

**立法會**  
**Legislative Council**

Ref : CB2/PL/CA

LC Paper No. CB(2)2145/09-10  
(These minutes have been seen  
by the Administration)

**Panel on Constitutional Affairs**

**Minutes of meeting**  
**held on Wednesday, 10 February 2010, at 2:30 pm**  
**in the Chamber of the Legislative Council Building**

- Members present** :
- Hon TAM Yiu-chung, GBS, JP (Chairman)
  - Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP (Deputy Chairman)
  - Dr Hon Margaret NG
  - Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
  - Dr Hon Philip WONG Yu-hong, GBS
  - Hon WONG Yung-kan, SBS, JP
  - Hon Miriam LAU Kin-yee, GBS, JP
  - Hon Emily LAU Wai-hing, JP
  - Hon LI Fung-ying, BBS, JP
  - Hon Audrey EU Yuet-mee, SC, JP
  - Hon WONG Kwok-hing, MH
  - Hon Jeffrey LAM Kin-fung, SBS, JP
  - Hon CHEUNG Hok-ming, GBS, JP
  - Hon WONG Ting-kwong, BBS, JP
  - Hon Ronny TONG Ka-wah, SC
  - Hon CHIM Pui-chung
  - Hon Cyd HO Sau-lan
  - Dr Hon LAM Tai-fai, BBS, JP
  - Hon CHAN Kin-por, JP
  - Dr Hon Priscilla LEUNG Mei-fun
  - Hon CHEUNG Kwok-che
  - Hon WONG Kwok-kin, BBS
  - Hon IP Kwok-him, GBS, JP
  - Hon Mrs Regina IP LAU Suk-yee, GBS, JP
  - Dr Hon PAN Pey-chyou
  - Dr Hon Samson TAM Wai-ho, JP
- Members absent** :
- Hon Albert HO Chun-yan
  - Hon CHEUNG Man-kwong
  - Hon LAU Kong-wah, JP
  - Hon LAU Wong-fat, GBM, GBS, JP

Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon LEE Wing-tat  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Hon Paul TSE Wai-chun

**Public Officers :  
attending**

Item III

Mr Stephen LAM Sui-lung  
Secretary for Constitutional and Mainland Affairs

Mr Joshua LAW Chi-kong  
Permanent Secretary for Constitutional and Mainland Affairs

Mr Ivanhoe CHANG Chi-ho  
Principal Assistant Secretary for Constitutional and Mainland  
Affairs

Mrs Vivian TING TSUI Wai-ming  
Chief Electoral Officer  
Registration and Electoral Office

Item IV

Mr LAM Woon-kwong, GBS, JP  
Chairperson, Equal Opportunities Commission

Mr Arthur HO Kin-wah  
Deputy Secretary for Constitutional and Mainland Affairs

Item V

Miss Adeline WONG Ching-man  
Under Secretary for Constitutional and Mainland Affairs

Mr Arthur HO Kin-wah  
Deputy Secretary for Constitutional and Mainland Affairs

Mr Hubert LAW Hin-cheung  
Principal Assistant Secretary for Constitutional and Mainland  
Affairs

Ms Roxana CHENG Pui-lan  
Senior Assistant Solicitor General  
Department of Justice

Ms IP Ling-bik  
Principal Assistant Secretary (Education Commission & Planning)  
Education Bureau

Miss Gloria LO Kit-wai  
Principal Assistant Secretary for Food and Health (Health)  
Food and Health Bureau

Mr Jacky LUM Kwok-keung  
Principal Assistant Secretary (Civic Affairs)  
Home Affairs Bureau

Ms Sharon HO Ho-shuen  
Assistant Director  
Home Affairs Department

Mr YU Tak-cheung  
Chief Officer (Licensing Authority)  
Home Affairs Department

Mrs Alice LO CHAN May-yee  
Chief Housing Manager/Applications  
Housing Department

Mr Franco KWOK Wai-fan  
Principal Assistant Secretary for Labour and Welfare (Poverty)  
Labour and Welfare Bureau

Mr Ernest IP Yee-cheung  
Chief Labour Officer (Labour Relations)  
Labour Department

Miss Drew LAI Sai-ming  
Senior Administrative Officer (Policy Support)  
Labour Department

Mr HUI Kim, Rudy  
Assistant Secretary for Security  
Security Bureau

#### Item VI

Miss Adeline WONG Ching-man  
Under Secretary for Constitutional and Mainland Affairs

Mr Arthur HO Kin-wah  
Deputy Secretary for Constitutional and Mainland Affairs

Mr Hubert LAW Hin-cheung  
Principal Assistant Secretary for Constitutional and Mainland  
Affairs

**Attendance by  
invitation** :

Item V

Mr CHAN Chung-yau

Amnesty International Hong Kong

Ms Milabel Cristobal  
Director

Hong Kong Sign Language and Deaf Culture Association

Mr Ken CHEUNG

Tongzhi Community Joint Meeting

Mr Nigel Collett  
Joint English Secretary

Hong Kong Human Rights Monitor

Miss Debbie TSUI  
Project and Education Officer

Horizons

Mr Reggie HO  
Honorary Chairman

**Clerk in  
attendance** :

Miss Flora TAI  
Chief Council Secretary (2)3

**Staff in  
attendance** :

Mr Arthur CHEUNG  
Senior Assistant Legal Adviser 2

Ms Clara TAM  
Assistant Legal Adviser 9

Mrs Eleanor CHOW  
Senior Council Secretary (2)4

Mrs Fonny TSANG  
Legislative Assistant (2)3

Miss Lulu YEUNG  
Clerical Assistant (2)3

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**I. Information papers issued since the last meeting**

Members noted that a letter dated 29 January 2010 from Ms Emily LAU on Direct Investigation Report on Effectiveness of Administration of Code on Access to Information by the Ombudsman [LC Paper No. CB(2)900/09-10(01)] had been issued since the last meeting.

**II. Items for discussion at the next meeting**

[LC Paper Nos. CB(2)889/09-10(01) to (02)]

2. Members agreed to discuss at the next meeting on 19 March 2010 the following items proposed by the Secretary for Constitutional and Mainland Affairs ("SCMA") -

- (a) an outline of the topics in the first report of the Hong Kong Special Administrative Region ("HKSAR") under the Convention on the Rights of Persons with Disabilities; and
- (b) briefing by the Privacy Commissioner for Personal Data.

3. The Chairman informed members that the Panel had agreed at a previous meeting to receive views from the public on the item in paragraph 2(a) above.

4. In response to Ms Emily LAU's enquiry, the Chairman advised that the Labour and Welfare Bureau ("LWB"), which was responsible for the Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW"), had yet to confirm when the outline of topics to be included in the third report of the HKSAR under CEDAW would be issued for public consultation. The Clerk would liaise with LWB about the proposed timing for discussion of the item.

5. Ms Emily LAU said that she had suggested in her letter dated 29 January 2010 [LC Paper No. CB(2)900/09-10(01)] that the Panel should discuss the Direct Investigation Report on Effectiveness of Administration of Code on Access to Information by the Ombudsman. She enquired when the Administration was ready to discuss the item. SCMA responded that he would confirm in due course whether the item would be discussed in April or May 2010.

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**III. Legislative Council by-election for the five geographical constituencies**  
[LC Paper Nos. CB(2)889/09-10(03) to (04)]

6. SCMA briefed members on the background to the Legislative Council ("LegCo") by-election for the five geographical constituencies ("GCs") arising from the resignation of a LegCo Member from each of the five GCs. Chief Electoral Officer of the Registration and Electoral Office ("REO") then briefed members on the arrangements to be put in place for the by-election and its financial implications as set out in the Administration's paper [LC Paper No. CB(2)889/09-10(03)].

7. Members noted the background brief prepared by the LegCo Secretariat [LC Paper No. CB(2)889/09-10(04)] on the subject under discussion.

Conduct of the by-election

8. Dr Priscilla LEUNG expressed a strong view against the resignation of the five GC Members for the purpose of initiating a so-called "referendum campaign" via the by-election which, she considered, was a waste of time, money and energy for the community. She further made the following remarks -

- (a) HKSAR was a special administrative region under the People's Republic of China ("PRC") which was a unitary state. In other words, all powers exercised by HKSAR were derived by way of authorisation by the Central Authorities, and there were no "residual powers" for HKSAR. The Basic Law ("BL") which prescribed the systems to be practised in HKSAR was enacted by the National People's Congress ("NPC") and did not provide for any "referendum" mechanism. HKSAR had no authority to conduct a referendum which should be carried out at the state level and the Administration should explain the issue to the public;
- (b) the radical slogans adopted in promoting the so-called "de facto referendum" such as "five GCs referendum campaign", "people rising up" and "liberating Hong Kong" would adversely affect the relationship between the Central People's Government ("CPG") and HKSAR;
- (c) the tactic to resign from the office as LegCo Members and then stand for election in the by-election could be adopted over other future issues which would pose dire consequences for the established practices of LegCo; and

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- (d) Members, be they returned by GC or functional constituency ("FC") elections, should discharge their constitutional duties in the legislature with dedication and should not resign lightly. In her view, some Members' use of resignation as a political tool to initiate a de facto referendum and the Administration's bundling of the expenditure for the by-election with the REO's draft estimates for 2010-2011 were setting undesirable precedents.

9. Ms Audrey EU did not subscribe to the view that conducting the by-election was a waste of public money. She said that the purpose of the resignation of the five GC Members was to trigger a "de facto referendum" so that every citizen could express one's view under the theme of "implementation of genuine universal suffrage and abolition of FCs as soon as possible" by voting in the by-election, whereby public opinion could be quantified. She pointed out that BL 45 and BL 68 stipulated that the electoral methods for the CE election and LegCo election respectively should develop in the light of the actual situation in Hong Kong, but the Administration had evaded the crucial questions of whether there would be a screening process in the nomination of the Chief Executive ("CE") candidacy and whether FCs would be abolished when universal suffrage was implemented for LegCo in the current consultation exercise on the methods for selecting CE and for forming LegCo in 2012 (the two electoral methods for 2012). She considered that the referendum campaign initiated by the Civic Party ("CP") and the League of Social Democrats ("LSD") would provide the most scientific way to find out the actual situation of Hong Kong. Ms EU added that as the by-election was for the benefit of all citizens and not for any single candidate standing for the election, there was no question of anyone abusing the electoral mechanism, or anyone wasting public money.

10. In response, SCMA said that the position of the Administration towards the resignation of the five LegCo Members had been very clear. The Decision made by the Standing Committee of NPC ("NPCSC") on 29 December 2007 ("NPCSC Decision") had already provided a timetable for HKSAR to implement universal suffrage. If these Members remained in office, they could initiate activities to rally public support for constitutional development. He stressed that all LegCo Members had the mandate of the people to deal with constitutional issues in LegCo. The Administration considered the resignation unnecessary and had called for these Members to halt the resignation plan. However, these five Members had insisted on going their own way and the Administration under the circumstances would have no choice but to discharge its statutory duties to arrange a by-election to fill the vacancies.

11. Mr IP Kwok-him said that opinion polls conducted by tertiary institutions had indicated that the community had reservations about the move of the five LegCo Members to resign for the purpose of initiating the so-called "referendum campaign". According to a poll conducted by the University of Hong Kong,

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about 58% of the respondents opposed the move. In a survey conducted by Hong Kong Shue Yan University, 57% of the respondents opposed the move and 73% of the respondents considered the money spent on conducting the by-election a waste of public money. In a telephone survey conducted by the Democratic Alliance for the Betterment and Progress of Hong Kong, 72% of the respondents considered incurring expenses on the by-election a waste of public money. In his view, the whole incident was a farce. He enquired how the Administration would address public's concern in this regard and how the Administration would educate the public about the difference between a by-election and a referendum.

12. SCMA responded that the Administration had also noted the results of opinion surveys and was aware of the views in the community which did not endorse the move of the five LegCo Members to resign for the purpose of initiating the so-called "referendum campaign". However, the Government was obliged to discharging its statutory duty to arrange the by-election in order to ensure that the views of Hong Kong people were fully represented in LegCo.

13. SCMA further said that conducting the so-called "referendum campaign" on the issue of constitutional development was not consistent with the provisions relating to amendments to the two electoral methods in BL and the interpretation made by NPCSC on 6 April 2004 and the NPCSC Decision. BL did not provide for any "referendum" mechanism. As a special administrative region of PRC, HKSAR had no authority to determine or change its political structure on its own, or to create a "referendum" mechanism. The HKSAR Government emphasised that the by-election was only aimed at filling the vacancies in the membership of LegCo.

14. Dr Margaret NG, however, held the view that a referendum could be conducted at the regional level and not necessarily at the state level. Had the Administration introduced an ordinance on referendum to deal with questions of constitutional importance, such as whether the FC system should be abolished, the five Members would not need to resort to resignation in order to give an opportunity for the general public to express their view. In response to her enquiry, SCMA said that the Administration had no intention to introduce a legislative proposal to provide for a "referendum" mechanism in HKSAR.

15. Mrs Sophie LEUNG said that from the public's point of view, 60 Members had been elected to represent them in the legislature. The public might be confused as to whether the by-election was a referendum, and if so, whether they should exercise their right to vote. She considered that the Administration should not bury its head in the sand and should explain to the public that although BL was silent on the issue of conducting a referendum, it did not mean that the by-election engineered deliberately through the resignation and re-election of the five Members was reasonable. Mrs LEUNG expressed dissatisfaction that some Members could talk black into white and misrepresent the facts to suit their



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purposes. As the vacancies in the membership of LegCo did not arise naturally, the resignation was an abuse of the electoral system and the \$159 million to be spent on conducting the by-election would be a waste of public money.

16. SCMA responded that the HKSAR government had not buried its head in the sand and its stance was very clear. It was CP and LSD which had acted against the wish of the people and buried their heads in the sand. The by-election was not a referendum and BL did not provide for any such mechanism. In addition, conducting any form of so called "de facto referendum" would have no legal basis or effect whatsoever, and would not be recognised by the HKSAR Government. SCMA said that he had confidence in the ability of the public to see things clearly for themselves. The system prescribed in BL enabled HKSAR to maintain the capitalist system and the way of life in Hong Kong. HKSAR had continued to prosper as the Central Authorities introduced various measures, such as the Mainland and Hong Kong Closer Economic Partnership Agreement and the provision of a timetable for implementing universal suffrage, in order to provide more room for HKSAR to develop. HKSAR was making progress under the existing system and political parties should work for its well-being.

17. Noting that the Administration did not recognise the by-election as a referendum and CE had said that he might not vote in the by-election, Ms Cyd HO expressed concern whether REO could maintain its neutrality in making arrangements for the by-election, given the Administration's pre-determined stance.

18. SCMA responded that the by-election, like other elections, would be arranged by the Electoral Affairs Commission ("EAC") which was an independent, impartial and apolitical body whose objective was to ensure that the elections were conducted openly, fairly and honestly at all times.

19. Dr Margaret NG noted that in order to organise the by-election, REO would need around 20 additional time-limited civil service posts and create over 260 non-civil service contract positions. As CE had said that he might not vote in the by-election, some civil servants were apprehensive that their participation in the by-election would go against the wish of their superiors. In this connection, Dr NG suggested that the Administration should consider filling up those posts by open recruitment so as to create employment opportunities.

20. SCMA responded that civil servants should not worry about their participation in the by-election. The Administration supported REO in recruiting polling staff within the Government. The by-election would be conducted in accordance with the electoral laws.

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21. Dr Margaret NG further said that the CE's remark that he might not vote in the by-election had sent a message to the international community that there were different categories of elections in Hong Kong, i.e. some supported by CE and others were not, although both were lawful. She requested SCMA to persuade CE not to make such a remark anymore as it would make Hong Kong a laughing stock in the international community.

22. SCMA said that he would like to propose that Ms NG should relay to CP that the by-election, though lawful, might not be reasonable. Political parties should ensure that their stance was not only lawful, but also reasonable. It was a fact that the general public did not support the resignation of the five Members, as revealed in the opinion surveys conducted by tertiary institutions. Mr Ronny TONG expressed dissatisfaction with the SCMA's response, saying that government officials were obliged to answer Members' questions on policy issues at Panel meetings, not interfering with the internal affairs of political parties.

23. Ms Emily LAU said that although the Democratic Party did not participate in the referendum campaign, it respected the wish of other Members to do so. She urged the Administration to make practical arrangements for conducting the by-election to discharge its statutory duty, instead of generating unnecessary disputes. SCMA stressed that the dispute was not caused by the Administration.

24. Mr WONG Kwok-kin expressed dissatisfaction at the groundless remarks made by some members that the universal suffrage to be implemented in Hong Kong might not be genuine and that Hong Kong would become a laughing stock in the international community. He pointed out that HKSAR, as a special administrative region of PRC, was answerable to CPG and not the international community. NPCSC which was the highest organ in CPG empowered to make laws and to interpret laws had promulgated in the NPCSC Decision a timetable for implementing universal suffrage in Hong Kong. He considered the resignation campaign a farce. While some members considered that the by-election was not a waste of public money, members of the public had thought otherwise.

25. SCMA responded that the power of NPCSC to make laws and to interpret laws was provided in Article 67 of the Constitution of PRC. In this connection, NPCSC was empowered to make decisions on the electoral methods for HKSAR. The timetable for implementing universal suffrage provided in the NPCSC Decision had legal effect and was solemn. As to whether universal suffrage would be implemented for the CE election in 2017 and the LegCo election in 2020, the electoral methods would be put forth by HKSAR under the Basic Law as the Central Authorities had already given the green light. To this end, HKSAR had to reach a tri-partite consensus and complete the five-step mechanism for amending the two electoral methods as prescribed in BL and the NPCSC Interpretation respectively.

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Funding arrangement for the by-election

26. Members noted that the estimated expenditure for the by-election was \$159 million and the provisions would be reflected mainly in REO's draft estimates for 2010-2011. Considering that incurring the expenditure was a waste of public money, Mr WONG Kwok-hing expressed dissatisfaction that the Administration had bundled up the expenditure for conducting the by-election with the REO's draft estimates for 2010-2011, instead of submitting a separate financial proposal for the approval of the Finance Committee. He was of the view that it was inappropriate and unfair for the Administration to do so as Members would be deprived of the opportunity to indicate their stance and those of their electors by voting for or against the proposal. Mr CHIM Pui-chung shared the concern that the arrangement would deprive Members' right to scrutinise the financial proposal independently and directly.

27. SCMA explained that section 12 of the EAC Ordinance (Cap. 541) specified that all expenses incurred by EAC in the performance of its function should be payable out of the general avenue. In line with the established practice, provisions for conducting elections/by-elections would be included in the annual estimates of REO's Head of Expenditure. Members would be given ample opportunities to express their views on the matter at Panel meetings, special Finance Committee meetings and Council meetings when the relevant estimates were examined.

28. Ms Audrey EU said that a by-election was required by law to be conducted whenever a vacancy arose in the membership of LegCo. She had no problem with the funding proposal to be bundled up with the REO's draft estimates for 2010-2011, or submitted as a separate financial proposal for the Finance Committee's approval.

29. Dr Margaret NG said that while she supported the inclusion of the by-election expenses into the annual estimates of REO's Head of Expenditure, she would not object if the Administration chose to submit a separate financial proposal to the Finance Committee. She expressed dissatisfaction that some pro-establishment members had tried to impede the Government from discharging its statutory duty by threatening to veto the financial proposal. She pointed out that such action would only undermine the governance and reputation of the HKSAR Government.

30. Mr CHIM Pui-chung queried why the Administration had reacted to the resignation plan so swiftly by including the provisions for conducting the by-election in the REO's draft estimates for 2010-2011 and asked who had made that decision. He further enquired whether the Central Authorities supported such course of action taken by the Administration.

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31. SCMA responded that having been made aware of the resignation plan in the second half of 2009, the Administration had made preparatory work in the event that the conduct of a by-election became necessary. In this connection, the Administration had informed the Panel in November 2009 that the by-election would involve a cost of about \$150 million. He said that the Constitutional and Mainland Affairs Bureau had made the proposal to include the by-election expenses in REO's draft estimates for 2010-2011. SCMA further said that the right of Members to scrutinise a financial proposal would be safeguarded, albeit through the consideration of the Appropriation Bill 2010. The Central Authorities supported the work of the HKSAR Government which was conducted in accordance with BL and the laws of Hong Kong.

32. Mr Ronny TONG said that since some political parties had indicated that they would boycott the by-election by not fielding any candidates, candidates in some GCs could be elected ipso facto. In this connection, he enquired whether the by-election expenses would be reduced as a result, and whether the Administration would review the estimates after the close of the nomination period.

33. SCMA explained that the estimation of \$159 million was modelled on those in previous general elections and by-elections. A by-election for all the five GCs would be similar in scale to that of a general election. REO would need to set up over 530 polling stations for the 3.37 million registered GC electors and recruit some 15 000 temporary electoral staff to assist in the election. While there might be some savings if candidates of some GCs were elected ipso facto, the expenses for carrying out preparatory work, including publicity and administrative work, had to be incurred irrespective of whether the election was contested or not.

34. Ms Miriam LAU understood that the Administration had to conduct the by-election reluctantly in order to discharge its statutory duties. Given that the public did not support the resignation and the by-election, she urged the Administration to keep the by-election expenses to the minimum. SCMA responded that as explained in paragraphs 13-15 of the Administration's paper, a provision of \$159 million would be earmarked for the conduct of the by-election, of which \$3 million would be for publicity. The amount was considered to be appropriate. The Administration would ensure prudent use of public money in conducting the by-election.

35. Ms Audrey EU enquired whether the publicity work was aimed at calling on people to vote or not to vote. She said that the Administration had been sending confusing and illogical messages to the public by saying that BL did not provide for any referendum mechanism and calling for people not to vote in a referendum. She said that as leader of the Government, CE had the duty to encourage people to vote in an election. She expressed concern about the impact of CE's remarks on civil servants and enquired whether it was the official stance of the Administration to discourage voting in the by-election.

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36. SCMA responded that the publicity expenses of \$3 million would be used to inform electors of the arrangements for the by-election. Whether to vote or not to vote in an election would be the personal decision of registered electors, including civil servants.

37. Mr Ronny TONG enquired whether it was an offence for a person to openly appeal to the public to boycott an election and how the Administration would ensure that the by-election would be conducted in a fair and open manner. As CE had said that he might not vote in the by-election, Mr TONG also enquired whether principal officials (POs) would follow suit.

38. SCMA explained that the Administration and EAC were committed to maintaining the fairness of elections. It would be an offence under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap.554) ("ECICO") to use force or duress to induce a person to stand or not to stand as a candidate in an election or to affect an elector's voting decision. If a person appealed to the public not to vote in an election, the final decision of whether to vote still rested with individual electors. An offence would be constituted only if there was evidence proving that the person had used force or duress to get an elector not to vote in an election. SCMA further said that individual POs would decide on their own at a later stage on matters relating to voting in the by-election.

Amendment to LCO

39. Dr Priscilla LEUNG said that there was a need to amend section 14 of the Legislative Council Ordinance (Cap. 542) ("LCO") to prevent abuse of the electoral system. She intended to introduce a Private Members' Bill to restrict the condition under which a Member who resigned from his office would stand for election in the by-election to fill that vacancy. While there was concern that such a legislative proposal might not be consistent with BL 26, which provided that permanent residents of HKSAR had the right to vote and the right to stand for election in accordance with law, she considered that these rights were premised on compliance with the law and were guaranteed only in the context of reasonableness. Considering that her legislative proposal, in the form of a Private Member's Bill, might not be able to get adequate support from Members, she urged the Administration's to initiate amendments to LCO with a view to preventing any possible abuse in the future.

40. SCMA advised that the Government was currently consulting the public on the two electoral methods for 2012 and would take into account any proposals for amending the relevant legislation put forth during the consultation exercise. He stressed that any proposal to amend LCO must comply with BL, and the proposed restrictions should be reasonable and practicable. In response to Ms Emily LAU and Ms Miriam LAU, SCMA undertook to conduct a research on overseas practices regarding restrictions on a Member who had resigned from office but would stand for election in the by-election to fill that vacant office.

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Motion moved at the meeting

41. Dr Priscilla LEUNG moved the following motion which was seconded by Mr IP Kwok-him -

"對於有政黨策動五名立法會議員請辭，導致動用1.59億元來安排補選，本委員會認為是浪費公帑。

本委員會亦不認同相關政黨在《基本法》以外策動所謂「公投」，這既不符合《基本法》關於修訂行政長官及立法會產生辦法的程序，亦無助凝聚社會共識，推動2012年政制發展。

因此，本委員會要求特區政府修訂《立法會條例》，防止日後立法會的辭職和補選制度再被濫用。"

(English translation: "That this Panel considers it a waste of public money to spend \$159 million to arrange for the by-election arising from the resignation of five LegCo Members which has been initiated by some political parties;

and this Panel does not concur with the so-called 'referendum' initiated by the relevant political parties beyond the scope of BL, which is inconsistent with the procedures stipulated in BL on amending the methods for selecting CE and for forming the LegCo, and is not conducive to fostering consensus in the community on advancing the constitutional development in year 2012;

therefore, this Panel requests the HKSAR Government to amend LCO to prevent the system regarding the resignation of LegCo Members and by-elections from being abused again in future.")

42. Ms Emily LAU remarked that she would oppose any proposal to amend LCO unless the Administration had conducted public consultation beforehand.

43. Ms Audrey EU, Ms Cyd HO and Mr CHEUNG Kwok-che said that they did not support the motion. Ms EU considered that the by-election and the referendum campaign were in compliance with BL and there was no question about the electoral system being abused. Ms HO remarked that the wording used in the motion was contradictory. Mr WONG Kwok-kin, however, expressed support for the motion, considering that the move to initiate the de facto referendum was abusive.

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44. The Chairman put the motion to vote. Ms Emily LAU claimed a division. 19 members voted for and six members voted against the motion as follows -

Members voted for the motion

Mr TAM Yiu-chung, Ir Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Ms Miriam LAU, Mr WONG Kwok-hing, Mr Jeffrey LAM, Mr CHEUNG Hok-ming, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Dr LAM Tai-fai, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr IP Kwok-him, Mrs Regina IP, Dr PAN Pey-chyou and Dr Samson TAM

Members voted against the motion

Dr Margaret NG, Ms Emily LAU, Ms Audrey EU, Mr Ronny TONG, Ms Cyd HO and Mr CHEUNG Kwok-che

45. The Chairman declared that the motion moved by Dr Priscilla LEUNG was carried.

**IV. Briefing by the Chairperson of the Equal Opportunities Commission**  
[LC Paper Nos. CB(2)889/09-10(05) to (06)]

46. Members noted the following papers on the subject under discussion –

- (a) paper provided by the Equal Opportunities Commission ("EOC") [LC Paper No. CB(2)889/09-10(05)]; and
- (b) background brief prepared by the LegCo Secretariat [LC Paper No. CB(2)889/09-10(06)].

Vision and work of the Chairperson of EOC

47. Ms Audrey EU said that since the end of Ms Anna WU's tenure, a former Chairperson of EOC, EOC had experienced irregular changes of its chairmanship which had given rise to a spate of negative news and adversely affected the credibility of EOC. She asked the newly appointed Chairperson of EOC how he would restore public confidence on EOC.

48. The Chairperson of EOC said that EOC had all along been partnered with service providers and non-government organisations ("NGOs") to promote equal opportunities to eliminate discrimination. EOC had maintained close liaison with over 1 000 NGOs. In the short period during which he was in the post, many NGOs had invited him to meet with them. He had undertaken to communicate

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with them actively with a view to acquiring more knowledge about anti-discrimination issues as soon as possible. In the future, EOC would continue to promote community awareness and acceptance of diversity and equal opportunities through publicity and education. He undertook that he would also familiarize himself with real life situation on discrimination issues from the front line.

49. Dr Margaret NG said that many NGOs were disappointed at the work of EOC in recent years. They considered EOC too bureaucratic, which had confined itself to the enforcement of the anti-discrimination ordinances. In their view, EOC had the duty to promote the culture of equal opportunities. Dr NG enquired how the Chairperson would promote a culture of equal opportunities and whether it would promote the culture to the Government, apart from the community. Pointing out that the implementation of the Race Discrimination Ordinance (Cap. 602) ("RDO") involved a lot of resources, she asked how the Chairperson of EOC would make the Administration to face squarely with the issue of allocating adequate resources to government departments to eliminate all forms of discrimination.

50. The Chairperson of EOC said that he had set out in the last paragraph of EOC's paper his vision and his priority of work. In his view, EOC should be an advocate of equal opportunities, not merely a law enforcement agency. EOC should promote and disseminate the values of equal opportunities and anti-discrimination throughout society so that they would become commonly held standards. He added that the promotion of equal opportunities was a long-term task and required the concerted efforts of NGOs and the Government. He assured members that EOC would operate independently even though it was subvented by the Government. As the Chairperson, he would discharge his duty without fear and favour. The Chairperson of EOC considered that EOC should adopt a high-profile approach to project a clear image so as to restore public confidence. As regards resource allocation among government departments to combat discrimination, it would be a matter for the Administration but he would maintain a close dialogue with the Administration as necessary.

51. Mrs Sophie LEUNG said that she supported the mission statement made by the Chairperson of EOC to promote awareness, understanding and acceptance of diversity and equal opportunities and provide education to prevent discrimination. She said that the immediate past Chairperson of EOC seemed to have advocated EOC as the law enforcer rather than as the promoter of equal opportunities. She hoped that the Chairperson would act in a fearless manner, not necessarily as a critic of the Government, as a defender of equal opportunities while respecting the views of different sectors of the community. She also hoped that the Chairperson's vision would survive beyond his term of office, so as to set a direction for future chairpersons.



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52. The Chairperson of EOC responded that the promotion of diversity and equal opportunities had to rely on massive efforts of persuasion. It would be a long battle requiring the mobilisation of resources from NGOs and capable individuals. He pledged that he would always be at the forefront in that battle. With the assistance of colleagues, he would expound the concept of equal opportunities.

53. Ms Emily LAU said that the public were concerned whether the Chairperson of EOC, a former politically appointed principal official under the accountability system, could be truly independent and fair in discharging EOC's functions. She concurred with the Chairperson that EOC needed to be more high profile in order to be effective in promoting equal opportunities. She enquired whether EOC would enhance its transparency by opening up its meetings to the public. In addition, she hoped that EOC would make a report on its work to the Panel on a yearly basis. She sought clarification on the need for EOC to seek approval from the Government on overseas duty visits which, in her view, would erode the independence of EOC.

54. The Chairperson of EOC said that the Commission would discuss at its next meeting whether the meetings of EOC should be opened up, and if so, to what extent. At present, the minutes of meetings of the Commission would be made accessible by the public on its website. EOC was more than happy to report on its work to the Panel on a yearly basis. The Chairperson further said that his overseas duty visits would be approved by the Commission and the Government would be notified. At the request of Ms LAU, Deputy Secretary for Constitutional and Mainland Affairs undertook to provide a copy of the latest Memorandum on Administrative Arrangements between the Administration and EOC to the Panel after the meeting.

*(Post-meeting note: The Memorandum was issued to members vide LC Paper No. CB(2)971/09-10 on 22 February 2010.)*

55. Referring to Appendix II of the Background Brief, Ms Emily LAU expressed concern that EOC's legal expenses in relation to giving legal assistance, which was \$1.5 million under the Recurrent Account, was insufficient to enable EOC to discharge its duty effectively.

56. The Chairperson of EOC explained that according to past statistics, the number of applications seeking legal assistance which had resulted in legal action were few. Many of the cases had been resolved by conciliation before legal proceedings were initiated. Of the cases taken to court, the legal expenses incurred by EOC were affordable as the duration of these trials was relatively short and most of the trials had resulted in favour of EOC-assisted parties. The Chairperson assured members that for meritorious cases which involved a question of principle, EOC would take them to court as long as there were

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sufficient evidence and a need to enhance and sustain public awareness. Should the amount in the Recurrent Account be insufficient to cover litigation costs, resort could be made by redeployment of internal resources.

57. Mrs Regina IP asked whether EOC would consider employing more staff and appoint more EOC members from the disadvantaged groups, such as ethnic minorities and persons with disabilities ("PWDs").

58. The Chairperson of EOC responded that where there were vacancies, EOC would consider the calibre of each candidate and his suitability for the job without discrimination in open recruitment. He was aware that the ability of many PWDs was the same as able-bodied persons. He added that EOC had only recently recruited two ethnic minority staff members who had provided valuable support and information to help enhance EOC's communication with ethnic minorities. As regards members of EOC, they were broadly representative of different sectors of the community.

59. Mr WONG Kwok-hing expressed concern about the inadequate protection afforded to the interests and welfare of men and enquired about the work plan of EOC in this regard. The Chairperson of EOC responded that the transformation of global economy had impacted on the role and duty of men. He would seek the support of the Commission to conduct a research to examine the situation in Hong Kong and make reference to overseas experiences. He hoped that the subject would arouse the interests of the public and the Government in due course.

Discrimination against ethnic minorities and new arrivals from the Mainland

60. Ms Cyd HO said that the Chairperson's commitment to promote equal opportunities could only be assessed by his performance in the future. She said that after the enactment of RDO, NGOs had advocated that the Administration should adopt an equality plan for all policy areas on the ground that the scope of protection afforded by RDO was too narrow. Ms Cyd HO enquired whether the Chairperson of EOC would arrange a timetable to meet with these organisations to understand their views on the equality plan and to follow up the deficiencies with the Administration. She stressed that the Chairperson should act independently from the Government and should monitor the enforcement of equal opportunities in the Government.

61. The Chairperson of EOC said that EOC had been meeting with NGOs to discuss the implementation of RDO and would continue to do so. As an advocate of equal opportunities, EOC would take the initiative to rectify any deficiencies identified and the support of the Government, LegCo and the public would be needed to implement its work. He would make the best endeavour to promote equal opportunities during his term of office and was prepared to listen to views of different quarters of the community.

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62. Mrs Regina IP said that she had received several complaints concerning the different employment terms and fringe benefits offered to overseas and local pilots with comparable qualifications by Cathay Pacific Airways which might constitute discrimination. She enquired whether EOC would deal with the complaints under RDO.

63. The Chairperson of EOC said that up to this point in time, EOC had not received a complaint. EOC, however, had made an initial response the day before having regard to the press reports. By convention, EOC would not discuss individual cases in the open. An aggrieved person who considered his case involved a breach of RDO could refer it to EOC for investigation.

64. Ms Audrey EU and Ms Cyd HO enquired about the measures to be taken by EOC to help the ethnic minorities. Ms EU further asked how EOC would deal with the problem of discrimination against new arrivals from the Mainland who were not protected by RDO.

65. The Chairperson of EOC responded that since the enactment of RDO in mid-2009, EOC had organised over 200 talks and seminars involving the participation of 13 000 persons of which 2 000 were ethnic minorities. EOC had liaised with the Education Bureau ("EDB") to help ethnic minority students integrate into the mainstream system. EOC had also rendered assistance to new arrivals from the Mainland should they be discriminated on the grounds of sex, disability and family status. As the body to protect human rights, EOC would make known its concerns over any discrimination even if they were not covered by existing anti-discrimination ordinances.

Discrimination issues relating to disability

66. Mr WONG Kwok-hing expressed concern that while the Mass Transit Railway ("MTR") had offered half fare to PWDs, other public transport operators had not followed suit. He also expressed concern about the definition of "disability" as he noted that the Social Welfare Department ("SWD"), which issued certificates of disability, would only issue one to a person who had lost two limbs or more out of four. Under the circumstances, a person who had lost one limb would not be entitled to the fare concession offered by MTR. He considered the arrangement unfair and enquired whether EOC would look into the matter.

67. The Chairperson of EOC said that complaints against discrimination of disabilities accounted for the majority of complaints received by EOC. EOC welcomed MTR's decision to offer half fare to PWDs. If there was unfairness in the operation of fare concession, EOC was willing to collect more information and follow up the matter with the relevant organisations. EOC was also willing to

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liaise with other NGOs to explore the possibility of fare concession by other public transport operators. In fact, EOC had all along been concerned whether the services provided to PWDs were adequate. For instance, it was aware that PWDs considered the provision of barrier-free access and facilities in Hong Kong fragmented. EOC would step up its effort in this area.

**V. Outline of the Hong Kong Special Administrative Region's third report under the International Covenant on Economic, Social and Cultural Rights**

[LC Paper Nos. CB(2)727/09-10(05) to (06), CB(2)889/09-10(07) to (11), CB(2)921/09-10(01), CB(2)935/09-10(01) and CB(2)948/09-10(01)]

68. Members noted that the proposed outline of the topics to be included in the third report of HKSAR under the International Covenant on Economic, Social and Cultural Rights ("ICESCR") ("the third HKSAR report") was issued in January 2010 for public consultation until 19 February 2010.

69. Members noted the following papers on the subject under discussion -

- (a) outline of the topics to be included in the third report provided by the Administration [LC Paper No. CB(2)727/09-10(05)];
- (b) background brief prepared by the LegCo Secretariat [LC Paper No. CB(2)727/09-10(06)];
- (c) submission from Dr YANG Mo, member of South District Council [LC Paper No. CB(2)889/09-10(11)];
- (d) submission from Hong Kong Human Rights Commission [LC Paper No. CB(2)921/09-10(01)];
- (e) submission from Mr YEUNG Wai-sing, Member of Eastern District Council [LC Paper No. CB(2)935/09-10(01)]; and
- (f) submission from Hong Kong Human Rights Monitor [LC Paper No. CB(2)948/09-10(01)].

Presentation of views

70. Mr CHAN Chung-yau said that the outline of the third HKSAR report proposed by the Administration did not serve any meaningful purpose. He further expressed concern that CE was not elected by universal suffrage, the Government's measures to combat poverty did not work, and many people did not have enough food to eat.

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71. Ms Milabel Cristobal of Amnesty International Hong Kong ("AIHK") was concerned about the inadequacies of RDO (e.g. new arrivals from the Mainland not being protected under the Ordinance), inadequate protection provided to asylum seekers and refugees, and the unfair immigration policies governing foreign domestic helpers (e.g. the two-week rule). AIHK was also concerned about issues relating to discrimination on the grounds of sexual orientation and age, human rights institution and right to education. The views of AIHK were detailed in its submission [LC Paper No. CB(2)889/09-10(07)].

72. Mr Ken CHEUNG presented the views of Hong Kong Sign Language and Deaf Culture Association ("HKSLDCA") by sign language with the assistance of an interpreter. He stressed the importance of the provision of sign language and oral language support to people suffering from hearing impairment so that there would be no barrier in communication and they could exercise and enjoy their rights as any other citizens in society. The same should be provided to students suffering from hearing impairment, including those in kindergartens, so as to help their learning in schools. The views of HKSLDCA were detailed in its submission [LC Paper No. CB(2)889/09-10(08)].

73. Mr Nigel Collett of Tongzhi Community Joint Meeting said that Hong Kong should legislate against discrimination on the grounds of sexual orientation and gender identity to fulfil its international obligation to safeguard people with a different sexual orientation. The Administration's refusal to legislate on the ground that there was no consensus in the community was not sound. In addition, Hong Kong was lagging behind legal and international business practices. Discriminatory provisions had been overturned by the court and international companies had established diversity policies which prevented discrimination on the grounds of sexual orientation and gender identity. The views of Tongzhi Community Joint Meeting were detailed in its submission [LC Paper No. CB(2)889/09-10(09)].

74. Miss Debbie TSUI said that Hong Kong Human Rights Monitor had proposed in its submission [LC Paper No. CB(2)948/09-10(01)] issues to be covered in the third HKSAR report. She drew members' attention to issues relevant to Article 1 (Progress and development of democracy), Article 10 (Protection of the family), Article 11 (Right to an adequate standard of living) and Article 15 (Right to cultural life, scientific progress and its applications) as set out in the submission. She added that issues relating to the policy for keeping public records, including the keeping of archives and the right to access information, and the setting up of a human rights institution, should be covered in the third HKSAR report.

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75. Mr Reggie HO of Horizons expressed concern that the Government had done little to mitigate discrimination and called into question the effectiveness of the Gender Identity and Sexual Orientation Unit ("GISOU") in combating discrimination. He criticised that the measures implemented by the Administration to deal with discrimination on grounds of sexual orientation were superficial. Mr HO also expressed dissatisfaction about the absence of a benchmark to assess the effectiveness of the GISOU's work. He urged the Administration to include in the third HKSAR report its plan and timetable to legislate against discrimination on grounds of sexual orientation. The views of Horizons were detailed in its submission [LC Paper No. CB(2)889/09-10(10)].

Response of the Administration

76. Under Secretary for Constitutional and Mainland Affairs ("USCMA") said that the Administration would consider the deputations' views, together with other views received during the consultation exercise, in drafting the third HKSAR report. She gave an overall response to the deputations as follows -

- (a) the definition of "race" in RDO was consistent with that in Article 1 of International Convention on the Elimination of All Forms of Racial Discrimination. The protection under RDO applied to new arrivals from the Mainland and all other persons in Hong Kong. As the Administration was aware of the difficulties faced by some of these new arrivals to adapt to the life style of a new environment, the Home Affairs Department, as the co-ordinator, had liaised with various government departments to provide different support services for them;
- (b) as discussed at the last Panel meeting, views in the community on the need to introduce legislation to prohibit discrimination against people with a different sexual orientation were diverse. While some people supported legislating against such discrimination, some other people had expressed grave concern about its impact on traditional values of family and religion. The Administration would step up education and publicity with a view to promoting non-discrimination and nurturing a culture of greater objectivity, tolerance and mutual respect in the community;
- (c) Hong Kong had put in place a comprehensive system to promote and protect human rights, which was buttressed by local laws and an independent judiciary. In addition, EOC, Office of The Ombudsman and the Office of the Privacy Commissioner for Personal Data were statutory bodies formed to promote and safeguard different rights of the individual. Apart from the above,

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the effectiveness of human rights protection was monitored by the public, the media and LegCo. The Administration did not see the need to establish a human rights institution at this stage; and

- (d) GISOU had received comments on its work at the last Sexual Minorities Forum. The Administration would consider these views and would give them full consideration in drafting the third HKSAR report.

77. On AIHK's concern about the two-week rule, Assistant Secretary for Security ("AS(S)) explained that the two-week rule applied to all foreign domestic helpers and other imported workers. The rule sought to curb various abuses whereby workers deliberately terminated their contracts before their expiry in order to change employers. The rule, however, also provided flexibility whereby under exceptional circumstances, such as where there was evidence of abuse by employers and if employers were prevented from honouring their contracts because of financial difficulties or emigration, permission might be given for workers to change employment without first leaving the territory. The rule sought to ensure a fair balance to protect the interests of foreign domestic helpers and employers.

78. On HKSLDCA's concern about the support for people with hearing impairment, Principal Assistant Secretary (Education Commission & Planning) of EDB ("PAS(ECP)) explained that in devising teaching strategies for students with hearing impairment, teachers would consider the seriousness of hearing impairment of the students, way of communication between students and their parents, motivation and ability to learn, etc. Teachers would adopt different teaching aids, including sign language and oral language, together with other school-based support programmes to support these students. It was also worth-noting that pre-school students with hearing impairment should attend the Special Child Care Centre and pre-school service centre operated by SWD.

79. On concerns raised by members at the last Panel meeting about people living in caged homes, Chief Housing Manager/Applications of the Housing Department ("CHMAHD") responded that the Administration attached much importance to the needs of low-income workers. To this end, the Administration had provided assistance for the poor, including welfare and housing. The disadvantaged members of society could apply for the Comprehensive Social Security Assistance ("CSSA"), which provided a safety net to those who could not meet their basic and essential needs. She added that those who could not afford private rental housing might consider applying for public rental housing through the Housing Authority's Waiting List. Low-income families whose income and assets did not exceed the prescribed means eligibility limits could register on the Waiting List for public rental housing. Waiting List applicants who had genuine and imminent housing need might join the Authority's annual Express Flat

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Allocation Scheme. They would be allowed to select a flat under the scheme according to their priority on the Waiting List, including flat in the urban area. Those who had genuine and imminent housing need but could not solve their housing problem might be rehoused in public rental housing on compassionate grounds through the recommendation of SWD under the Compassionate Rehousing Scheme. They might apply through SWD's family service centres run by SWD or their designated NGOs. The Housing Department received some 2 000 referrals from SWD every year.

Discussion with members

*Article 1 : Progress and development of democracy*

80. Mr Ronny TONG said that there was a gradual increase in the number of directly-elected GC seats after the change of sovereignty, i.e. 20 seats in the First LegCo, 24 in the Second LegCo, and 30 in the Third LegCo. However, the number of directly-elected GC seats had remained unchanged since 2004. Mr Ronny TONG enquired how the Administration would explain this in the third HKSAR report.

81. USCMA responded that in its package of proposals for the methods of selecting CE in 2007 and for forming LegCo in 2008, in accordance with the NPCSC Decision made on 26 April 2004 which stipulated that the 50:50 ratio for Members returned by FCs and GCs should remain unchanged in 2008, the Administration had proposed to enhance the democratic element by increasing the number of LegCo seats by 10, five to be returned by GCs through direct elections and five FC seats to be returned by election among District Council members. The proposal, however, failed to obtain two-thirds majority support of LegCo. As such, there was no increase in the number of directly-elected GC seats in 2008. The Administration would cover in the third HKSAR report background of the constitutional system in Hong Kong and significant developments relating to constitutional development in the HKSAR since 2003 including the relevant NPCSC Decision.

*Article 2 : Progressive realisation of the rights recognised in ICESCR and the exercise of those rights without discrimination*

82. Ms Cyd HO said that the Administration should explain in the third HKSAR report why homosexuals were deprived of the right to form a family, and why a homosexual who was married overseas and was working in Hong Kong was deprived of the right to reunite with his spouse. She recalled that Dr YEOH Eng-kiong, former Secretary for Health, Welfare and Food, had advised the Bills Committee on Human Organ Transplant (Amendment) Bill 2001 in the Administration's paper that for the purpose of the Human Organ Transplant Ordinance, the fact of a marriage could be established if two persons of the same



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sex could show valid marriage documents issued by the relevant authorities outside Hong Kong. In the circumstances, the spouse of a homosexual would be granted visa to stay in Hong Kong temporarily where the operation of human organ transplant was involved. Ms HO urged the Administration to be consistent in its policies so that marriage of the same sex would be recognised for purposes other than human organ transplant. Ms Emily LAU considered that the Administration should justify in the third HKSAR report its refusal to introduce legislation to outlaw discrimination on the ground of sexual orientation.

83. USCMA responded that marriage, in accordance with the law of Hong Kong, involved a heterosexual relationship. She would consult the relevant bureau and reflect the Administration's position on protection for people with a different sexual orientation in the third HKSAR report. She would also find out more information about the paper provided by the former Secretary for Health, Welfare and Food.

84. In response to Ms Emily LAU, USCMA confirmed that the Administration would address the rights of people with hearing impairment, as raised by HKSLDCA, in the HKSAR report.

*Article 11 : Right to an adequate standard of living*

85. Ms Emily LAU expressed concern about the increasing number of people living in poverty and the wide income disparity within the community. She said that the Administration should reflect the situation and explain how it would address the problems in the third HKSAR report.

86. Principal Assistant Secretary for Labour and Welfare (Poverty) of LWB responded that the Administration attached great importance to poverty alleviation work and to this end, adopted a pragmatic and multi-pronged approach to tackle poverty and to assist the disadvantaged groups. Apart from providing financial assistance, the Administration provided training and retraining opportunities with a view to enhancing the skills and competitiveness of the disadvantaged groups. In 2009-2010, the Government's expenditure on welfare, health care, education and housing amounted to about 58% of the total Government recurrent expenditure. The Administration had also earmarked \$100 million for short-term food assistance service projects to help the needy.

87. Ms Cyd HO said that in recent years, plans for urban renewal and railway development projects had affected people's right to housing. Some residents were aggrieved by the mandatory resumption of property because the compensation they received was inadequate to meet the expenditure for purchasing a seven-year-old property in the same district. As a result, the quality of living of the residents concerned were adversely affected. She requested the Administration to reflect the situation in the third HKSAR report. USCMA

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responded that she would relay the concern to the Development Bureau which was responsible for drafting that part of the third HKSAR report.

*Articles 13 and 14 : Right to education*

88. Ms Emily LAU said that the Administration should address the issues raised by AIHK on education support to children of ethnic minorities and the right to education of children of refugees and asylum seekers in the third HKSAR report.

89. PAS(ECP) said that non-Chinese-speaking (NCS) students had the same right as Chinese-speaking students to receive education. To facilitate the early integration of NCS students into the local education system and the wider community, EDB had put in place a series of support measures to help NCS students learn the Chinese language. The support measures included, among others, the development of a Supplementary Guide to the Chinese Language Curriculum for NCS students, provision of learning materials, development of assessment tools for schools to assess NCS's Chinese language standards, increasing the number of designated schools, reinforcing after-school support services for NCS students through the establishment of more Chinese Language Learning Centres, etc. As regards refugees and asylum seekers stranded in Hong Kong, PAS(ECP) and AS(S) said that the Administration would examine the merits of individual cases for school placement.

*Article 15 : Right to cultural life, scientific progress and its application*

90. Ms Cyd HO enquired about the bureau responsible for the management of archives and the persons to be consulted for the purpose of drafting that part of the third HKSAR report. USCMA responded that the Administration Wing, which was responsible for that part of the report, would decide on the parties to be consulted.

**VI. Support service centres for ethnic minorities**  
[LC Paper Nos. CB(2)889/09-10(12) to (13)]

91. At the suggestion of the Chairman, members agreed that the item be deferred for discussion at the next meeting.

92. The meeting ended at 5:44 pm.