

**Replies to supplementary written questions raised by Finance Committee
Members in
examining the Estimates of Expenditure 2011-12**

**Director of Bureau : Secretary for Constitutional and Mainland Affairs
Session No. : 10**

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Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CMAB01

Question Serial No.

S058

Head : 144 GS: Constitutional and Mainland Affairs Bureau Subhead (No. & title) :

Programme : (5) Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : In respect of the initiative on studying the education needs of the ethnic minorities in Hong Kong, what are the expenditure expected to be incurred in this financial year (i.e. 2011-12), the manpower involved, and the scope and content of the study? Will any public consultation in relation to the study be conducted and what are the detailed arrangements?

Asked by : Hon. CHAN Mo-po, Paul

Reply :

In respect of the initiative of the Equal Opportunities Commission (EOC) on “studying the education needs of ethnic minorities in Hong Kong”, a Working Group on Education for Ethnic Minorities, comprising EOC Members and relevant stakeholders, was set up in July 2010 under the Policy and Research Committee of the EOC to study the educational needs of ethnic minority (EM) students.

2. The Working Group has focused on the needs of EM students, especially in their learning of Chinese language, in various stages of education, with a view to making recommendations for improvements. Three sharing sessions with different stakeholders including school principals and teachers, EM parents, and non-government organisations serving the EM communities were held by the EOC to ascertain their concerns and to exchange views on helping EM students in their education pursuit. The EOC will publish information leaflets for EMs to introduce the education system in Hong Kong and their education rights as protected under the Race Discrimination Ordinance.

3. Further actions to be taken by the EOC in relation to the study would be determined after the Working Group’s deliberations in the light of the findings.

4. Support for the Working Group, including secretarial support and interpretation services, is absorbed as part of the expenditure in the normal operation of the EOC, and no separate breakdown of expenditure and manpower involved is available.

Signature _____

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for
Constitutional and Mainland Affairs

Date 31 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CMAB02

Question Serial No.

S059

Head : 144 GS: Constitutional and Mainland Affairs Bureau Subhead (No. & title) :

Programme : (1) Director of Bureau's Office
(2) Constitutional and Mainland Affairs
(3) Mainland Offices
(4) Rights of the Individual

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : Please provide the respective amount of resources actually used in 2009-10 and 2010-11 and to be reserved for 2011-12 by the Constitutional and Mainland Affairs Bureau and the department under its purview for the following items, as well as the contents and policy objectives of the activities of the Bureau and its department:

- (a) expenditure on Mainland duty visits, exchanges and meetings by local officials, as well as the ranks and number of local officials involved (please list by administrative regions at the provincial level and by cities for Guangdong Province);
- (b) expenditure on exchanges, entertainment and meetings in Hong Kong with Mainland officials and departments, as well as the ranks and number of local and Mainland officials involved (please list by administrative regions at the provincial level and by cities for Guangdong Province);
- (c) expenditure on overseas duty visits, exchanges and meetings (including those in Taiwan and Macao) attended by local officials, as well as the ranks and number of local officials involved (please list by continents and countries/regions); and
- (d) expenditure on exchanges, entertainment and meetings in Hong Kong with overseas officials and departments (including those of Taiwan and Macao), as well as the ranks and number of local and overseas officials involved (please list by continents and countries/regions).

Asked by : Hon. HO Sau-lan, Cyd

Reply :

The information concerning duty visits, exchanges, entertainment and meetings conducted by the Constitutional and Mainland Affairs Bureau (CMAB) and the Registration and Electoral Office (REO), which is under the purview of CMAB, in 2009-10 and 2010-11 is provided at the **Annex**.

2. The activities set out at the **Annex** include attending conferences, meetings, study missions, visits, signing of agreements, etc. These activities enhance our liaison and communication with the Mainland, Macao, Taiwan and overseas countries, hence achieving our main objectives as shown at the **Annex**.

3. In 2011-12, CMAB has made a provision of about \$2.07 million for duty visits, exchanges, entertainment and meetings in the Mainland, Macao, Taiwan and overseas countries. For the exchanges, entertainment and meetings with the Mainland, Macao, Taiwan and overseas officials and departments in Hong Kong, the provision is about \$4.87 million. As regards REO, the Office has not earmarked any resources for the above activities in 2011-12.

4. As one of the principal functions of our Mainland Offices is liaison with Mainland officials and departments, the related work is an integral part of the responsibilities of the Offices. Hence, there is no separate breakdown on the resources involved in the above activities.

Signature _____

Name in block letters _____

Post Title _____

Date _____

JOSHUA LAW

Permanent Secretary for
Constitutional and Mainland Affairs

31 March 2011

(a) Duty visits, exchanges and meetings by Hong Kong officials in the Mainland, Macao and Taiwan

Bureau/ Department	2009-10		2010-11		Total no. and rank of Hong Kong officials involved (on headcount basis)	Objective
	Destination	Total expenditure	Destination	Estimated expenditure		
Constitutional and Mainland Affairs Bureau	Mainland	\$1.56 million	Mainland	\$4.50 million	Around 300 to 400 Hong Kong officials of different ranks for each year (led by senior officer or directorate officer)	Enhancing further co-operation and exchanges with the Mainland, including complementing the preparation of the National 12 th Five-Year Plan, providing administrative and logistical support for the HKSAR's participation in the Expo 2010 Shanghai China, drawing up and implementing the Framework Agreement on Hong Kong/Guangdong Co-operation and its annual work plan, discussions with the Shenzhen Municipal Government in promoting the development of modern service industries in Qianhai, etc.; and enhancing further co-operation and exchanges with Macao and Taiwan.
	Beijing Shanghai Sichuan Guangdong (including Guangzhou Shenzhen Foshan Zhuhai Dongguan Zhongshan Huizhou Jiangmen Zhaoqing) Fujian Jiangxi Hainan Guangxi		Beijing Shanghai Sichuan Guangdong (including Guangzhou Shenzhen Zhuhai Dongguan Shaoguan) Fujian Guangxi			
	Macao		Macao			
	Taiwan		Taiwan			
Registration and Electoral Office	Macao	\$0.002 million	-	-	4 Hong Kong officials of different ranks (led by senior officer or directorate officer)	Experience sharing on issues related to electoral arrangements.

(b) Exchanges, entertainment and meetings with Mainland, Macao and Taiwan officials and departments in Hong Kong

Bureau/ Department	2009-10		2010-11		Total no. and rank of Hong Kong and Mainland/Macao/Taiwan officials involved (on headcount basis)	Objective
	Province/ city of the officials	Total expenditure	Province/ city of the officials	Estimated expenditure		
Constitutional and Mainland Affairs Bureau	Mainland Beijing Tianjin Gansu Xinjiang Shandong Henan Shanxi Liaoning Shanghai Hubei Zhejiang Sichuan Yunnan Guangdong (including Guangzhou Shenzhen Foshan Zhuhai Dongguan Zhongshan Huizhou Jiangmen Zhaoqing) Jiangxi Guangxi	\$2.86 million	Mainland Beijing Xinjiang Gansu Tibet Heilongjiang Shanghai Sichuan Guangdong (including Guangzhou Shenzhen) Guangxi	\$1.56 million	Around 350 to 450 Hong Kong officials of different ranks for each year Around 400 to 500 Mainland/Macao/Taiwan officials of different ranks for each year (led by senior officer or directorate officer)	Enhancing further co-operation and exchanges with the Mainland, including complementing the preparation of the National 12 th Five-Year Plan, providing administrative and logistical support for the HKSAR's participation in the Expo 2010 Shanghai China, drawing up and implementing the Framework Agreement on Hong Kong/Guangdong Co-operation and its annual work plan, discussions with the Shenzhen Municipal Government in promoting the development of modern service industries in Qianhai, etc.; and enhancing further co-operation and exchanges with Macao and Taiwan.

Bureau/ Department	2009-10		2010-11		Total no. and rank of Hong Kong and Mainland/Macao/Taiwan officials involved (on headcount basis)	Objective
	Province/ city of the officials	Total expenditure	Province/ city of the officials	Estimated expenditure		
	Macao		Macao			
	Taiwan		Taiwan			
Registration and Electoral Office	-	-	-	-	-	-

(c) Duty visits, exchanges and meetings by Hong Kong officials in overseas countries

Bureau/ Department	2009-10		2010-11		Total no. and rank of Hong Kong officials involved (on headcount basis)	Objective
	Destination	Total expenditure	Destination	Estimated expenditure		
Constitutional and Mainland Affairs Bureau	Singapore Japan Switzerland	\$0.27 million	Japan	\$0.017 million	1 to 6 Hong Kong officials of different ranks for each year (led by senior officer or directorate officer)	Participation in international conferences and United Nations hearings concerning equal opportunities and human rights.
Registration and Electoral Office	-	-	Australia	\$0.096 million	3 Hong Kong officials of different ranks (led by senior officer or directorate officer)	Experience sharing on issues related to electoral arrangements.

(d) Exchanges, entertainment and meetings with overseas officials and departments in Hong Kong

Bureau/ Department	2009-10		2010-11		Total no. and rank of Hong Kong and overseas officials involved (on headcount basis)	Objective
	Continent/ country/ region of the officials	Total expenditure	Continent/ country/ region of the officials	Estimated expenditure		
Constitutional and Mainland Affairs Bureau	Singapore Malaysia Nepal United Kingdom European Union Canada	\$0.01 million	Japan Thailand Philippines Indonesia Pakistan India United Kingdom Germany United States of America	\$0.02 million	Around 20 to 40 Hong Kong officials of different ranks for each year Around 20 to 40 overseas officials of different ranks for each year (led by senior officer or directorate officer)	Enhancing liaison and communication with overseas governments.
Registration and Electoral Office	-	-	-	-	-	-

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CMAB03

Question Serial No.

S067

Head : 144 GS: Constitutional and Mainland Affairs Bureau Subhead (No. & title) :

Programme : (5) Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : The Equal Opportunities Commission (EOC) engaged an education institution to conduct a study on equal opportunities for students with disabilities under the integrated education system in 2009. Students with which type of disabilities are covered in the study? It is learnt that some disabled students concern groups and interested parent associations are of the view that students with disabilities do not have equal learning opportunities under the integrated education system. In this connection, does the EOC have any plan to conduct a formal investigation on whether the integrated education system is discriminatory? What factors will the EOC take into consideration in deciding whether a study or a formal investigation should be carried out? Similarly, ethnic minorities students are facing many problems under the integrated education system, some concern groups considered that the system may have contravened the Race Discrimination Ordinance. In this connection, does the EOC have any plan to conduct a formal investigation in 2011-12?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

Types of disability covered in the “Study on Equal Opportunities for Students with Disabilities under the Integrated Education system in Hong Kong”, commissioned by the Equal Opportunities Commission (EOC) in 2009, included hearing impairment, physical disabilities, emotion and behavioural difficulties, attention deficit/hyperactivity disorder, autism spectrum disorder, communication difficulties, and specific learning disabilities. The objective of the study was to evaluate stakeholders’ views on the implementation of integrated education in Hong Kong, with a view to identifying possible service gaps in the current policy and its implementation.

2. Formal investigations conducted by the EOC focused on discrimination of a systemic nature. Although the EOC has received several disability discrimination complaints in this field in the past, these cases did not seem to involve discrimination of a systemic nature. The EOC currently has no plan to conduct formal investigations on the integrated education system for students with disabilities.

3. In relation to the problems faced by ethnic minority (EM) students under the education system, a Working Group on Education for Ethnic Minorities was set up under the EOC in July 2010 to study the educational needs of EM students. The Working Group has focused on the needs of EM students, especially in their learning of Chinese language, in various stages of education, with a view to making recommendations for improvements. Three sharing sessions with different stakeholders including school principals and teachers, EM parents, and non-government organisations serving the EM communities were held by the EOC to ascertain their concerns and to exchange views on helping EM students in their education pursuit. The EOC will publish information leaflets for EMs to introduce the education system in Hong Kong and their education rights as protected under the Race Discrimination Ordinance. Further actions to be taken by the EOC in relation to the study would be determined after the Working Group's deliberations in the light of the findings.

Signature _____

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for
Constitutional and Mainland Affairs

Date 31 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CMAB04

Question Serial No.

S068

Head : 144 GS: Constitutional and Mainland Affairs Bureau Subhead (No. & title) :

Programme : (5) Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : Section 33 of the Personal Data (Privacy) Ordinance (“PDPO”) provides for protection of personal data processed across the border and the Government is exploring the way forward on section 33, taking into account the views of the stakeholders. Yet, no provision and manpower have been specifically earmarked for carrying out the work in this area and the resources required is absorbed within the existing provisions of the Office of the Privacy Commissioner for Personal Data (“PCPD”). However, in considering how to take forward the Data User Returns Scheme (“DURS”), an additional \$1.1 million has been included in the provision for the PCPD in 2011-12 to create one additional Senior Personal Data Officer post to study the implementation arrangements for the DURS. Given that no resources and manpower have been earmarked for following up section 33 of the PDPO, does it mean that the PCPD does not have any plan to pursue the implementation of section 33 seriously? If the PCPD does have such a plan, when the work of exploring the way forward on section 33 is expected to be completed?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

As the commencement of section 33 of the Personal Data (Privacy) Ordinance (“PDPO”) would have significant implications on the transfer of personal data to places outside Hong Kong, the Administration and the Office of the Privacy Commissioner for Personal Data (“PCPD”) need to consider the matter carefully.

2. In exploring the way forward, we will take into account relevant factors, including consultation with stakeholders to assess the readiness of the community for the operation of section 33, the need for preparing guidelines to facilitate compliance, the readiness of the PCPD to gazette places with legislation substantially similar to the PDPO, and international developments.

3. Such exploratory work is important in mapping out the way forward. The work is undertaken with the existing resources of the PCPD. At this stage, we do not have any specific timetable on when section 33 of the PDPO will come into operation.

Signature _____

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for
Constitutional and Mainland Affairs

Date 31 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CMAB05

Question Serial No.

S069

Head : 144 GS: Constitutional and Subhead (No. & title) :
Mainland Affairs Bureau

Programme : (5) Subvention: Equal Opportunities Commission and Office of the
Privacy Commissioner for Personal Data

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : Of the 1 438 complaint cases handled by the Office of the Privacy Commissioner for Personal Data ("PCPD") in 2010, the majority of complaints are against private sector organisations and are mostly related to banking and finance industry, and telecommunications industry. A sum of \$1.1 million has been included in the provision for the PCPD in 2011-12 to create one additional Senior Personal Data Officer post to study the implementation arrangements for the Data User Returns Scheme ("DURS"). In studying the implementation of the DURS, will the PCPD consider bringing the banking and finance industry and the telecommunications industry under the regulation of the DURS?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The Administration and the Office of the Privacy Commissioner for Personal Data are considering how to take forward the Data User Returns Scheme ("DURS"). When deciding on the proposed classes of data users to be covered under the DURS, the relevant considerations will be taken into account, including the number of complaint cases involving different classes of data users. The banking and finance, and telecommunications industries will be considered on this basis.

Signature _____

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for
Constitutional and Mainland Affairs

Date 31 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CMAB06

Question Serial No.

S070

Head : 144 GS: Constitutional and Mainland Affairs Bureau Subhead (No. & title) :

Programme : (5) Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : In 2010, the Equal Opportunities Commission (EOC) initiated investigations into 102 situations involving government departments and public and private organisations. Of the cases related to the Disability Discrimination Ordinance (DDO), targets of investigation are mainly public transport companies and public bus companies, and rehabilitation organisations also have many grievances against public transport companies. Does the EOC have any plan to conduct a comprehensive formal investigation on the public transport companies' compliance of the DDO? As far as the Race Discrimination Ordinance is concerned, the EOC initiated investigation in a number of cases in 2010 in which harassment/vilification is involved. Some of these cases involved vilifying remarks on the Chinese race or other races. In this connection, will the EOC consider strengthening publicity and public education targeted at internet or racial vilification?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

Formal investigations conducted by the Equal Opportunities Commission (EOC) focused on discrimination of a systemic nature. On the other hand, the self-initiated investigations made by the EOC in 2010 touched on various general compliance issues, such as platform and bus-stop design, service provision, accessibility, facilities and staff attitude. The EOC noted that the public transport operators and the Transport Department have drawn up plans to improve transport facilities by phases, and currently has no plans in conducting formal investigations on the general compliance level of the Disability Discrimination Ordinance amongst public transport operators. The EOC will continue to monitor the problems faced by persons with disabilities in the area of public transportation. Should situations warrant, the EOC may conduct formal investigations on more focused areas with a view to effecting policy changes.

2. The EOC is concerned about discriminatory comments posted on-line and encourages an inclusive spirit for all, and disapproves discriminatory on-line comments and hate mails. Accordingly, the EOC has stepped up its promotion efforts in this regard through a wide range of activities, including:

- (a) meetings with discussion forum operators / web masters on the elimination and filtering of all types of vilifying messages, in particular those related to disability and racial discrimination;
- (b) public education on the issue, with a case about racially derogatory remarks posted on an internet discussion forum reported in EOC's newsletter. The case was successfully resolved, with the website company immediately removing the comments from the forum, and reminding forum members not to post unlawful discriminatory remarks, or the message would be deleted and the member's on-line account deactivated; and
- (c) using cases and examples (such as the aforementioned) for illustrative purposes during talks on the anti-discrimination laws provided by the EOC.

3. The EOC has also carried out an extensive range of territory-wide programmes to promote, among others, racial equality. Major ones of these activities include:

- (a) thematic campaigns on equality issues;
- (b) multi-media campaigns: TV docu-drama and radio programmes, EOC website, EOC YouTube Channel and Facebook Pages;
- (c) business campaigns: EO Club, outreach to SMEs;
- (d) youth campaigns: drama performances in primary and secondary schools, mentorship and empowerment programmes, such as Uniquely Me, a youth development programme for ethnic minority students;
- (e) public campaigns: TV and radio interviews to urge members of the public to respect people of different backgrounds and not to engage in unlawful behaviours such as racial vilification; advertisements on MTR and buses, and roving exhibitions;
- (f) community programmes: Community Participation Funding Programme and collaborative partnership projects;
- (g) publications and resources: promotional posters, booklets and leaflets, EOC's newsletters, e-News and annual reports, online training modules and liberal studies teaching kit etc.; and

- (h) media campaigns: media interviews and releases, press conferences and briefings.

4. In addition to the above programmes, the EOC provides training and consultancy services, including talks, training packages, tailor-made workshops and consultancy service on equal opportunities policies, for different sectors, such as government departments, public bodies, private companies, labour unions, non-government organisations, schools and tertiary institutes.

Signature _____

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for
Constitutional and Mainland Affairs

Date 31 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CMAB07

Question Serial No.

S071

Head : 144 GS: Constitutional and Mainland Affairs Bureau Subhead (No. & title) :

Programme : (4) Rights of the Individual

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : No provision has been earmarked by the Government to celebrate the 20th anniversary of the enactment of Hong Kong Bill of Rights while a sum of \$16 million has been set aside for organising various Basic Law promotional activities, with focuses including enhancing public awareness of the relationship between the Central Authorities and the Hong Kong Special Administrative Region. Why does the Government reserve resources for promoting the Basic Law while no provision has been reserved for the promotion of the Bill of Rights?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The Government is committed to the promotion of public awareness and understanding of the Basic Law, as well as the awareness of, respect for and protection of human rights.

2. In 2011-12, the Constitutional and Mainland Affairs Bureau (CMAB) has set aside \$16 million for organising various promotional activities to enhance public awareness and understanding of the Basic Law. We will continue to focus on promoting the relationship between the Central Authorities and the Hong Kong Special Administrative Region, and the importance of the Basic Law to Hong Kong's implementation of the principles of "One Country, Two Systems", "Hong Kong People administering Hong Kong" and high degree of autonomy.

3. On the promotion of human rights, efforts are made through allocations to the programmes "Rights of the Individual" and "Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data". The estimated expenditure under these programmes in 2011-12 is \$153.2 million.

4. Promotion work in relation to the protection of human rights has been carried out through various channels under the CMAB, and relevant organisations such as the Equal Opportunities Commission also conduct public education and publicity programmes to raise awareness and promote better understanding of relevant human rights concepts in the community. It should be noted that the promotion work covers human rights as provided for under the Basic Law, the Hong Kong Bill of Rights Ordinance (HKBORO), relevant international human rights treaties as applied to Hong Kong, as well as relevant legislation such as the anti-discrimination ordinances. For example, Chapter III of the Basic Law specifically sets out the fundamental rights and duties of the residents. In addition, the guarantees of fundamental rights of the residents are found in other provisions of the Basic Law. A separate breakdown on the allocation specifically for the promotion of HKBORO is not available.

Signature _____

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for
Constitutional and Mainland Affairs

Date 31 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CMAB08

Question Serial No.

S072

Head : 144 GS: Constitutional and Subhead (No. & title) :
Mainland Affairs Bureau

Programme : (5) Subvention: Equal Opportunities Commission and Office of the
Privacy Commissioner for Personal Data

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : The numbers of cases which involved the Race Discrimination Ordinance (RDO) and conciliated by the Equal Opportunities Commission (EOC) in 2009 and 2010 are far less than those which involved the Sex Discrimination Ordinance and Disability Discrimination Ordinance. Does the EOC know the reasons why the number of complaints in relation to the RDO is on the low side? Does it have any plan to conduct a study to find out the reasons?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The Race Discrimination Ordinance (RDO) came into full effect in July 2009. Since its enactment, the Equal Opportunities Commission (EOC) has put a strong emphasis on the promotion of the RDO and the message of racial equality. In 2009 to 2010, about half of EOC's public education, publicity and training programmes conducted were related to RDO and racial equality.

2. Based on operational experience and close liaison with relevant non-government organisations (NGOs) supporting ethnic minorities, the EOC recognised that there is a general reluctance among members of the ethnic minorities to lodge formal complaints as a means to redressing grievances, as a result of their cultural values. In view of this, special out-reaching initiatives targeted at ethnic minority groups and community leaders have been embarked upon. Interpretation services are available when needed to facilitate complainants and service users.

3. The EOC will continue to promote the RDO through public education and publicity programmes targeting the general public, including the ethnic minorities. In particular, the EOC will continue to work in collaboration with relevant NGOs, and encourage lodging of complaints in discrimination situations. The EOC expects that the number of complaint cases on RDO would increase with the increasing awareness of the rights under the RDO.

Signature _____

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for
Constitutional and Mainland Affairs

Date 31 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CMAB09

Question Serial No.

S073

Head : 144 GS: Constitutional and Mainland Affairs Bureau Subhead (No. & title) :

Programme : (4) Rights of the Individual

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question: The Constitutional and Mainland Affairs Bureau granted fundings for non-government organisations to set up 4 support services centres for ethnic minorities in 2009. According to the Government, the 4 centres have been operating smoothly, meeting or exceeding their performance pledges for the majority of their services, and feedback from service users and ethnic minority communities has been positive. If that is the case, why will the centres be transferred to the Home Affairs Department (HAD)? In relation to the transfer of the services to the HAD, has the Government submitted any paper to or discussed with the relevant Panel of the Legislative Council beforehand?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The Government is committed to facilitating the integration of ethnic minorities into the community through the provision of support services. At present, various Government bureaux and departments provide support services to ethnic minorities in their respective policy areas. Following the announcement in the 2010-11 Policy Address, a dedicated team under the Home Affairs Department (HAD) will be established to step-up and coordinate efforts in the provision of support services to ethnic minorities.

2. The HAD, with its extensive network at district level, will help mobilise local organisations and non-governmental organisations to facilitate the early integration of ethnic minorities into the community. The HAD will also encourage ethnic minorities to establish sustained interaction with the community, and foster a sense of understanding, friendship and mutual help in the neighbourhood conducive to a harmonious society. The support services for ethnic minorities currently under the Constitutional and Mainland Affairs Bureau (CMAB) will be transferred to the HAD on the above considerations. In addition to the resources to be transferred from the CMAB, the

Financial Secretary has, in his 2011-12 Budget, provided more resources for the HAD's work in this area.

3. The CMAB will continue to be responsible for the overall policy on equal opportunities on the ground of race as well as the Race Discrimination Ordinance.

4. After the Chief Executive's 2011-12 Policy Address, we have issued a paper to the Panel on Constitutional Affairs on the initiatives relevant to the CMAB, including the transfer of the responsibility for the provision of support services to the HAD, and discussed the matter at the Panel meeting on 18 October 2010. Upon a Member's request at the meeting, we further issued a letter to the Panel on 3 January 2011, providing information on the division of responsibilities regarding the policies on and support services for ethnic minorities. The Government will continue to listen to the views from Members, stakeholders and the community on the provision of support services for ethnic minorities.

Signature _____

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for
Constitutional and Mainland Affairs

Date 31 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CMAB10

Question Serial No.

S074

Head : 144 GS: Constitutional and
Mainland Affairs Bureau

Subhead (No. & title) :

Programme : (4) Rights of the Individual

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question: Does the Constitutional and Mainland Affairs Bureau have any knowledge of the expenditure incurred by various government departments such as the Education Bureau and the Home Affairs Bureau on human rights education in 2010-11? If yes, please provide information by using the table below:

Government department	Human rights education under the responsibility of the department	Expenditure on human rights education in 2010-11	Manpower involved
Education Bureau			
Home Affairs Bureau			
Other government departments			

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The Government's work on human rights education spans across several policy bureaux, including mainly the Home Affairs Bureau (HAB), the Education Bureau (EDB), and the Constitutional and Mainland Affairs Bureau (CMAB).

2. The EDB has included general human rights education as part and parcel of the subjects at school. Human rights education is incorporated in relevant topics of school curricula in primary and secondary education such as General Studies at primary level, Life and Society at junior secondary level, and Liberal Studies at senior secondary level. Recurrent resources for developing human rights education cross-curricula, their promotion in schools, the provision of professional development programmes for school heads and teachers, production of learning and teaching resources, provision of learning activities for students and collaboration with other Government departments and public bodies constitute an integral part of the EDB's expenditures. A separate breakdown of

the expenditures on human rights education and the manpower involved is not available from the EDB.

3. The HAB promotes civic education, including human rights education, outside schools in collaboration with the Committee on the Promotion of Civic Education. A breakdown of the expenditure on the activities for the promotion of specific values or civic concepts, including human rights, and the manpower involved is not available from the HAB.

4. The CMAB has been promoting awareness of, respect for and protection of human rights through the allocations to the programmes “Rights of the Individual” and “Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data”. The revised estimate of the expenditure of the CMAB under these two programmes in 2010-11 is \$178.6 million. Human rights education is an integral part of the work in this area and a separate breakdown of the manpower involved on human rights education is not available.

5. Under the CMAB, the relevant work includes promoting the rights of the individual in respect of personal data privacy, equal opportunities on grounds of gender, family status and race and for people of different sexual orientation and transgendered persons and children’s rights. The Equal Opportunities Commission and the Privacy Commissioner for Personal Data carry out their publicity, promotion and education programmes and enforcement work for areas within their statutory framework.

6. The work of other Government bureaux, departments and authorities may involve the promotion of concepts of human rights in general as and when appropriate within their respective policy areas. Such efforts are part of their normal functions and a separate breakdown of the related expenditures and manpower is not available.

Signature _____

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for
Constitutional and Mainland Affairs

Date 31 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CMAB11

Question Serial No.

S075

Head : 144 GS: Constitutional and Subhead (No. & title) :
Mainland Affairs Bureau

Programme : (5) Subvention: Equal Opportunities Commission and Office of the
Privacy Commissioner for Personal Data

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : The Equal Opportunities Commission (EOC) has put forward a number of proposals in respect of the 4 pieces of legislation against discrimination. In this connection, please provide information by using the table below:

The year when EOC put forward the proposals	Contents of the proposals	Ordinance(s) involved	The Government's response	Expenditure involved

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The Equal Opportunities Commission (EOC) raised a number of proposals in 1999. The Administration has considered them and has already incorporated the following proposals into the relevant anti-discrimination ordinances:

Item	Contents of the proposals	Ordinance(s) involved
1	To amend the definition of sexual harassment in the Sex Discrimination Ordinance (SDO) such that hostile environment harassment applies to the field of education.	SDO
2	To amend section 64 of the Disability Discrimination Ordinance (DDO) to refer to section 67 of the SDO in order to rectify an incorrect reference.	DDO

Item	Contents of the proposals	Ordinance(s) involved
3	To amend the SDO to allow claimants to bring civil proceedings for sexual harassment against respondents who are vicariously liable under the SDO.	SDO
4	To amend the DDO to allow claimants to bring civil proceedings in respect of harassment of persons with a disability against respondents who are vicariously liable under the DDO.	DDO

2. The EOC has raised a number of other proposals. The following table sets out the proposals raised in 1999 (items 1-5) and those raised in 2010 (items 6-7). The Administration is examining these proposals, taking into consideration recent developments. After we have completed our examination, we will consult the Legislative Council Panel on Constitutional Affairs and relevant parties.

Item	Contents of the proposals	Ordinance(s) involved
1	<p>To amend the SDO and the DDO:</p> <p>(a) to make it clear that the relevant sections concerning the definition of “an establishment in Hong Kong” have extra-territorial effect and protect against unlawful acts committed outside Hong Kong, and to extend the definition to protect Hong Kong residents working wholly or mainly outside Hong Kong for businesses and/or companies registered in Hong Kong;</p> <p>(b) to introduce voluntary and binding undertakings, which are legally enforceable, into the SDO and the DDO;</p> <p>(c) to make it clear that the District Court may make any one or more of the orders set out in the list of statutory remedies in the relevant provisions;</p> <p>(d) to enable the EOC to recover costs as well as expenses in the event that an order for costs were made in favour of the person receiving legal assistance from the EOC; and</p> <p>(e) to repeal Schedule 5 and relevant provisions of the SDO and the DDO concerning exemptions.</p>	SDO, DDO

Item	Contents of the proposals	Ordinance(s) involved
2	<p>To amend the SDO so that it protects the following persons against sexual harassment by other persons:</p> <p>(a) persons providing goods, services or facilities to another person, from being harassed by that other person in the course of offering to provide, or providing, the goods, services or facilities;</p> <p>(b) members or prospective members of a club, from being harassed by members of a committee of management of that club; and</p> <p>(c) tenants and sub-tenants, from being harassed by other tenants and sub-tenants occupying the same premises.</p>	SDO
3	<p>To amend the DDO:</p> <p>(a) to make it clear that in the definition of direct discrimination the comparison of treatment is made between the person with a disability and a person without “the” or “that” disability;</p> <p>(b) to extend the definition of “associate” to cover a person under the care of a person;</p> <p>(c) to introduce specific protection for persons with a disability in the field of eligibility to vote for and to be elected or appointed to advisory bodies; and</p> <p>(d) to provide that enforcement notices may be issued for discriminatory practices.</p>	DDO
4	<p>To amend the DDO and the Family Status Discrimination Ordinance (FSDO) to include protection for members, employees and conciliators of the EOC equivalent to that found in the SDO.</p>	DDO, FSDO
5	<p>To amend the headings of sections 7 and 8 of the SDO to more accurately reflect the content of the relevant provisions and to amend specified Chinese text in the SDO and DDO for clarity.</p>	SDO, DDO

Item	Contents of the proposals	Ordinance(s) involved
6	To empower the EOC to apply for a declaration and / or injunction if (a) it has reasonable grounds to believe that an unlawful act is committed; and (b) it is in the public interest to make the application. The EOC may do so without identifying any specific complainant or respondent.	SDO, DDO, FSDO, Race Discrimination Ordinance (RDO)
7	To repeal the restriction that damages cannot be claimed for indirect discrimination if the respondent did not intend to treat the complainant unfavourably.	SDO, FSDO, RDO

3. The implementation of the anti-discrimination ordinances is an integral part of the work of the EOC. There is no separate breakdown of the estimated expenditure that has been or may be incurred in respect of the above proposals.

Signature _____

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for
Constitutional and Mainland Affairs

Date 31 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CMAB12

Question Serial No.

SV011

Head : 144 GS: Constitutional and
Mainland Affairs Bureau

Subhead (No. & title) :

Programme : (3) Mainland Offices

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : In response to the request of the Chairman, the Administration agreed to disseminate information via emails to LegCo Members on trade activities to be held or participated by the Office of the Government of the Hong Kong Special Administrative Region in Beijing and the Hong Kong Economic and Trade Offices in Guangdong, Shanghai and Chengdu to promote the business development of Hong Kong enterprises.

Asked by : Hon. LAU Wai-hing, Emily

Reply :

For 2011-12, the tentatively planned trade activities to be held or participated by the Office of the Government of the Hong Kong Special Administrative Region in Beijing and the Hong Kong Economic and Trade Offices in Guangdong, Shanghai and Chengdu are listed in the Annex. This list will be updated from time to time, as the planning for such activities is an ongoing process.

Signature _____

Name in block letters _____

Post Title _____

Date _____

JOSHUA LAW

Permanent Secretary for
Constitutional and Mainland Affairs

31 March 2011

Tentative Trade Activities in 2011-12

Tentative Date	Tentative Trade Activities
Beijing Office	
1. April 2011	To participate in the “2011 China Trade and Finance Annual Conference” in Beijing
2. April 2011	To participate in the “2011 China Luoyang Investment and Trade Fair” in Luoyang, Henan
3. April 2011	To participate in the “2011 Planning for Your IPO Forum” in Beijing
4. April 2011	To organise a seminar in Beijing jointly with Beijing Municipal Government and Hong Kong Chamber of Commerce in China
5. April 2011	To participate in “The 5th Chinese Enterprises Outbound Investment Conference” in Beijing
6. April 2011	To assist Invest Hong Kong in the organisation of an investment promotion seminar in Tianjin
7. May 2011	To participate in the “2011 China (Langfang) International Economic and Trade Fair” in Langfang, Hebei
8. May 2011	To participate in the “Asian Venture Capital Journal Private Equity and Venture Forum” in Beijing
9. May – June 2011	To participate in “The 18th China Tianjin Investment and Trade Fair” in Tianjin
10. June 2011	To participate in “The 5th China International Private Equity Forum” in Tianjin
11. June 2011	To participate in the “2011 China Qinghai Green Economy Investment and Trade Fair” in Xining, Qinghai
12. June 2011	To participate in “The 22nd China Harbin International Economic and Trade Fair” in Harbin, Heilongjiang
13. July 2011	To participate in “The 17th China Lanzhou Investment and Trade Fair” in Lanzhou, Gansu
14. July 2011	To participate in the “2011 China International Consumer Electronics Show” in Qingdao, Shandong
15. July 2011	To participate in “The 5th China National Commodities Trade Fair” in Hohhot, Inner Mongolia

	Tentative Date	Tentative Trade Activities
16.	September 2011	To participate in “The 1st China – Asia Europe Expo” in Urumqi, Xinjiang
17.	September 2011	To participate in “The 7th China Jilin Northeast Asia Investment and Trade Expo” in Changchun, Jilin
18.	September 2011	To participate in the “2011 China (Ningxia) International Investment and Trade Fair” in Yingchuan, Ningxia
19.	September 2011	To participate in “The 6th Expo Central China” in Taiyuan, Shanxi and provide support for HKSARG officials attending the Expo
20.	October 2011	To participate in “The 15th Beijing Hong Kong Economic Cooperation Symposium” in Beijing and provide support for HKSARG officials attending the Symposium

Guangdong ETO

21.	April 2011	To participate in “The Boao Forum for Asia Annual Conference 2011” in Hainan
22.	April 2011	To organise an investment promotion seminar on legal services and an investment promotion visit to the Business and Professional Services sector of Foshan and Guangzhou in collaboration with Invest Hong Kong
23.	April 2011	To participate in the “China Import and Export Fair ” in Guangzhou, Guangdong
24.	April 2011	To organise the “Seminar on Measures of the Customs of the People’ s republic of China for the Classified Management of Enterprises” in Hong Kong
25.	May 2011	To participate in the SmartHK to be led by Hong Kong Trade Development Council in Guangzhou (investment promotion seminar and exhibition booth)
26.	May 2011	To jointly organise an investment promotion visit to the Financial Services sector in Shenzhen with Invest Hong Kong
27.	May 2011	To participate in the “13th Cross-Straits Fair for Economic and Trade and the 8th Commodities Fair Fujian China” in Fuzhou, Fujian
28.	May 2011	To jointly organise an investment promotion study mission to Hong Kong for Guangdong Enterprises with the China Council for the Promotion of Investment and Trade of Guangdong

	Tentative Date	Tentative Trade Activities
29.	June 2011	To participate in “The 3rd Guangdong Foreign-invested Enterprises Commodities Fair” in Dongguan, Guangdong
30.	June 2011	To organise the “Joint Conference on the Upgrading and Transformation of Hong Kong-invested Enterprises in Dongguan” in Hong Kong
31.	September 2011	To participate in “The 15th China International Fair for Investment and Trade” in Fujian and jointly organise an investment promotion seminar with Mainland authorities and Invest Hong Kong
32.	September 2011 (tentative)	To participate in “The 7th Pan-Pearl River Delta Regional Cooperation and Development Forum cum Trade Fair” in Jiangxi
33.	November 2011	To jointly organise an investment promotion roadshow in Shantou, Guangdong with relevant local authorities and Invest Hong Kong, including visits to companies and roundtables with Shantou CEOs
34.	December 2011	To organise the “Joint Conference on the Upgrading and Transformation of Hong Kong-invested Enterprises in Dongguan” in Hong Kong
35.	between June 2011 and March 2012	To organise a series of photo exhibitions, trade and investment promotion seminars in selected cities of the Haixi region, in collaboration with relevant authorities in Fujian, Jiangxi and Guangdong
36.	Date to be confirmed	To organise one to two investment promotion seminars and roundtables with Mainland CEOs, in collaboration with Mainland government authorities and trade and industry organisations in the areas covered by Guangdong ETO
37.	Date to be confirmed	To organise one to two sessions of “Exchange with Heads of Hong Kong’s Trade and Industry Associations” in Shenzhen, Guangdong
38.	Date to be confirmed	To participate in the “16th Textiles Working Group Meeting” in Guangdong

Chengdu ETO

39.	March 2011	To participate in “The spring phase of 2011 China National Sugar and Alcoholic Commodities Fair” in Chengdu, Sichuan
40.	April 2011	To participate in the “15th Investment & Trade Forum for Cooperation between East & West China” in Xi’an,

Tentative Date	Tentative Trade Activities
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Shaanxi

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| 41. | April 2011 | To participate in the “11th Chengdu International Lighting Fair, 2011” in Chengdu, Sichuan |
| 42. | May 2011 | To participate in the “14th China Chongqing International Investment and Global Sourcing Fair” in Chongqing |
| 43. | May 2011 | To jointly organise a logistics delegation with Hong Kong Trade Development Council to Chongqing and Chengdu |
| 44. | May 2011 | To participate in the “China (Hong Kong) International Service Trade Fair (Chengdu) and Style Hong Kong Show” in Chengdu, Sichuan |
| 45. | June 2011 | To participate in the “19th China Import and Export Fair, Kunming” and “The 4th China-South Asia Business Forum” in Kunming, Yunnan |
| 46. | June 2011 | To participate in the “2011 Chengdu Houseware, Leisure Goods & Gifts Fair” in Chengdu, Sichuan |
| 47. | July 2011 | To hold a press conference to announce the results of the survey on “CEPA Implementation in Chongqing” in Chongqing |
| 48. | October 2011 | To participate in the “12th Western China International Fair” in Chengdu, Sichuan |
| 49. | October 2011 | To jointly organise the “Xi’an-Hong Kong Computer & Communications Festival 2011” in Xi’an, Shaanxi |

Shanghai ETO

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| 50. | March 2011 | To jointly organise investment promotion visits to authorities and enterprises in Suzhou, Zhejiang with Invest Hong Kong |
| 51. | March - April 2011 | To participate in the visit to Jiangsu Province, Zhejiang Province and Shanghai Municipality and the inauguration ceremony of the Yangtze River Delta Committee of the Chinese General Chamber of Commerce |
| 52. | April 2011 | To organise roving exhibitions in Ezhou, Jingzhou and Yichang of Hubei Province and to pay visits to local government agencies/authorities to strengthen working relationships |
| 53. | April 2011 | To participate in the “China International Cartoon and |

Tentative Date**Tentative Trade Activities**

- Animation Festival” in Hangzhou, Zhejiang
54. May 2011 To organise investment promotion visit to industry association and enterprises in the Information, Communication and Technology Sector in Hangzhou and Shanghai in collaboration with Invest Hong Kong
55. May 2011 To organise investment promotion visits to industry association and enterprises in the Business and Professional Services sector in Hangzhou, Wuhan and Shanghai in collaboration with Invest Hong Kong
56. Mid of 2011 To participate in the “Investment and Trade Expo Anhui China”
57. June 2011 To participate in the “Zhejiang Trade and Investment Symposium” to be held in Ningbo, Zhejiang
58. September 2011 To participate in the “Central Expo China 2011” to be held in Shanxi Province
59. October 2011 To participate in the “China Yiwu International Commodities Fair”
60. October 2011 To support the investment promotion workshop in Ningbo led by Invest Hong Kong
61. Date to be confirmed To participate in the “Lujiazui Forum” organised by the Shanghai Financial Service Office
62. Date to be confirmed To organise one to two investment promotion seminars and workshops in collaboration with Mainland government authorities and trade and industry organisations in the region covered by Shanghai ETO
63. Date to be confirmed To arrange one to two investment promotion study missions to Hong Kong for Mainland authorities and enterprises

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CMAB13

Question Serial No.

S057

Head : 163: Registration and Electoral
Office

Subhead (No. & title) : 000

Operational
expenses

Programme : Electoral Services

Controlling Officer : Chief Electoral Officer

Director of Bureau : Secretary for Constitutional and Mainland Affairs

- Question : (a) After the passage of the constitutional reform package, what are the differences in expenditure between the 2007 and the 2012 Chief Executive election (including the comparison on the Election Committee subsector elections)? and
(b) Please provide details of the activities relating to the expenditure.

Asked by : Hon. WONG Yuk-man

Reply :

For the Chief Executive (CE) election, the provisions earmarked for 2006-07 and 2011-12 are \$13.2 million and \$20 million respectively. For the Election Committee (EC) Subsector elections, the provisions earmarked for 2006-07 and 2011-12 are \$73.8 million and \$93 million respectively.

2. The Chief Executive Election (Amendment) Bill 2010 was passed by the Legislative Council on 3 March 2011. The next term of EC will expand by 50% from 800 to 1 200 members. The increase in provision is mainly due to the additional demands in electoral arrangements arising from the expansion of the electorate size for the CE election in March 2012 and the anticipated increase in the number of candidates for the EC Subsector elections in December 2011. The breakdown of the provisions for 2011-12 is as follows:

For preparation and conduct of the EC Subsector elections in December 2011		\$ Million
(a)	Staff Cost	45
(b)	Publicity	4
(c)	Other Expenses (including the costs for conducting public consultation, electoral arrangements such as hire of venue, honorarium for polling and counting staff, transportation, postage, free mailing and printing, etc.)	44
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	Total	93
 For preparation and conduct of the CE election in March 2012		\$ Million
(a)	Staff Cost	6
(b)	Publicity	1
(c)	Other Expenses (including the costs for conducting public consultation, electoral arrangements such as hire of venue, honorarium for polling and counting staff, transportation, postage, free mailing and printing, etc.)	13
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	Total	20

Signature _____

Name in block letters TING TSUI WAI MING VIVIAN

Post Title Chief Electoral Officer

Date 31 March 2011