

## **Legislative Council Panel on Constitutional Affairs**

### **2008 – 09 Policy Agenda**

#### **INTRODUCTION**

This paper briefs Members on the initiatives of the Constitutional and Mainland Affairs Bureau (CMAB) set out in the 2008-09 Policy Agenda.

#### **POLICY AGENDA**

2. We will pursue five new initiatives and will continue to implement seven on-going initiatives.

##### New Initiatives

- (a) Carry out public consultation on the possible options for amending the methods for electing the Chief Executive (CE) and for forming the Legislative Council (LegCo) in 2012, with a view to determining the two electoral methods within the tenure of the third-term HKSAR Government.
- (b) Review the Personal Data (Privacy) Ordinance (PDPO) to examine whether the Ordinance can afford adequate protection to personal data having regard to developments, including advancement in technology, in the last decade, and consult the public on our review findings.
- (c) Consider how the relevant parties could be consulted on the recommendations of the Law Reform Commission (LRC) on stalking.
- (d) Coordinate cross-bureaux efforts in the post-quake reconstruction support work in Sichuan and follow through the first stage of HKSAR's work plan, following LegCo's approval in July 2008 to inject \$2 billion into the Trust Fund in Support of Reconstruction in the Sichuan Earthquake Stricken Areas.
- (e) Strengthen Hong Kong-Taiwan exchanges proactively, and

grasp the opportunities brought about by the enhanced cross-strait relations while maintaining Hong Kong's role on the cross-strait exchange platform.

#### On-going Initiatives

- (f) Implement the Race Discrimination Ordinance (RDO), establish four support service centres for ethnic minorities and implement other measures to promote racial equality.
- (g) Continue our work on the promotion of human rights.
- (h) Continue to implement the Political Appointment System.
- (i) Continue to facilitate the implementation of "One Country, Two Systems" and to demonstrate its success; and to strengthen our efforts in promoting public awareness and understanding of the Basic Law.
- (j) Continue our preparation for participation in the Shanghai Expo 2010 to showcase HKSAR's unique strengths, quality city life and position as a creative capital.
- (k) Follow up with the relevant Mainland authorities on how the HKSAR could complement the preparation of the National 12<sup>th</sup> Five-Year Plan under the principle of "One Country, Two Systems".
- (l) Continue to strengthen regional co-operation through our co-operation mechanism with the Pan-Pearl River Delta Region; the Macao Special Administrative Region; the Guangdong Province; and the Municipalities of Beijing, Shanghai and Shenzhen.

Details of the above initiatives are covered in the following paragraphs.

#### Public consultation on the two electoral methods for 2012

3. The decision of the Standing Committee of the National People's Congress (NPCSC) provides a clear timetable for attaining universal suffrage: that for the CE is 2017 and that for LegCo is 2020.

4. The NPCSC's decision also determines that appropriate

amendments conforming to the principle of gradual and orderly progress may be made to the two electoral methods in 2012. It is now up to the HKSAR to arrive at a consensus on the electoral models to roll forward democracy in 2012 and to pave the way for universal suffrage to be attained in 2017 and 2020.

5. We will, within the first half of 2009, consult the public on the possible options for amending the two electoral methods for 2012. Our aim is to determine the two electoral methods for 2012 within the tenure of the third-term HKSAR Government.

#### Political appointment system

6. The Government, after public consultation, issued the Report on Further Development of the Political Appointment System in October 2007 setting out the way forward on the creation of two additional layers of politically appointed officials, namely Under Secretaries and Political Assistants. The LegCo Finance Committee approved in December 2007 the creation of 24 politically appointed positions (comprising 11 Under Secretary positions and 13 Political Assistant positions).

7. In May 2008, the Government announced the first batch appointments of eight Under Secretaries and nine Political Assistants. The appointees started to report for duty from June 2008. The Government will fill the remaining positions as and when appropriate.

#### Implementation of “One Country, Two Systems” and promotion of the Basic Law

8. To facilitate the conduct of Hong Kong’s external affairs, we will continue to act as a focal point of contact between the HKSAR Government and the Office of the Commissioner of the Ministry of Foreign Affairs. We will continue to advise bureaux and departments on the conduct of Hong Kong’s external affairs in accordance with the relevant provisions of the Basic Law and the “One Country, Two Systems” principle to facilitate Hong Kong’s participation in international organizations and conferences.

9. In the coming year, we will devote more resources to the promotion of the Basic Law. We have set aside \$16 million in 2008-09 to further enhance public understanding on the important concepts of “One Country, Two Systems”, “Hong Kong People ruling Hong Kong” and “a high degree of autonomy”. For this year, promotional activities and

messages have been presented under two overarching themes, namely “30 years of Reform and Opening up” and “2008 Beijing Olympic Games”. We will use electronic media as our main promotion tool in order to reach a wider audience. Riding on their established network, we will continue to engage non-government organizations (NGOs) in the conduct of various promotional activities so that messages could be effectively disseminated to different sectors.

#### Race Discrimination Ordinance (RDO) and promotion of racial equality

10. The RDO was enacted in July 2008. On 3 October 2008, we brought into operation those relevant sections which expand the functions and responsibilities of the Equal Opportunities Commission (EOC) and which enable preparations for full implementation of the Ordinance to be made. The EOC has issued a draft Code of Practice on employment for public consultation, with a view to finalizing it in the next few months. In addition, the EOC will carry out education and publicity activities to promote the public’s understanding of the RDO. We aim at bringing the Ordinance into full operation by mid-2009, when the community has been more fully informed of the various provisions.

11. Separately, we are drawing up plans for setting up four regional support service centres for ethnic minorities. The centres will provide interpretation to facilitate ethnic minorities’ access to public services and to organise activities to promote their integration into the community. We are consulting relevant parties on the details of the proposal and aim to invite applications from NGOs for the establishment and operation of these centres before the end of the year.

12. We are also drawing up administrative guidelines for bureaux and departments to facilitate their formulation and implementation of policies to promote race equality in relevant aspects of their work.

#### Review of Personal Data (Privacy) Ordinance (PDPO)

13. The aim of the review of the PDPO is to examine whether the existing provisions of the Ordinance, which was enacted in 1995, still afford adequate protection to personal data having regard to developments, including advancement in technology, in the last decade.

14. The Administration is working with the Office of the Privacy Commissioner for Personal Data to assess the feasibility and impact of the various amendment proposals. The review covers fundamental issues

which affect the rights and civil liberties of individuals, and will impact on various sectors of the community, public and private organizations, and members of the public. We, therefore, need to examine carefully the amendment proposals. After we have completed our internal deliberations, we will consult the public on our review findings.

### Law Reform Commission (LRC)'s Report on Stalking

15. The LRC Report on Stalking proposed the introduction of anti-stalking legislation, which renders the pursuit of a course of conduct causing another person alarm or distress a criminal offence and a civil wrong. We are assessing the implications of the LRC recommendations in consultation with relevant bureaux/departments and in the light of the latest overseas development. The LRC proposal has attracted much concern among interested parties in the community. Some aspects will be controversial. In particular, media associations have expressed concerns about the lack of a specific defence for the press. In their view, the general defence proposed by the LRC would give rise to uncertainty and might render legitimate news-gathering activities unlawful, thus undermining press freedom.

16. We will consider how the relevant parties could be consulted on the LRC recommendations. We need to reconcile the differences, with a view to reaching a general consensus within the community on the way forward having regard to the need to balance the legitimate interests of all parties concerned.

### Promotion of human rights

17. In Hong Kong, there is an extensive mechanism for the protection and promotion of human rights, including the rule of law, an independent judiciary and various institutions such as the EOC, the Privacy Commissioner for Personal Data and the Ombudsman. We also report to the United Nations periodically on the implementation of relevant human rights conventions.

18. We will continue to publish and distribute educational materials and sponsor community projects to foster public participation in promotion of different aspects of human rights. Funds have been earmarked for disbursements through the Equal Opportunities (Race) Funding Scheme, the Children's Rights Education Funding Scheme and the Equal Opportunities (Sexual Orientation) Funding Scheme. We will continue to maintain regular dialogue with relevant community groups

and human rights organizations through various fora to enhance promotion activities.

### Hong Kong–Taiwan relations

19. The Cross-strait relations has entered a new era since 2005, after the visit to the Mainland by Mr Lien Chan, the then Chairman of Kuomintang. The relations developed further this year after the election in Taiwan in March. Hong Kong will continue to grasp the opportunities brought by the new situation, seek to enhance our positioning in the cross-strait exchange platform, and strengthen exchanges between Hong Kong and Taiwan.

20. The HKSAR Government is taking new initiatives on various fronts. The Financial Secretary chairs a high level inter-departmental steering committee on promotion of Hong Kong/Taiwan economic and trade relations. Immediate initiatives are being implemented by relevant bureaux. The steering committee will continue to study and discuss medium to longer term measures.

21. The Trade Development Council is setting up a branch office in Taipei to assist Hong Kong businessmen in identifying business opportunities in Taiwan. The preparatory work for establishing the new office is at its final stage. In parallel, Invest Hong Kong will continue to step up its effort in attracting Taiwan companies to invest in Hong Kong and to encourage their setting up regional headquarters or offices in Hong Kong, with a view to promoting economic development in Hong Kong and Pan Pearl River Delta as well.

22. We are also initiating the formation of the Hong Kong/Taiwan Business Cooperation Committee among local business leaders and Taiwan entrepreneurs in Hong Kong. The Committee would provide a platform for the business communities of the two places to engage in direct dialogue and exchanges, with a view to fostering friendship and understanding, as well as to promoting trade, investment, tourism and other areas of economic cooperation between Hong Kong and Taiwan. We have already set up similar cooperation committees with our important trade partners, including the United States, European Union and Japan.

23. To further facilitate frequent Taiwan travellers to visit Hong Kong, the Immigration Department will introduce two measures: first, to lift the restriction on allowing only two iPermit applications within 30 days; and

second, to extend the duration of stay from 14 to 30 days for iPermit and Multiple Entry Permit holders. Both measures will take effect from January 2009. We believe these measures will help facilitate traveling from Taiwan to Hong Kong, and will foster exchanges between the two places.

24. CMAB has set aside resources in 2008-09 for the purpose of further promoting exchanges and liaison between Hong Kong and Taiwan. We will continue to invite representatives of the political, academic and business sectors in Taiwan to visit Hong Kong, so that we can bring them up-to-date on the latest development and the successful implementation of the “One Country, Two System”. We will also continue to sponsor NGOs in staging various activities to promote Hong Kong/Taiwan relations, for example, symposium and youth cultural exchanges.

#### Post-quake reconstruction support work in Sichuan

25. Following Finance Committee’s approval in July 2008 to inject \$2 billion into the Trust Fund in Support of Reconstruction in the Sichuan Earthquake Stricken Areas (Trust Fund), we have been coordinating cross-bureaux efforts and liaising closely with the relevant Sichuan authorities in taking the matter forward. Through concerted efforts, we have agreed with the Sichuan Provincial Government the related funding, implementation and monitoring arrangements. To facilitate project management and oversight, we have also concluded a co-operation arrangement with the Sichuan Provincial Government on 11 October. A total of 20 reconstruction projects have been identified for implementation in the first stage.

26. In order to encourage “full community participation” and to ensure that the invaluable expertise of Hong Kong professionals and NGOs may contribute to the reconstruction work, we have invited relevant experts and representatives of professional bodies to participate in the work of the various working groups set up under the Steering Committee on the HKSAR’s Support for Reconstruction in the Sichuan Earthquake Stricken Areas. We have also invited Hong Kong NGOs to apply for funding from the Trust Fund to conduct reconstruction work in Sichuan.

27. Post-quake reconstruction support work is an urgent and important task. We have been working closely with the Sichuan Provincial Government to identify additional suitable projects for implementation as soon as possible. We will report progress to the LegCo

and put the related funding proposal to Members for consideration at the appropriate time.

### Shanghai Expo 2010

28. The Shanghai Expo will be held from 1 May to 31 October 2010. Its theme is “Better City, Better Life”. The HKSAR will participate in the Shanghai Expo by setting up the Hong Kong Pavilion to showcase the city’s unlimited potential, participating in the Urban Best Practices Area (UBPA) Exhibition with smart card applications to improve city life as the main theme and organising a series of related activities, e.g. Hong Kong Week, parades and cultural performances to promote our creative industries. Hong Kong’s participation in the Shanghai Expo will help enhance our image, promote our broader commercial interests to both the Mainland and international audience and further strengthen our economic relations with the Mainland. The initiative is also expected to foster the long-term development of creative industry in Hong Kong.

29. With a view to tapping the best creative talents of local professionals, we launched a Concept Design Competition for the Hong Kong Pavilion in February 2008. The winning design concept is entitled “Pavilion of Infinity”. We are now conducting a tendering exercise for the detailed design and construction of the Hong Kong Pavilion adopting the selected design. It is expected that construction work would begin by end 2008 for completion in April 2010.

30. Regarding the exhibition in UBPA and other related activities, preparatory work is underway with good progress. We also jointly organised with the Organiser the Shanghai Expo 2010 Hong Kong Promotion Week from 12 to 18 October 2008 in Hong Kong. A number of promotional events including a major exhibition on Shanghai Expo 2010 and Hong Kong’s participation in the Expo were held at the old Central Police Station. We will continue with the relevant preparatory work in consultation with the Organiser and other stakeholders.

### 12<sup>th</sup> National Five-Year Plan

31. In the light of the trend of globalisation and Mainland’s sustained economic growth, it is in Hong Kong’s long-term interest to complement the preparation of the National 12<sup>th</sup> Five-Year Plan under the principle of “One Country, Two Systems”. This will help realise Hong Kong’s development potentials, consolidate Hong Kong’s irreplaceable role in the future development of our country, and make timely and effective



contribution to the Mainland social and economic development during the 12<sup>th</sup> Five-Year Plan period.

32. An important part of the preparatory work at this stage is to establish close liaison with the relevant Mainland authorities. In this regard, we have established direct working contact with the State Development and Reform Commission (State DRC), which has key coordination authority on the National 12<sup>th</sup> Five-Year Plan. On this basis, we will continue to coordinate efforts among concerned government bureaux and strengthen liaison with the State DRC and other concerned Mainland authorities to take the matter forward.

### Regional co-operation

33. The HKSAR Government has been making effort in promoting regional co-operation with the Mainland and Macao SAR, so as to capitalize on our strengths and enhancing our further developments. We will continue to foster closer co-operation with various Mainland provinces/regions/municipalities under the established co-operation mechanisms, including the Pan-Pearl River Delta Regional Co-operation and Development Forum; the Hong Kong/Guangdong Co-operation Joint Conference; a co-operation framework with Shenzhen; the Hong Kong/Shanghai and Hong Kong/Beijing Economic and Trade Co-operation Conferences; as well as with Macao SAR through a Liaison Officers' mechanism. We will also continue to strengthen our collaboration with the Mainland and Macao SAR on various fronts, including development of cross-boundary infrastructural projects, economic and trade, facilitation of people and cargo flow at boundary control points, environmental protection, tourism, innovation and technology, etc.

## **CONCLUSION**

34. Members are invited to note the content of this paper.

Constitutional and Mainland Affairs Bureau  
October 2008