibrant, and the number of local school-age students studying in Guangdong has increased gradually. For instance, in the 2019/2020 academic year, there were 19,265 students at the pre-primary education level in formal education and 1,404 of them were studying in Guangdong. Therefore, students leaving the Macao SAR for education in neighbouring regions is believed to be an important factor which influences the enrollment rate at the pre-primary education level in formal education.

106. As for the secondary education level, there did not exist low net enrollment rates and high dropout rates. Indeed, there was an increase trend in the former and decrease trend in the latter. Please see Table 16 of the Annex for details.

### **Reply to paragraph 18 of the list of issues**

107. Regarding the use of the Internet, currently, the household fiber network coverage in the Macao SAR has reached more than 99% and, for the mobile networks, the overall outdoor mobile network coverage is also over 99%, being sufficient in providing all Macao SAR residents with Internet services.

108. In order to facilitate residents and tourists to use digitalised public services through free wireless broadband Internet in public area, the Macao SAR Government has been providing free wireless broadband Internet access services in government premises since 2010. Subsequently, the Macao SAR Government has also been facilitating public and private institutions to participate in the "FreeWiFi.MO" project to provide free Wi-Fi services in hospitals, hotels, shopping malls, banks, *etc.* since 2017, in order to gradually expand free Wi-Fi coverage. As of December 2020, the FreeWiFi.MO project had a total of 575 free hotspots, of which 182 were directly operated by the Macao Post and Telecommunications Bureau. To facilitate the use of electronic equipment by disadvantaged groups, the Municipal Affairs Bureau provides the public with computer equipment loan service and access to the Internet free of charge at specified service locations.

109. Moreover, the SWB carried out the "Subsidy plan for the purchase of mobile phones for the elderly and people with disabilities in families receiving regular subsidies" from 1 July 2019 to 30 June 2020, the beneficiaries being eligible older persons aged 65 and above

or persons with disabilities aged 18 years and above who were receiving regular financial assistance. The plan provided a total of 415 older persons and 244 persons with disabilities with subsidies to purchase mobile phones. The SWB also encouraged and subsidised elderly service groups and rehabilitation service organisations to organise IT courses or workshops to enable older persons and persons with disabilities to learn about using electronic products such as smartphones, strengthening their communications and contacts with others.

110. On the subject of barrier-free access to information, the Post and Telecommunications Bureau held mobile application software technologies training courses (with accessible design and application skills) and accessible software training courses in 2016 and 2020 respectively to promote the construction of a barrier-free network environment.

111. At present, many departments of the Macao SAR Government refer to the standards of the “Web Content Accessibility Guidelines 2.0 Version” by the World Wide Web Consortium to add accessibility elements to their websites. In addition, public services offered by government departments such as the Municipal Affairs Bureau, Transport Bureau, Customs of the Macao SAR and the Public Security Police Force may be used through the Internet, which is convenient for residents, especially for those with limited mobility, and also improves administrative efficiency.

112. It is worth mentioning that the SWB specifically launched the Rehabilitation Service Information Website, the contents of which include the Ten-year Rehabilitation Programme Plan 2016-2025, rehabilitation services, education services, employment services, medical services, sport services, social security and welfare, culture and recreation, tax policies, housing policies, transportation policies and barrier-free support measures, *etc.*, in order that persons with disabilities may have barrier-free access to relevant information from different departments and rehabilitation service organizations.

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