

**Replies to initial 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**

<b>Reply Serial No.</b>	<b>Question Serial No.</b>	<b>Name of Member</b>	<b>Head</b>	<b>Programme</b>
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<a href="#">CMAB002</a>	1345	CHEUNG Hok-ming	144	Constitutional and Mainland Affairs
<a href="#">CMAB003</a>	1346	CHEUNG Hok-ming	144	Constitutional and Mainland Affairs
<a href="#">CMAB004</a>	1347	CHEUNG Hok-ming	144	Constitutional and Mainland Affairs
<a href="#">CMAB005</a>	0217	LAM Kin-fung, Jeffrey	144	Constitutional and Mainland Affairs
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<a href="#">CMAB008</a>	1498	CHEUNG Hok-ming	144	Constitutional and Mainland Affairs
<a href="#">CMAB009</a>	0500	WONG Ting-kwong	144	Constitutional and Mainland Affairs
<a href="#">CMAB010</a>	0508	WONG Ting-kwong	144	Mainland Offices
<a href="#">CMAB011</a>	0658	LI Wah-ming, Fred	144	Director of Bureau's Office
<a href="#">CMAB012</a>	1665	CHEUNG Hok-ming	144	Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data
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<a href="#">CMAB015</a>	1820	CHAN Wai-yip, Albert	144	Director of Bureau's Office
<a href="#">CMAB016</a>	0672	IP Kwok-him	144	Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data
<a href="#">CMAB017</a>	0673	IP Kwok-him	144	Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data
<a href="#">CMAB018</a>	0674	IP Kwok-him	144	Subvention: Equal Opportunities

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				Commission and Office of the Privacy Commissioner for Personal Data
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<a href="#">CMAB022</a>	0723	HO Sau-lan, Cyd	144	Director of Bureau's Office Constitutional and Mainland Affairs Mainland Offices Rights of the Individual
<a href="#">CMAB023</a>	0755	TAM Wai-ho, Samson	144	Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data
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<a href="#">CMAB025</a>	0757	TAM Wai-ho, Samson	144	Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data
<a href="#">CMAB026</a>	0758	TAM Wai-ho, Samson	144	Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data
<a href="#">CMAB027</a>	1963	CHEUNG Kwok-che	144	Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data
<a href="#">CMAB028</a>	1964	CHEUNG Kwok-che	144	Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data
<a href="#">CMAB029</a>	1965	CHEUNG Kwok-che	144	Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data
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<a href="#">CMAB032</a>	0856	LAU Wai-hing, Emily	144	Constitutional and Mainland Affairs
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<a href="#">CMAB060</a>	2278	IP Kwok-him	144	Constitutional and Mainland Affairs
<a href="#">CMAB061</a>	2279	IP Kwok-him	144	Constitutional and Mainland Affairs
<a href="#">CMAB062</a>	2632	SHEK Lai-him, Abraham	144	Rights of the Individual
<a href="#">CMAB063</a>	2281	IP Kwok-him	144	Constitutional and Mainland Affairs
<a href="#">CMAB064</a>	2282	IP Kwok-him	144	Mainland Offices
<a href="#">CMAB065</a>	2287	FUNG Kin-kee, Frederick	144	Director of Bureau's Office
<a href="#">CMAB066</a>	2288	FUNG Kin-kee, Frederick	144	Constitutional and Mainland Affairs
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<a href="#">CMAB075</a>	2297	FUNG Kin-kee, Frederick	144	Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data
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<a href="#">CMAB083</a>	0888	CHAN Mo-po, Paul	144	Director of Bureau's Office
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<a href="#">CMAB095</a>	1032	CHAN Tanya	144	Constitutional and Mainland Affairs
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<a href="#">CMAB106</a>	2690	LAM Tai-fai	144	Constitutional and Mainland Affairs
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<a href="#">CMAB109</a>	2693	LAM Tai-fai	144	Mainland Offices
<a href="#">CMAB110</a>	2704	LAU Wai-hing, Emily	144	Constitutional and Mainland Affairs
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<a href="#">CMAB114</a>	2774	LAU Wai-hing, Emily	144	Rights of the Individual
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<a href="#">CMAB121</a>	2781	LAU Wai-hing, Emily	144	Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data
<a href="#">CMAB122</a>	2782	LAU Wai-hing, Emily	144	Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data
<a href="#">CMAB123</a>	2783	LAU Wai-hing, Emily	144	Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data
<a href="#">CMAB124</a>	2784	LAU Wai-hing, Emily	144	Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data
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<a href="#">CMAB130</a>	2848	LAU Wai-hing, Emily	144	Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data
<a href="#">CMAB131</a>	2853	HO Chun-yan, Albert	144	Rights of the Individual
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<a href="#">CMAB137</a>	2859	HO Chun-yan, Albert	144	Rights of the Individual
<a href="#">CMAB138</a>	2860	HO Chun-yan, Albert	144	Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data
<a href="#">CMAB139</a>	3015	CHAN Tanya	144	Constitutional and Mainland Affairs
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<a href="#">CMAB141</a>	3095	CHEUNG Kwok-che	144	Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data
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<a href="#">CMAB144</a>	3237	CHAN Tanya	144	Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data
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<a href="#">CMAB147</a>	3240	CHAN Tanya	144	Rights of the Individual
<a href="#">CMAB148</a>	3241	CHAN Tanya	144	Rights of the Individual
<a href="#">CMAB149</a>	3243	CHAN Tanya	144	Rights of the Individual
<a href="#">CMAB150</a>	3244	CHAN Tanya	144	Constitutional and Mainland Affairs
<a href="#">CMAB151</a>	3245	CHAN Tanya	144	Constitutional and Mainland Affairs
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<a href="#">CMAB153</a>	3310	HO Chun-yan, Albert	144	Rights of the Individual
<a href="#">CMAB154</a>	3311	HO Chun-yan, Albert	144	Rights of the Individual
<a href="#">CMAB155</a>	3312	HO Chun-yan, Albert	144	Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data
<a href="#">CMAB156</a>	3721	IP Kwok-him	144	Mainland Offices
<a href="#">CMAB157</a>	3722	IP Kwok-him	144	Mainland Offices
<a href="#">CMAB158</a>	3723	IP Kwok-him	144	Mainland Offices
<a href="#">CMAB159</a>	3724	IP Kwok-him	144	Rights of the Individual
<a href="#">CMAB160</a>	3725	IP Kwok-him	144	Rights of the Individual
<a href="#">CMAB161</a>	3726	IP Kwok-him	144	Rights of the Individual
<a href="#">CMAB162</a>	3727	IP Kwok-him	144	Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data
<a href="#">CMAB163</a>	3814	LEUNG Mei-fun, Priscilla	144	Constitutional and Mainland Affairs
<a href="#">CMAB164</a>	3815	LEUNG Mei-fun, Priscilla	144	Constitutional and Mainland Affairs
<a href="#">CMAB165</a>	3817	LEUNG Mei-fun, Priscilla	144	Constitutional and Mainland Affairs
<a href="#">CMAB166</a>	3818	LEUNG Mei-fun, Priscilla	144	Constitutional and Mainland Affairs
<a href="#">CMAB167</a>	3831	WONG Kwok-hing	144	Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data
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<a href="#">CMAB171</a>	0216	LAM Kin-fung, Jeffrey	163	Electoral Services
<a href="#">CMAB172</a>	0676	IP Kwok-him	163	Electoral Services
<a href="#">CMAB173</a>	0725	LAU Wai-hing, Emily	163	Electoral Services
<a href="#">CMAB174</a>	0726	LAU Wai-hing, Emily	163	Electoral Services
<a href="#">CMAB175</a>	0898	CHAN Mo-po, Paul	163	Electoral Services
<a href="#">CMAB176</a>	0928	NG Margaret	163	Electoral Services
<a href="#">CMAB177</a>	2176	TAM Yiu-chung	163	Electoral Services
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Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB001**

Question Serial No.

0150

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  
Secretary for Commerce and Economic Development  
Secretary for Security

Question : Under programme (3), the estimated provision for 2011-12 is \$124.2 million, which is \$6.8 million (5.8%) higher than the revised estimate for 2010-11. This is mainly due to the increased provisions for personal emoluments and for strengthening promotion and publicity activities. Please advise in what ways the Administration will use the provision to:

- (a) promote closer economic and trade ties with the Mainland and enhance the Mainland Offices' investment promotion function in the Mainland; and
- (b) promote Hong Kong in the Mainland, particularly those selected provinces / regions / municipalities for the promotion of the professional services sectors and taking into consideration the potential for developing business opportunities between Hong Kong and the Mainland locations concerned as well as the interests of the various sectors of the HKSAR.

(Please provide the number of meetings, visits, seminars, exhibitions and workshops planned to be conducted, and the number of public speeches, media interviews / briefings planned to be given.)

Asked by : Hon. LEUNG Kwan-yuen, Andrew

Reply :

There is a \$6.8 million (5.8%) increase in the provision under Programme (3) for 2011-12 when compared with the revised estimate for 2010-11. This is mainly due to the following factors:

- (a) In 2010-11, the revised estimates for personal emolument and personnel related expenditure of the Mainland Offices is lower than the original estimate, mainly owing to manpower deployment reasons, such as vacancies and temporary time gap between postings. For 2011-12, the full year provision based on the Mainland Offices' establishment and the tenure of posting of the existing officers represents an increase of about \$2.8 million in the personal emolument expenditure compared with that of 2010-11.
- (b) Taking into account the operational needs of the Mainland Offices, the provision for Departmental Expenses for the Mainland Offices is increased by about \$1.9 million.
- (c) Taking into account the publicity and promotional activities to be organised by the Mainland Offices, the provision for Other Charges for publicity is increased by about \$2.1 million.

2. The Mainland Offices adopt a multi-pronged approach in representing and promoting Hong Kong's trade and commercial interests in the Mainland, and in promoting inward investment to Hong Kong. In promoting Hong Kong's trade and commercial interests, they will continue to organise trade missions, seminars and exhibitions, as well as collecting and disseminating information on business information in the Mainland (including those relating to new laws and policies) to facilitate Hong Kong investors to understand the local business environment and establish their network in the Mainland. They also proactively approach Hong Kong investors and follow up issues of common concern through appropriate channels.

3. In promoting inward investment, the Investment Promotion Divisions of the Mainland Offices, working alongside Invest Hong Kong, will continue to identify potential Mainland companies in the areas that they cover; proactively approach and visit the companies identified to encourage them to invest in Hong Kong; provide free one-stop information and consultation services; and organise incoming visits and help identify and match Mainland potential investors with business partners in Hong Kong.

4. As an integral part of the above work, the Mainland Offices will incorporate the promotion of Hong Kong's professional services into the various activities to be launched in 2011-12, including seminars, exhibitions and workshops and talks as appropriate. The Mainland Offices will also explore opportunities to conduct activities specifically targeted at promoting professional services that match the interests of the concerned professional sectors and the needs and circumstances of the selected provinces, regions and municipalities, including the business opportunities arising from the development of modern service industries in Qianhai.

5. Planned general promotional activities include seminars on Hong Kong's modern services (including those covered under the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA)), trade missions to selected Mainland provinces / municipalities, and participation in major trade fairs, exhibitions and forums in the Mainland. The Mainland Offices will maintain close contact with the relevant professional sectors in Hong Kong during the process.

6. The Guangdong Province in particular offers huge business opportunities for Hong Kong professional services sectors, brought about by CEPA, the Framework Agreement on Hong Kong / Guangdong Co-operation (Framework Agreement) and the Overall Development Plan on Hong Kong / Shenzhen Co-operation on Modern Service Industries in Qianhai Area (Qianhai Development Plan). Under CEPA, some 41 measures have been announced since 2008 for early and pilot implementation in the Guangdong Province. These 41 measures encompass 21 sectors including legal, construction, medical, tourism, telecommunications, banking, securities and rail transport services. The Framework Agreement, signed in April 2010 in Beijing in the presence of national leaders including State Vice-President Mr Xi Jinping, provides strong policy support for Hong Kong-invested enterprises in opening up the Mainland domestic market and implementing CEPA, including in particular the Guangdong pilot measures for the service industries. The Qianhai Development Plan, approved by the State Council in August 2010, designates Qianhai in Shenzhen as a Hong Kong / Guangdong modern service industry innovation and co-operation exemplary zone with a view to playing a pilot role in promoting co-operation in service industries, including the financial industries and the professional service industries, between Hong Kong and the Mainland. The Hong Kong Economic and Trade Office in Guangdong, working together with the Constitutional and Mainland Affairs Bureau and other relevant bureaux of the HKSAR Government, plays an active role in facilitating the Hong Kong business sector to capitalise on these opportunities to further expand into the Mainland market.

7. In 2011-12, a sum of \$103 million has been earmarked under Programme (3) for the Mainland Offices to undertake liaison, economic and trade, and investment promotion work. The performance indicators under commercial relations for 2011 are as follows:

Activities	Target for 2011
Meetings on trade-related matters attended	390
Visits to host governments and trade organisations	480
Seminars, exhibitions and workshops	
organised	70
participated	190
Public speeches given	50
Media interviews / briefings given	110
Circulars / newsletters / press releases issued	520

Signature \_\_\_\_\_

Name in block letters **JOSHUA LAW**

Post Title **Permanent Secretary for  
Constitutional and Mainland Affairs**

Date **17 March 2011**

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB002**

Question Serial No.

1345

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : How much resources will be earmarked for taking forward exchanges and co-operation with Taiwan in 2011-12? Please set out in detail concrete measures for promoting such exchanges and co-operation, and indicate whether additional manpower is needed for such work.

Asked by : Hon. CHEUNG Hok-ming

Reply :

The Constitutional and Mainland Affairs Bureau is responsible for coordinating exchanges and cooperation with Taiwan under the framework of the "One China" policy and "Qian's Seven Principles".

2. In 2011-12, we will continue to strengthen our exchanges and cooperation with Taiwan. Our major tasks will include –

- (a) proactively liaising with the Taiwanese side under the Hong Kong-Taiwan Economic and Cultural Cooperation and Promotion Council (ECCPC) platform in taking forward the various priority areas of cooperation, including the setting up of a multi-functional office in Taiwan, renewal of air services arrangements, enhancement in financial supervision cooperation and promotion of tourism;
- (b) assisting the ECCPC in organising activities to further enhance exchanges with Taiwan, including a joint meeting with its Taiwanese counterpart, the Taiwan-Hong Kong Economic and Cultural Cooperation Council, forums, seminars and cultural exchanges in fostering Hong Kong – Taiwan cooperation;
- (c) sponsoring non-governmental bodies in organising forums, seminars and related activities which promote Hong Kong-Taiwan exchanges;

- (d) promoting exchanges between Hong Kong and Taiwan and facilitating relevant Taiwan visitors from different sectors to understand the latest social and economic developments of Hong Kong and the implementation of “One Country, Two Systems”;
- (e) liaising with Taiwan organisations in Hong Kong on matters concerning the relations between Hong Kong and Taiwan; and
- (f) advising and assisting other bureaux and departments on cultural, trade and economic exchanges with Taiwan.

3. This Bureau has earmarked about \$12 million in 2011-12 for the activities of the ECCPC and exchanges with Taiwan.

4. Under the supervision of the senior management of this Bureau, one Directorate officer at D2 rank and a Senior Administrative Officer are responsible, among other things, for the above mentioned work in the Bureau. As this Bureau also serves as the Secretariat to the ECCPC and organise ECCPC activities, two non-directorate posts will be created to provide administrative support.

Signature	_____
Name in block letters	JOSHUA LAW
Post Title	Permanent Secretary for Constitutional and Mainland Affairs
Date	17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB003**

Question Serial No.

1346

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : With regard to the setting up of an office in Taiwan, what are the progress and details of the resources required?

Asked by : Hon. CHEUNG Hok-ming

Reply :

In April 2010, we set up the Hong Kong – Taiwan Economic and Cultural Cooperation and Promotion Council (ECCPC), while Taiwan established a counterpart, the Taiwan-Hong Kong Economic and Cultural Co-operation Council (THEC). The establishment of the ECCPC and THEC is a milestone in the relations between Hong Kong and Taiwan.

2. In August 2010, the Financial Secretary led a delegation comprising ECCPC members to Taiwan. Apart from attending the first joint meeting of the ECCPC and THEC, meetings were arranged with personnel from the political, economic and trade, cultural sectors in Taiwan. Consensus was reached by both sides on priority areas of cooperation, including the establishment of a multi-functional office in Taiwan. We have, since then, been liaising with the Taiwanese side on these initiatives. With a positive spirit of cooperation and good will between the two sides, we hope that the multi-functional office can be set up in due course. We have reserved sufficient provision for setting up the office.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ JOSHUA LAW

Post Title \_\_\_\_\_ Permanent Secretary for  
Constitutional and Mainland Affairs

Date \_\_\_\_\_ 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB004**

Question Serial No.

1347

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : (a) Implementation of the Basic Law in Hong Kong is approaching its 14<sup>th</sup> anniversary. Has the Administration assessed the public awareness of the Basic Law? If it has, what are the findings of the assessment? In the 2011-12 financial year, will the Administration examine the public awareness of the Basic Law to decide on the resources to be devoted to the promotion and publicity of the Basic Law this year?

(b) Will measures be taken by the Administration in 2011-12 to enhance public awareness and understanding of the Basic Law? If it will, what is the financial implication; if not, what are the reasons?

Asked by : Hon. CHEUNG Hok-ming

Reply :

Since the establishment of the HKSAR, we have made use of a variety of channels to promote the Basic Law. These include TV and radio programmes, seminars, roving exhibitions, on-line games, etc. In 2011-12, we have set aside \$16 million for organising various promotional activities to enhance public awareness and understanding of the Basic Law, in particular on 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. We will continue to adopt the following three promotional strategies:

(a) First, we will use the electronic media as our key publicity channel to introduce the more macro and concrete aspects of the Basic Law to the general public, including the historical background and the drafting of the Basic Law, as well as the principle of "One Country, Two Systems". Planned projects include TV drama, online games and radio quiz show.

- (b) Secondly, we will enhance public awareness and understanding of the Basic Law in a lively and interactive manner through promotional activities at the district level, such as roving shows and carnivals.
- (c) Thirdly, we will strengthen co-operation with community organisations in staging promotional activities, such as seminars and competitions, in order to reach a wider audience through their extensive community networks.

2. We have taken and will continue to take into account public feedback and the level of public participation in the activities organised in mapping out the Basic Law promotion and publicity plan. Our latest assessment shows that vast majority of the general public are aware of the Basic Law with varying degree of understanding. Most of them have learnt about the content of the Basic Law through news and publicity programmes, as well as Government Announcements in the Public Interest on television and radio. We will continue to strengthen our promotional effort to increase the public's level of understanding of the Basic Law.

Signature	_____
Name in block letters	JOSHUA LAW
Post Title	Permanent Secretary for Constitutional and Mainland Affairs
Date	17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB005**

Question Serial No.

0217

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs  
Secretary for Commerce and Economic Development

Question : In paragraph 13 under Brief Description, it is mentioned that the Constitutional and Mainland Affairs Bureau is encouraging Hong Kong invested factories in the Pearl River Delta region to restructure, upgrade and relocate to the Pan Pearl River Delta provinces. Will the Administration advise this Committee of the specific content and implementation progress of the relevant policies, the resource input for such policies, and the manpower and expenditure involved. What are the criteria for evaluating the effectiveness of such policies?

Asked by : Hon. LAM Kin-fung, Jeffrey

Reply :

The Government has been encouraging Hong Kong invested factories to restructure, upgrade and relocate to the Pan Pearl River Delta (PPRD) provinces, through the following on-going work:

- (a) maintaining close dialogue with the trade through various channels so as to understand their concerns and views;
- (b) maintaining close liaison with the Mainland authorities at various levels to convey to and discuss with them the trade's views and proposed supportive measures;
- (c) organising and supporting activities like symposiums and seminars to enhance the trade's understanding of Mainland's new policies, legislation and the business environment;
- (d) disseminating information to Hong Kong enterprises by circulars, newsletters, and websites; and
- (e) organising delegations to visit the Mainland with a view to enhancing the trade's understanding of Mainland policies and market development.

2. The above work is generally well received and appreciated by the trade. The Mainland authorities have also responded positively to many proposals of the HKSAR Government and the trade. We understand the Mainland authorities will continue with the implementation of major support measures launched in 2008 and 2009, including “suspending the actual payment of standing book deposit for processing trade enterprises”, “restructuring without stopping production, carrying forward without appraising the value” etc. The Guangdong Province will also continue with the support measures launched in 2009 to help Hong Kong, Macao and Taiwan enterprises restructure and upgrade their businesses, including reduction or waiving of certain taxes and fees, implementation of “restructuring without stopping production” and “consolidated tax return for multiple domestic sales”.

3. The HKSARG Mainland Offices support the Commerce and Economic Development Bureau in the work mentioned in paragraph one. The related manpower and expenditure are subsumed within the establishment and provision for the Mainland Offices, and the resources involved cannot be singled out and quantified. The Government will continue to adopt a holistic approach to gauge the views of the trade on the effectiveness of the above work to help them restructure, upgrade and relocate to the PPRD provinces.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ JOSHUA LAW \_\_\_\_\_

Post Title \_\_\_\_\_ Permanent Secretary for  
Constitutional and Mainland Affairs \_\_\_\_\_

Date \_\_\_\_\_ 17 March 2011 \_\_\_\_\_

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB006**

Question Serial No.

0218

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : With regard to the financial provision for 2011-12, it is set out in the Analysis of Financial and Staffing Provision that there is a significant decrease of 60% in the estimated expenditure as compared to the revised estimate for 2010-11. This is mainly due to the decreased cash flow requirement for non-recurrent expenditure of the Expo 2010 Shanghai China, offset by the increased provision for taking forward co-operation and exchanges with Taiwan. Will the Administration advise on:

- (a) the amounts of expenditure reduced and provision increased;
- (b) why there is a reduction of \$150.7 million in the estimate despite the reduced expenditure can be offset by the increased provision; and
- (c) the ways in which the Administration ensures that services to the public are maintained despite a reduced estimate?

Asked by : Hon. LAM Kin-fung, Jeffrey

Reply :

Under Programme (2): Constitutional and Mainland Affairs, the provision for 2011-12 is \$150.7 million (60.0%) lower than the revised estimate for 2010-11 mainly due to the decreased cash flow requirement for non-recurrent expenditure of the Expo 2010 Shanghai China after its completion. This reduced cash flow requirement of \$157.89 million is partly offset by the overall increase of \$7.19 million in other provisions for strengthening support for Constitutional and Mainland Affairs. The increase is mainly for enhancing further co-operation and exchanges with Taiwan.

2. As explained above, the reduction in estimated expenditure for 2011-12 is mainly due to the decrease in provision for the HKSAR's participation in the Expo 2010 Shanghai China which was completed on 31 October 2010. Therefore, the services provided by the Bureau will not be affected.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB007**

Question Serial No.

0219

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : Under Matters Requiring Special Attention in 2011-12, it is stated that the Bureau will “continue to co-ordinate the implementation of the National 12th Five-Year Plan”. In this connection, please advise this committee of the major co-ordination work. In respect of how the HKSAR can complement the implementation of the National 12th Five-Year Plan, has provision been earmarked by the Administration or does it have any plan to engage think tanks or professional bodies to prepare assessment reports or draw up related proposals?

Asked by : Hon. LAM Kin-fung, Jeffrey

Reply :

It was mentioned in the 2007-08 Policy Address that the HKSAR would take early action to complement the preparation of the National 12<sup>th</sup> Five-Year Plan (the Plan). A steering committee has been set up under the chairmanship of the Chief Secretary for the Administration to co-ordinate our strategy for complementing the Plan. Since 2008, the Administration has been actively complementing the preparation of the Plan by establishing a direct working channel with the National Development and Reform Commission and engaging the stakeholders to collect views on Hong Kong's functions and roles in enhancing the development of our country in the 12-5 period. The Constitutional and Mainland Affairs Bureau's roles and functions on the above include assisting in coordinating inter-bureau efforts and liaising with the relevant Mainland authorities.

2. Upon the endorsement of the Plan by the National People's Congress and its promulgation in March this year, the Constitutional and Mainland Affairs Bureau (CMAB) will continue to help coordinate the implementation of the Plan in the following areas:

- (a) assisting in coordinating with the concerned bureaux and departments to map out their follow up action plans on the specific areas mentioned in the promulgated Plan. Views of the community, including the relevant

business sectors and professional bodies will be taken into account during the process;

- (b) assisting in monitoring the progress and action plans mentioned in (a) above;
- (c) assisting in liaising with the relevant Mainland authorities, particularly the National Development and Reform Commission, on matters relating to the implementation of the Plan relevant to the HKSAR;
- (d) assisting in taking forward various regional cooperation initiatives, particularly the implementation of the Framework Agreement on Hong Kong/Guangdong Co-operation;
- (e) offering advice to the Shenzhen Municipal Government in promoting the development of modern service industries in Qianhai; and
- (f) assisting in coordinating with the relevant Mainland offices to conduct relevant research and studies on the related areas as necessary.

3. In 2011-12, about \$5 million has been earmarked for CMAB and the Mainland Offices to promote co-operation between Hong Kong and the Mainland, including the implementation of the Plan, Pan-Pearl River Delta co-operation, the Framework Agreement on Hong Kong/Guangdong Co-operation and Qianhai development.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB008**

Question Serial No.

1498

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : Will the Administration please advise on the details of publicity activities to be organised in 2011-12 to promote the Basic Law?

Asked by : Hon. CHEUNG Hok-ming

Reply :

We have set aside \$16 million in 2011-12 for organising various activities to promote the Basic Law. We will focus our effort on enhancing public understanding of 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. We will continue to adopt the following three promotional strategies:

- (a) First, we will use the electronic media as our key publicity channel to introduce the more macro and concrete aspects of the Basic Law to the general public, including the historical background and the drafting of the Basic Law, as well as the principle of "One Country, Two Systems". Planned projects include TV drama, online games and radio quiz show.
- (b) Secondly, we will enhance public awareness and understanding of the Basic Law in a lively and interactive manner through promotional activities at the district level, such as roving shows and carnivals.

- (c) Thirdly, we will strengthen co-operation with community organisations in staging promotional activities, such as seminars and competitions, in order to reach a wider audience through their extensive community networks.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB009**

Question Serial No.

0500

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : According to the Financial Secretary, a multi-functional office will be set up in Taipei. Please advise on the nature of work and organisation structure of the office, including the setting-up cost, the staffing requirement and the related operational expenses etc, as well as the delineation of roles between this office and other local organisations responsible for dealing with Taiwan affairs, and the areas in which the office may provide assistance to Hong Kong businessmen.

Asked by : Hon. WONG Ting-kwong

Reply :

Building on the positive development in the cross-Strait relations, the HKSAR Government has been proactively promoting Hong Kong – Taiwan exchanges. A number of measures were implemented to foster closer cooperation between the two places in the past two years. Amongst others, the Hong Kong Trade Development Council Taipei Office was set up in October 2008 to conduct trade promotion activities and build up networks with the trade sectors in Taiwan. InvestHK has also stepped up their efforts in conducting investment promotion seminars and activities in Taiwan to attract potential investors to Hong Kong.

2. In April 2010, we set up the Hong Kong – Taiwan Economic and Cultural Cooperation and Promotion Council (ECCPC), while Taiwan established a counterpart, the Taiwan-Hong Kong Economic and Cultural Co-operation Council (THEC). The establishment of the ECCPC and THEC is a milestone in the relations between Hong Kong and Taiwan.

3. In August 2010, the Financial Secretary led a delegation comprising ECCPC members to Taiwan. Apart from attending the first joint meeting of the ECCPC and THEC, meetings were arranged with personnel from the political, economic and trade, cultural sectors in Taiwan. Consensus was reached by both sides on priority areas of cooperation, including the establishment of a multi-functional office in Taiwan to handle multi-faceted and multi-level exchanges between the two places. We have, since then, been liaising with the Taiwanese side

on these initiatives. With a positive spirit of cooperation and good will between the two sides, we hope that the multi-functional office can be set up in due course. We have reserved sufficient provision for setting up the office.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ JOSHUA LAW \_\_\_\_\_

Post Title \_\_\_\_\_ Permanent Secretary for  
Constitutional and Mainland Affairs \_\_\_\_\_

Date \_\_\_\_\_ 17 March 2011 \_\_\_\_\_

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB010**

Question Serial No.

0508

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  
Secretary for Commerce and Economic Development

Question : In 2011-12, which provinces / regions / municipalities in the Mainland are particularly selected for the promotion of the professional services of Hong Kong and how much resources will be allocated to the work concerned? What is the percentage share of expenditure for the above work in the whole programme? Has it increased or decreased when compared with 2010-11?

Asked by : Hon. WONG Ting-kwong

Reply :

One of the functions of the Mainland Offices in the economic and trade area is to represent and promote Hong Kong's trade and commercial interests in the Mainland. The Mainland Offices adopt a multi-pronged approach in taking this forward. They do so by proactively approaching Hong Kong investors / practitioners in the places concerned and following up issues of common concern through appropriate channels; assisting Hong Kong investors / practitioners in obtaining information on business operation in the Mainland, particularly those relating to new laws and policies; and assisting in arranging trade delegations to the Mainland, etc.

2. As an integral part of the above work, the Mainland Offices will incorporate the promotion of Hong Kong's services (including professional services) into the various activities to be launched in 2011-12, including seminars, exhibitions, workshops and talks as appropriate. The Mainland Offices will also explore opportunities to conduct activities targeted at promoting Hong Kong's services that match the interests of the Hong Kong service sectors concerned, as well as the needs and circumstances of the selected provinces, regions and municipalities, including the business opportunities arising from the development of modern service industries in Qianhai.

3. Planned general promotional activities include seminars on Hong Kong's modern services (including those covered under the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA)), trade missions to selected



Mainland provinces / municipalities, and participation in major trade fairs, exhibitions and forums in the Mainland. The Mainland Offices will maintain close contact with the relevant professional sectors in Hong Kong during the process.

4. The Guangdong Province in particular offers huge business opportunities for Hong Kong professional services sectors, brought about by CEPA, the Framework Agreement on Hong Kong / Guangdong Co-operation (Framework Agreement) and the Overall Development Plan on Hong Kong / Shenzhen Co-operation on Modern Service Industries in Qianhai Area (Qianhai Development Plan). Under CEPA, some 41 measures have been announced since 2008 for early and pilot implementation in the Guangdong Province. These 41 measures encompass 21 sectors including legal, construction, medical, tourism, telecommunications, banking, securities and rail transport services. The Framework Agreement, signed in April 2010 in Beijing in the presence of national leaders including State Vice-President Mr Xi Jinping, provides strong policy support for Hong Kong-invested enterprises in opening up the Mainland domestic market and implementing CEPA, including in particular the Guangdong pilot measures for the service industries. The Qianhai Development Plan, approved by the State Council in August 2010, designates Qianhai in Shenzhen as a Hong Kong / Guangdong modern service industry innovation and co-operation exemplary zone with a view to playing a pilot role in promoting co-operation in service industries, including the financial industries and the professional service industries, between Hong Kong and the Mainland. The Hong Kong Economic and Trade Office in Guangdong, working together with the Constitutional and Mainland Affairs Bureau and other relevant bureaux of the HKSAR Government, plays an active role in facilitating the Hong Kong business sector to capitalise on these opportunities to further expand into the Mainland market.

5. In 2011-12, a sum of \$103 million has been earmarked under Programme (3) for the Mainland Offices to undertake liaison, economic and trade, and investment promotion work. This is about \$2 million higher than the estimate for 2010-11 and represents about 83% of the estimate for Programme (3) in the year. The Mainland Offices' work in promoting Hong Kong's professional services in the Mainland is an integral part of the roles and functions of their work. The expenditure involved cannot be singled out and will be absorbed within the above provision.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB011**

Question Serial No.

0658

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

Programme : (1) Director of Bureau's Office

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : What are the respective salary provisions for the Director of Bureau, Deputy Director of Bureau and Political Assistant to Director of Bureau for 2011-12?

Asked by : Hon. LI Wah-ming, Fred

Reply :

The provisions for the salary in respect of the positions of Director of Bureau, Deputy Director of Bureau and Political Assistant to Director of Bureau in the Constitutional and Mainland Affairs Bureau for 2011-12 are \$3.38 million, \$2.37 million and \$1.86 million respectively.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB012**

Question Serial No.

1665

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 : There have been repeated outbreaks of personal data leakage incidents in medical institutions and educational establishments and the situation has yet to improve. Is the failure to improve the present situation effectively due to inadequate resources allocated by the Administration? If so, please give a detailed account of it; if not, please give reasons.

Asked by : Hon. CHEUNG Hok-ming

Reply :

The Government is firmly committed to the protection of personal data privacy and will provide resources at an appropriate level to support the Office of the Privacy Commissioner for Personal Data ("PCPD") for the effective enforcement of the Personal Data (Privacy) Ordinance ("PDPO"). Since the Constitutional and Mainland Affairs Bureau took over the policy on human rights in July 2007, we have increased the subvention to the PCPD from \$36.2 million in 2007-08 by over 45.5% to \$52.7 million (estimate) in 2011-12.

2. The provision of \$52.7 million for the PCPD in 2011-12 represents an increase of 5.6% over the 2010-11 revised estimate. After adjusting for the one-off provision of \$1.02 million to the PCPD in 2010-11 for enhancing its information technology system, this reflects an additional recurrent provision of \$3.8 million which will enable the PCPD to create four additional posts to strengthen the implementation of the PDPO, including stepping up enforcement and compliance-checking work.

3. There could be different reasons behind the incidents of leakage of personal data by the organisations concerned. Apart from supervising compliance by conducting compliance checks on individual organisations, the PCPD will continue to adopt a multi-pronged approach, including giving practical guidance on compliance with the provisions of the PDPO and promoting awareness and understanding of the provisions of the PDPO.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB013**

Question Serial No.

1730

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 : Under Matters Requiring Special Attention in 2011-12, it is stated that the Office of the Privacy Commissioner for Personal Data will “step up proactive enforcement of the PDPO .....”. In this connection, please advise this Committee of the ways in which the Administration will step up enforcement of the Ordinance in the light of the Report on Public Consultation on Review of the Personal Data (Privacy) Ordinance. Please provide specific details of the enforcement work. Please provide details of the additional resource and manpower inputs for stepping up enforcement effort.

Asked by : Hon. LAM Kin-fung, Jeffrey

Reply :

The Government is firmly committed to the protection of personal data privacy and will provide resources at an appropriate level to support the Office of the Privacy Commissioner for Personal Data (“PCPD”) for the effective enforcement of the Personal Data (Privacy) Ordinance (“PDPO”).

2. The provision for the PCPD in 2011-12 amounts to \$52.7 million, representing an increase of 5.6% over the 2010-11 revised estimate (\$49.9 million). After adjusting for the one-off provision of \$1.02 million to the PCPD in 2010-11 for enhancing its information technology system, this reflects an additional recurrent provision of \$3.8 million which will enable the PCPD to create four additional posts (2 Senior Personal Data Officer and 2 Personal Data Officer posts) to strengthen the implementation of the PDPO, including stepping up enforcement and compliance-checking work.

3. The Administration is consolidating the views received during the further public discussion on the review of the PDPO and intends to introduce an amendment bill to effect the proposals. We will consider the provision of additional resources for the PCPD to take forward the proposals in that context.

4. Separately, the PCPD is taking measures to step up enforcement of the PDPO, such as supervising compliance by conducting compliance checks on individual cases. The PCPD has also commenced dialogue with the Police and the Department of Justice with a view to enhancing the investigation and prosecution work under the PDPO.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB014**

Question Serial No.

1799

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 : As compared to the actual performance in 2010, there is a significant decrease in the numbers of public relations functions / events, media interviews / briefings given, and newsletters / pamphlets / press releases issued under liaison and public relations for 2011. Please advise whether this will adversely affect the Mainland Offices in promoting closer economic and trade ties with the Mainland? What are the expenses and manpower saved?

Asked by : Hon. WONG Ting-kwong

Reply :

In 2010, there was an increase in the number of “liaison and public relations” activities undertaken by the Hong Kong Economic and Trade Office in Shanghai (Shanghai ETO) in relation to the latter’s enhanced liaison and public relations efforts in Shanghai in supporting the participation of the Hong Kong Special Administrative Region (HKSAR) in the Expo 2010 Shanghai China (Shanghai Expo) held from 1 May to 31 October 2010.

2. The HKSAR’s participation in the Shanghai Expo has been the biggest, most comprehensive and longest running promotional effort ever undertaken by the HKSAR Government at an international event. The related major activities include:

- (a) the Hong Kong Pavilion and Hong Kong Urban Best Practices Area exhibitions, which received over 3.3 million visitors during the Expo period;
- (b) the Hong Kong Week from 18 to 22 October 2010, featuring a series of daily parade and other activities organised in the Expo Park by 12 Hong Kong Groups; and
- (c) 69 promotional events held both inside and outside the Expo Park.

3. The Shanghai ETO had assisted in the liaison and co-ordination of the above activities in Shanghai. The office also served as HKSAR Government's contact point in Shanghai in liaising with the Shanghai Expo organiser and local government authorities in Shanghai. Such enhanced liaison and public relations efforts had attributed to the higher performance indicators under "liaison and public relations" for 2010. For 2011, there will not be any major events of comparable scale to be held in the Mainland and the performance indicators of the Mainland Offices under "liaison and public relations" for the year are compiled on this basis.

4. In 2010, the Mainland Offices undertook the additional supporting work relating to the Shanghai Expo by re-deploying their existing resources and manpower. Moreover, some of the liaison and public relations efforts relating to the Shanghai Expo were funded from the Shanghai Expo project vote under Programme (2). In 2011, the Mainland Offices will maintain the existing establishment and continue to spare no efforts in seeking and exploring suitable opportunities to further promote Hong Kong's interests in the Mainland. A sum of \$103 million has been earmarked under Programme (3) for the Mainland Offices to undertake liaison, economic and trade, and investment promotion work in 2011-12.

Signature	_____
Name in block letters	JOSHUA LAW
Post Title	Permanent Secretary for Constitutional and Mainland Affairs
Date	17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB015**

Question Serial No.

1820

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

Programme : (1) Director of Bureau's Office

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : A provision of \$1.90 million (22.90%) has been earmarked by the Constitutional and Mainland Affairs Bureau for filling the position of Political Assistant. In the past 2 years, provision has also been earmarked for filling the position but the Bureau has not proceeded with the appointment. Why didn't the Bureau appoint the Political Assistant in the past 2 years? What is Bureau's intention in further earmarking provision for the appointment this year?

Asked by : Hon. CHAN Wai-yip, Albert

Reply :

Regarding the filling of the outstanding positions of Under Secretaries and Political Assistants in the Government, our consistent position is that, if there are suitable candidates, such positions will be filled. If necessary, this could be done in phases. We consider it appropriate to make provision for the position of Political Assistant in 2011-12.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB016**

Question Serial No.

0672

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 2011-12, the estimated financial provision for the Office of the Privacy Commissioner for Personal Data is \$52.7 million, representing an increase of 5.6% over the provision for the last financial year. Please specify the designated use of the increased provision.

Asked by : Hon. IP Kwok-him

Reply :

The Government is firmly committed to the protection of personal data privacy and will provide resources at an appropriate level to support the Office of the Privacy Commissioner for Personal Data ("PCPD") for the effective enforcement of the Personal Data (Privacy) Ordinance ("PDPO").

2. The provision for the PCPD in 2011-12 amounts to \$52.7 million, representing an increase of 5.6% over the 2010-11 revised estimate (\$49.9 million). After adjusting for the one-off provision of \$1.02 million to the PCPD in 2010-11 for enhancing its information technology system, this reflects an additional recurrent provision of \$3.8 million which will enable the PCPD to create four additional posts (2 Senior Personal Data Officer and 2 Personal Data Officer posts) to strengthen the implementation of the PDPO, including stepping up enforcement and compliance-checking work.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB017**

Question Serial No.

0673

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 : For the Office of the Privacy Commissioner for Personal Data, it is mentioned under Matters Requiring Special Attention in 2011-12 that the Privacy Commissioner will step up proactive enforcement of the Personal Data (Privacy) Ordinance for better protection of the individual's personal data privacy. Please advise on the detailed work arrangements, as well as the expenditure and manpower involved.

Asked by : Hon. IP Kwok-him

Reply :

The Government is firmly committed to the protection of personal data privacy and will provide resources at an appropriate level to support the Office of the Privacy Commissioner for Personal Data ("PCPD") for the effective enforcement of the Personal Data (Privacy) Ordinance ("PDPO").

2. In 2011-12, the provision for the PCPD amounts to \$52.7 million, representing an increase of 5.6% over the 2010-11 revised estimate (\$49.9 million). After adjusting for the one-off provision of \$1.02 million to the PCPD in 2010-11 for enhancing its information technology system, this reflects an additional recurrent provision of \$3.8 million which will enable the PCPD to create four additional posts (2 Senior Personal Data Officer and 2 Personal Data Officer posts) to strengthen the implementation of the PDPO, including stepping up enforcement and compliance-checking work. Such work includes complaint investigations and conducting compliance checks and inspections on the practices of organisations which appear to be contravening the requirements under the PDPO. The PCPD has also commenced dialogue with the Police and the Department of Justice with a view to enhancing the investigation and prosecution work under the PDPO.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB018**

Question Serial No.

0674

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 : Please provide a summary of the self-initiated investigations undertaken by the Office of the Privacy Commissioner for Personal Data in the past year including the targets concerned, the time when the incidents occurred, the progress or findings of the investigations as well as the expenditure and manpower involved.

Asked by : Hon. IP Kwok-him

Reply :

Information on the eight self-initiated investigations undertaken by the Office of the Privacy Commissioner for Personal Data ("PCPD") in 2010 is provided at **Annex**.

2. The eight self-initiated investigation were/are being handled by 11 officers (two Chief Personal Data Officers, four Senior Personal Data Officers, two Legal Counsels, two Personal Data Officers and one Assistant Personal Data Officer) of the PCPD. Since the investigation work is part of the duties of the 11 officers concerned, there is no separate breakdown on the actual expenditure incurred.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

**Self-initiated Investigations Conducted in 2010**

<b>Case</b>	<b>Commencement Date of Investigation</b>	<b>Data User</b>	<b>Details of the Incident</b>	<b>Progress/Findings</b>
1	2 June 2010	A Telecommunications Company	Suspected leakage of personal data of a subscriber from the data user's database.	Investigation is continuing.
2	23 June 2010	A Telecommunications Company	The personal information collection statement of the data user did not spell out whether the classes of transferees of customers' data included debt collection agency.	Investigation is continuing.
3	7 July 2010	A Beauty Centre	Excessive collection of customers' personal data for on-line booking service.	Investigation is continuing.
4	7 July 2010	A Beauty Centre	Excessive collection of customers' personal data for on-line booking service.	Investigation is continuing.
5	22 July 2010	Octopus Holdings Limited ("OHL")	Collection and use of personal data of members under the Octopus Rewards Programme run by ORL, a subsidiary of OHL.	Case completed on 30 September 2010. Contravention of Data Protection Principle ("DPP") 1(1), DPP1(3) and DPP3.
6	22 July 2010	Octopus Rewards Limited ("ORL")	Collection and use of personal data of members under the Octopus Rewards Programme run by ORL, a subsidiary of OHL.	Case completed on 30 September 2010. Contravention of DPP1(1), DPP1(3) and DPP3.
7	17 August 2010	A Bank	Collection of customers' personal data and disclosure of the same to unconnected insurance companies for direct marketing.	Investigation is continuing.
8	7 December 2010	A Travel Agent	Excessive retention of customers' personal data by the data user.	Investigation is continuing.

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB019**

Question Serial No.

0675

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 : Of the cases in which enforcement actions were taken by the Office of the Privacy Commissioner for Personal Data in the past year, 18 involved issuance of warning notices, 10 involved issuance of enforcement notices, 2 involved receipt of undertakings after investigations and 12 involved referral to prosecution. Please set out the details of these cases and how they were handled.

Asked by : Hon. IP Kwok-him

Reply :

The 18 cases with warning notices issued in 2010 comprise the following –

- (a) 6 cases about use or transfer of personal data;
- (b) 6 cases about compliance with data access request;
- (c) 5 cases about collection of personal data; and
- (d) 1 case about security of personal data.

2. The 10 cases with enforcement notices issued in 2010 comprise the following –

- (a) 4 cases about collection of personal data;
- (b) 2 cases about compliance with data access request;
- (c) 2 cases about use of personal data;
- (d) 1 case about accuracy of customer's personal data maintained; and
- (e) 1 case about security of customers' personal data maintained.

3. The 2 cases of contravention of the requirements under the Personal Data (Privacy) Ordinance (“PDPO”) which have been remedied by undertakings given by the data user were about the use or transfer of personal data.

4. The 12 cases referred to the Police for prosecution in 2010 comprise the following –

(a) 11 cases about suspected breach of section 34 of the PDPO (use of personal data for direct marketing); and

(b) 1 case about suspected contravention of section 64(7) of the PDPO (non-compliance with enforcement notice).

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ JOSHUA LAW

Post Title \_\_\_\_\_ Permanent Secretary for  
Constitutional and Mainland Affairs

Date \_\_\_\_\_ 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB020**

Question Serial No.

0685

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : In 2011-12, the Bureau will continue to work closely with the relevant stakeholders and Sichuan authorities in taking forward the reconstruction work in the earthquake stricken areas of Sichuan. Will the Administration advise on:

- (a) the specific work done in taking forward the reconstruction of the earthquake stricken areas of Sichuan in 2010-11 and its effectiveness?
- (b) the specific work arrangements for 2011-12?

Asked by : Hon. IP Kwok-him

Reply :

The Finance Committee of the Legislative Council approved a total of \$9 billion for injection into the Trust Fund in Support of Reconstruction in the Sichuan Earthquake Stricken Areas (Trust Fund) in three stages. In October 2008, the HKSAR entered into "Cooperation Arrangement on Support of Restoration and Reconstruction in the Sichuan Earthquake Stricken Areas" with the Sichuan Provincial Government. A three-tier coordination mechanism was set up with a view to monitoring implementation of the 151 government-led and 33 non-governmental organisation reconstruction projects.

2. The Constitutional and Mainland Affairs Bureau (CMAB) is responsible for coordinating cross-bureau efforts and liaison with the relevant Sichuan authorities on the reconstruction work. The Bureau also acts as the secretariat for the Steering Committee on the HKSAR's Support for Reconstruction in the Sichuan Earthquake Stricken Areas, chaired by the Chief Secretary for Administration, to oversee and coordinate the HKSAR's support in the reconstruction.

- (a) The major work involved in 2010-2011 is as follows –



- (i) Liaison with the Sichuan authorities: the HKSAR Government and Sichuan authorities maintain close contact under the coordination mechanism to monitor the implementation of the reconstruction projects. In 2010-2011, the Bureau has coordinated one High-level Meeting and three Coordination Group meetings with Sichuan authorities. Furthermore, seven dedicated project group meetings and 240 meetings at working level were conducted during the year. The HKSAR-funded reconstruction projects are being implemented smoothly in general. Around 15 projects have been completed by end of 2010;
- (ii) Project management: The HKSAR Government and Sichuan authorities have been closely supervising the progress and quality of the reconstruction projects. Representatives from relevant bureaux/departments of the HKSAR Government and independent professional consultants engaged by the HKSAR Government conducted site inspections to monitor construction quality and safety. In 2010-2011, relevant bureaux/departments took part in 115 inspections, involving a total of some 876 man-days. These inspections basically covered all projects supported by the HKSAR. According to the observation of the relevant bureaux/departments and the independent professional consultants, no major problem has been identified so far. Any technical problems identified were referred to the Sichuan authorities for follow up action. Both sides keep track of the rectification of these problems;
- (iii) Funding management: CMAB and relevant bureaux/departments of the HKSAR Government closely monitor the funding position of the reconstruction projects to ensure proper management and use of funds. Funds were transferred from the Trust Fund to the Dedicated Account set up by the Sichuan Government by instalments having regard to the anticipated project milestone attainment in the next 12-month period. The two sides hold Annual Review Meetings to review project milestones completed in the past year, assess the anticipated project milestones completion in the following year, and hence the funding for the year. Prior to the Annual Review Meeting, the HKSAR Government conduct site inspections on selected projects to verify actual project milestones attainment. The last Annual Review Meeting was convened in January 2011. Through regular reports by Sichuan, the HKSAR Government also keeps track of the receipt, release and use of funds by Sichuan throughout the year. The Trust Fund has so far transferred \$5.902 billion to Sichuan's Dedicated Account for the government-led reconstruction projects, which is about 68.9% of the HKSAR's total commitment in the projects; and
- (iv) Others: to enhance the supervision and management of reconstruction projects by the Sichuan authorities, the Bureau also assisted in coordinating study mission of the Sichuan authorities to Hong Kong. In December 2010, the Executive Vice-Governor of

Sichuan led a delegation to visit Hong Kong and met with representatives of bureaux and departments concerned.

- (b) In 2011-2012, CMAB will continue to coordinate bureaux/departments for work laid down in (a), with particular focus on the following –
- (i) Given a considerable number of projects will be expected to complete in the coming year, the HKSAR Government and the Sichuan authorities will step up project completion inspections. The Sichuan side conducts completion inspections in accordance with the established rules and procedures, and representatives of the HKSAR will participate as observers;
  - (ii) The HKSAR Government will maintain communication with Sichuan on the long-term operation and manpower planning for the reconstruction projects, in particular medical projects and rehabilitation centre projects;
  - (iii) The HKSAR Government will closely monitor progress of the two infrastructure projects, the Provincial Road 303 and the Mianmao Highway, the construction of which was disrupted by the flooding and mudslide in Sichuan in August 2010; and
  - (iv) With the expected completion of a considerable number of projects in the coming year, the HKSAR Government will step up efforts to publicise the HKSAR's achievements in the support of reconstruction in the earthquake stricken areas in Sichuan.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12  
**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB021**

Question Serial No.

0687

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : In last year's estimates, it was mentioned that the Bureau would "continue to strengthen co-operation with Guangdong Province and co-ordinate efforts in taking forward co-operation initiatives agreed at the Joint Conference, including drawing up the framework agreement on co-operation with Guangdong Province, overseeing the work of the relevant Expert Groups, providing secretariat support to the Greater PRD Business Council set up under the Joint Conference, and promoting Qianhai development". While in this year's estimates, it is mentioned that the Bureau will "continue to co-ordinate the HKSAR's inputs to complement the implementation of the National 12th Five-Year Plan" and "continue to offer advice to the Shenzhen Municipal Government in promoting the development of modern service industries in Qianhai". In this connection, please advise on the details of the work concerned, including the offices responsible for these areas of work in the two places, the co-operation initiatives being implemented and under planning and the progress of each initiative. Please also provide all the Co-operation Arrangements signed together with the full text of Arrangements (or the webpages or websites which provide the full text of the Arrangements).

Asked by : Hon. HO Sau-lan, Cyd

Reply :

The Hong Kong / Guangdong Co-operation Joint Conference (Joint Conference) is currently underpinned by some 20 expert groups steered by the relevant bureaux/departments of the Hong Kong Special Administrative Region (HKSAR) Government and the corresponding government authorities of Guangdong. The Constitutional and Mainland Affairs Bureau (CMAB) and the Hong Kong and Macao Affairs Office of the Guangdong Provincial Government serve as the liaison offices for the two Governments under the Joint Conference.

2. The Greater Pearl River Delta Business Council (Council) was set up in Hong Kong to facilitate discussion and exchange between Hong Kong and Guangdong companies, trade and business associations to foster closer economic co-operation. CMAB provides secretariat support to the Council's activities including meetings and publication of reports.

3. Co-operation between Hong Kong and Guangdong covers a wide range of areas. Progress of the co-operation initiatives and full details of agreements signed are reported to the Legislative Council (LegCo), and announced to the public through press releases, from time to time. The relevant press releases have been uploaded to the CMAB website. Latest reports to LegCo are :

- (a) Legislative Council paper No. CB(1)2936/09-10(01) "The 13<sup>th</sup> Plenary of the Hong Kong/Guangdong Co-operation Joint Conference"; and
- (b) Legislative Council paper No. CB(1)1531/10-11(05) "Trade Relations between Mainland and Hong Kong and Hong Kong/Guangdong Co-operation Joint Conference in relation to Commerce and Industry between the Two Places".

4. In respect of co-operation on modern service industries in Qianhai, according to the consensus reached between the governments of Hong Kong and Shenzhen, the Shenzhen Municipal Government takes a leading role and is responsible for the development and management of Qianhai, while the HKSAR Government plays an advisory role by providing comments on development planning as well as the study and formulation of related policies. CMAB co-ordinates the efforts of relevant bureaux of the HKSAR Government to facilitate the Hong Kong business sector, especially the financial services, professional services and other services sectors to capitalise on the business opportunities presented by the development of Qianhai to tap into the Mainland market.

5. The HKSAR Government's advice to the Shenzhen authorities concerned mainly the business environment and policies required to encourage Hong Kong service industries to set up operations in Qianhai. In accordance with the Overall Development Plan on Hong Kong / Shenzhen Co-operation on Modern Service Industries in Qianhai Area approved by the State Council in August 2010, Qianhai has been designated as a Hong Kong / Guangdong modern service industry innovation and co-operation exemplary zone with a view to playing a pilot role in promoting co-operation in service industries, including the financial industries and the professional service industries, between Hong Kong and the Mainland. In this regard, relevant bureaux of the HKSAR Government have been consulting the business sectors under their respective purviews from time to time through various channels, including meetings, exchange sessions and inviting written submissions. CMAB facilitates their communication with the Shenzhen authorities so that the policy proposals and suggestions received are consolidated and communicated to the relevant Mainland authorities on a timely basis. In addition, CMAB also liaises with relevant bureaux to organise meetings for the Shenzhen authorities to brief Hong Kong trade associations and professional bodies on the latest development in Qianhai and obtain feedback from them directly.

6. The HKSAR Government has been actively complementing the preparation of the National 12<sup>th</sup> Five-Year Plan by establishing direct working relationship with the National Development and Reform Commission and engaging stakeholders to collect views on Hong Kong's functions and roles in enhancing the development of our country in the 12-5 period. CMAB's roles and functions on the above include assisting in co-ordinating inter-bureau efforts and liaising with the relevant Mainland authorities.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB022**

Question Serial No.

0723

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 : Regarding the consultancy studies (if any) commissioned by the Constitutional and Mainland Affairs Bureau and its departments for the purpose of formulating and assessing policies, please provide information in the following format.

- (a) Using the table below, please provide information about studies on public policy and strategic public policy for which funds had been allocated between 2008-09 and 2010-11 -

Name of consultant	Mode of award (open auction / tender / others (please specify))	Title, content and objectives of project	Consultancy fee (\$)	Start Date	Progress of study (under planning/ in progress/ completed)	Follow-ups taken by the Administration on the study reports and their progress (if any)	If completed, have they been made public? If yes, through what channels? If no, why?
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- (b) Are there any projects for which funds have been reserved for conducting consultancy studies in 2011-12? If yes, please provide the following information -

Name of consultant	Mode of award (open auction / tender / others (please specify))	Title, content and objectives of project	Consultancy fee (\$)	Start Date	Progress of study (under planning/ in progress/ completed)	For the projects that are expected to be completed in 2011-12, is there any plan to make them public? If yes, through what channels? If no, why?
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- (c) What are the criteria for considering the award of consultancy projects to the research institutions concerned?

Asked by : Hon. HO Sau-lan, Cyd

Reply :

Regarding the consultancy studies commissioned by the Constitutional and Mainland Affairs Bureau for the purpose of formulating and assessing policies, the relevant information is provided below -

(a) For studies on public policy and strategic public policy for which funds had been allocated between 2008-09 and 2010-11-

Name of consultant	Mode of award (open auction / tender / others (please specify))	Title, content and objectives of project	Consultancy fee (\$)	Start Date	Progress of study (under planning/ in progress/ completed)	Follow-ups taken by the Administration on the study reports and their progress (if any)	If completed, have they been made public? If yes, through what channels? If no, why?
Hunan Academy of Social Sciences (湖南省社會科學院)	Selection of quotation based on the criteria at (c) below	Closer Economic Partnership Arrangement (CEPA) Implementation in Hunan  To understand the status of CEPA implementation in Hunan and explore the business opportunities of Hunan for Hong Kong enterprises	RMB 198,000	Mar 2008	Completed	The Hong Kong Economic and Trade Office (ETO) in Chengdu organised a seminar in Changsha to promote CEPA.	The summary of the findings was released through a joint press conference by the Chengdu ETO and the Department of Commerce in Hunan (湖南省商務廳). The relevant press handout is also available at the Chengdu ETO's website. The full report has been distributed to the relevant Government bureaux and departments in the Mainland and Hong Kong.

Name of consultant	Mode of award (open auction / tender / others (please specify))	Title, content and objectives of project	Con-sultancy fee (\$)	Start Date	Progress of study (under planning/ in progress/ completed)	Follow-ups taken by the Administration on the study reports and their progress (if any)	If completed, have they been made public? If yes, through what channels? If no, why?
<p>The Sichuan Modern Logistics Association</p> <p>(四川省現代物流協會)</p>	<p>Selection of quotation based on the criteria at (c) below</p>	<p>Business Potential of Sichuan for Hong Kong Logistics Companies</p> <p>To assist the Hong Kong logistics industry in exploring the business opportunities of Sichuan</p>	<p>RMB 135,000</p>	<p>Aug 2009</p>	<p>Completed</p>	<p>The Chengdu ETO will organise a logistics delegation to Sichuan to assist the industries in exploring the Mainland market.</p>	<p>The summary of the findings was released through a joint press conference by the Chengdu ETO and the Department of Commerce in Sichuan (四川省商務廳). The relevant press handout is also available at the Chengdu ETO's website. The full report has been distributed to the relevant Government bureaux and departments in the Mainland and Hong Kong.</p>



<b>Name of consultant</b>	<b>Mode of award (open auction / tender / others (please specify))</b>	<b>Title, content and objectives of project</b>	<b>Con-sultancy fee (\$)</b>	<b>Start Date</b>	<b>Progress of study (under planning/ in progress/ completed)</b>	<b>Follow-ups taken by the Administration on the study reports and their progress (if any)</b>	<b>If completed, have they been made public? If yes, through what channels? If no, why?</b>
<p>The Institute of Hong Kong, Macao &amp; Special Economic Zone's Economy, Jinan University</p> <p>(暨南大學 特區港澳經濟研究所)</p>	<p>Selection of quotation based on the criteria at (c) below</p>	<p>A Study on the Strategy for the Cooperation of Hong Kong / Guangdong Service Industries under the "Early and Pilot" measures</p> <p>To explore the development trend of Hong Kong's service industries in Guangdong and select individual service industries which can be further promoted in Guangdong</p>	<p>RMB 120,000</p>	<p>May 2009</p>	<p>The institute is still making some fine-tuning of the report</p>	<p>Findings of the report will be referred to relevant bureaux and departments for reference.</p>	<p>Not yet completed.</p>

(b) Projects for which funds have been reserved for conducting consultancy studies in 2011-12 -

Name of consultant	Mode of award (open auction / tender / others (please specify))	Title, content and objectives of project	Con-sultancy fee (\$)	Start Date	Progress of study (under planning/ in progress/ completed)	For the projects that are expected to be completed in 2011-12, is there any plan to make them public? If yes, through what channels? If no, why?
Chongqing Jiaotong University (重慶交通大學)	Selection of quotation based on the criteria at (c) below	CEPA Implementation in Chongqing  To understand the status of CEPA implementation in Chongqing and explore the business opportunities of Chongqing for Hong Kong enterprises	RMB 150,000	Dec 2010	The research is expected to be completed in July 2011.	Subject to the completion of the study, the summary of the findings will be released through a joint press conference by the Chengdu ETO and the Chongqing Foreign Trade and Economic Relations Commission (重慶市對外貿易經濟委員會) tentatively scheduled for July 2011. The full report will be distributed to the relevant Government bureaux and departments in the Mainland and Hong Kong.

(c) The consultancy projects were awarded to the research institutions concerned after considering the following criteria -

- (i) the research institution's background and relevant past experience on the research topic;
- (ii) the research team's understanding and knowledge of the research topic; and
- (iii) whether the quoted consultancy fee is reasonable.

In applying the above criteria, we also took into account the views given to us by relevant local authorities.

2. The consultancy studies mentioned in (a) and (b) above are commissioned under Programme (3): Mainland Offices. The Registration and Electoral Office, which is under the purview of this Bureau, has not commissioned any consultancy studies.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB023**

Question Serial No.

0755

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 : Regarding the indicator of customer satisfaction of the Equal Opportunities Commission (EOC), the rate with respect to parties involved in the complaints satisfied with the service provided to them by the EOC is 51%. How has this figure been arrived at? Will new measures be put in place to raise the satisfactory rate? If yes, what are the details? If no, what are the reasons?

Asked by : Hon. TAM Wai-ho, Samson

Reply :

The figure concerned was obtained by the Equal Opportunities Commission (EOC) through a survey conducted in 2010 among parties to complaints concluded in 2009-10 regarding their opinions on the EOC's service delivery. Of the 509 respondents, 51% expressed that they were satisfied with the overall service provided by the EOC.

2. On the basis of the findings, the EOC will continue to take measures to raise the overall satisfaction level by shortening the handling time of complaints, further improving the accessibility and user-friendliness of the EOC's services as well as ensuring fairness in the handling process.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB024**

Question Serial No.

0756

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 : It is mentioned in Matters Requiring Special Attention in 2011-12 that the Equal Opportunities Commission will advocate accessibility for all and follow up on the recommendations of the formal investigation report released in 2010. Will the Administration please advise on the estimated manpower and expenditure for the above activities in 2011-12? What are the details of the follow-up measures and the timetable as well as new measures and initiatives to be put in place to promote public awareness of accessibility for all?

Asked by : Hon. TAM Wai-ho, Samson

Reply :

The follow-up actions to the formal investigation report on accessibility for all are taken by staff of the Equal Opportunities Commission (EOC) as part of its normal functions, and no separate breakdown of the manpower and expenditure involved is available.

2. The EOC will follow up on the progress of improvement regarding the deficiencies identified in the formal investigation report. The EOC will continue to monitor the implementation progress of the plan of the Government and the LINK to improve all inaccessible facilities, including those deficiencies identified in EOC's formal investigation report, and to assist in the training of the access officers and facilities managers of the Government and the LINK.

3. The EOC will also continue to meet with senior Government officials as necessary to exchange views to improve the overall accessibility in our society.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB025**

Question Serial No.

0757

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 : With regard to the indicators of the Office of the Privacy Commissioner for Personal Data, the actual number of cases for disposal in 2010 is 1 438 while the number of cases of complaints resolved through mediation is 150. Please advise on the reasons why the number of cases resolved is on the low side. Will new initiatives be introduced so as to set the indicators at a higher level? If yes, what are the details; if no, what are the reasons?

Asked by : Hon. TAM Wai-ho, Samson

Reply :

Of the 1 438 cases of complaints for disposal in 2010, 1 076 cases (75%) were completed and 362 (25%) were still being processed as at 31 December 2010. The 1 076 completed cases include 391 cases found to have no *prima facie* case, 76 cases outside the purview of the Personal Data (Privacy) Ordinance ("PDPO"), 224 cases involving mostly complaints in which the complainants did not respond to enquiries from the Office of the Privacy Commissioner for Personal Data ("PCPD"), 68 cases withdrawn by the complainants during enquiries, 123 cases found to be unsubstantiated after enquiries with the parties being complained against, 150 cases resolved through mediation, and 44 cases resolved after formal investigations.

2. Mediation will only be pursued where there are possible contraventions of the PDPO. More training will be provided to PCPD staff for enhancing their mediation skills and bringing about greater success through this means of dispute resolution.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB026**

Question Serial No.

0758

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 : It is pointed out in Matters Requiring Special Attention in 2011-12 that the Office of the Privacy Commissioner for Personal Data will continue to participate in regional privacy developments having impact on cross-border data protection. Please advise on the specific work, the manpower input and the expenditure involved. How they compare with those of last year?

Asked by : Hon. TAM Wai-ho, Samson

Reply :

In the coming year, the Office of the Privacy Commissioner for Personal Data ("PCPD") will continue to participate in the activities of the Asia Pacific Privacy Authorities ("APPA"), the development of data privacy pathfinder projects of the Data Privacy Subgroup of the Electronic Commerce Steering Group of the Asia Pacific Economic Cooperation ("APEC") and other international conferences to discuss issues on protection of personal data privacy.

2. For 2011-12, the PCPD has set aside a provision of \$0.17 million (the corresponding expenditure in 2010-11 was \$0.13 million) for participation in APPA and APEC conferences and meetings outside Hong Kong relating to protection of personal data privacy, and \$0.26 million (the corresponding expenditure in 2010-11 was \$0.15 million) to organise activities in Hong Kong in relation to APPA. The staff costs for attending international conferences and organising activities in Hong Kong in relation to APPA are absorbed in the staff costs of the PCPD and no separate breakdown is available.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ JOSHUA LAW

Post Title \_\_\_\_\_ Permanent Secretary for  
Constitutional and Mainland Affairs

Date \_\_\_\_\_ 17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB027**

Question Serial No.

1963

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) estimated that in 2011-12, the number of complaints received under the Sex Discrimination Ordinance (SDO), the Disability Discrimination Ordinance (DDO), the Family Status Discrimination Ordinance (FSDO) and the Race Discrimination Ordinance (RDO) would be 310, 490, 40 and 80 respectively. Yet, it estimated that the number of complaints required to be handled under the SDO, DDO, FSDO and RDO in the year would be 423, 655, 50 and 92 respectively. Please account for such a significant discrepancy between the figures of complaints received and complaints handled.

Asked by : Hon. CHEUNG Kwok-che

Reply :

The set of figures on “complaints received” represents the estimated number of incoming new cases in respect of the respective ordinances in 2011, while the set of figures on “complaints handled” represents the total number of active cases at the year end of 2010 which will be carried forward to 2011, and the new cases received in 2011. The number of cases handled in 2011 is, therefore, larger than the number of cases received in 2011, with the difference representing the number of active cases carried forward from 2010.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB028**

Question Serial No.

1964

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 estimated that the number of active complaint cases under the Sex Discrimination Ordinance (SDO) and the Disability Discrimination Ordinance (DDO) in 2011 would be 80 and 125 respectively. The figures indicated a decrease of 33 and 40 cases respectively as compared to 2010. Why does the Administration anticipate such a decrease?

Asked by : Hon. CHEUNG Kwok-che

Reply :

The figures on “active cases at year end” present the numbers of active cases outstanding at the end of the year. The Equal Opportunities Commission estimates that the number of outstanding cases at the end of 2011 can be reduced to a lower level as compared with that of 2010, on the basis of an expected increase in efficiency while maintaining its existing manpower.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB029**

Question Serial No.

1965

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) stated in the 2011-12 estimates that it is "difficult to estimate" the number of cases where legal assistance will be granted under the Sex Discrimination Ordinance(SDO), the Disability Discrimination Ordinance(DDO), the Family Status Discrimination Ordinance(FSDO) and the Race Discrimination Ordinance (RDO). As such, it has not made an estimate as to the number of such cases.  
a) Why does the Administration consider it "difficult to estimate" the number of cases under these categories? b) What criteria does the Administration follow when estimating the expenditure of the EOC? c) Will any measures be put in place to increase the number of cases where legal assistance will be granted? If yes, what are the details? If no, what are the reasons?

Asked by : Hon. CHEUNG Kwok-che

Reply :

- (a) The number of cases for which legal assistance would be granted depends on many factors, including (i) whether the cases could be settled through conciliation; and (ii) the strength of evidence in each case. The number of cases fluctuated in the past years. The Equal Opportunities Commission (EOC) has little control over these factors and, therefore, it is difficult to estimate the figures.
- (b) The Administration provides sufficient subvention to the EOC to ensure that it is able to carry out its statutory functions. The level of the Government's annual subvention to the EOC is determined having regard to a number of factors, including the operating expenditure of the EOC and funding required for new and improved services.

- (c) There are appropriate arrangements for the EOC to consider granting legal assistance based on merits of individual cases. The EOC has not turned down any application due to funding constraint.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB030**

Question Serial No.

1977

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 expenditure on Rights of the Individual is 64% less than last year. What are the reasons?

Asked by : Hon. LEUNG Kwok-hung

Reply :

The Constitutional and Mainland Affairs Bureau (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", which have been increasing in recent years.

2. The apparent reduction in the 2011-12 estimated expenditure under the programme "Rights of the Individual" in the 2011-12 draft Estimates is mainly due to the transfer of manpower and resources for support services for ethnic minorities, amounting to \$26.3 million, to the Home Affairs Department (HAD) starting from 2011-12. This is in line with the initiative to assist ethnic minorities as announced by the Chief Executive in his 2010-11 Policy Address, under which the Permanent Secretary for Home Affairs would lead a dedicated team to step up and co-ordinate efforts in facilitating the integration of new arrivals to Hong Kong and ethnic minorities into the community.

3. In 2011-12, the estimated expenditure of the CMAB on human rights promotion under the programmes “Rights of the Individual” and “Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data” is \$153.2 million. Together with the \$26.3 million to be transferred to the HAD as explained in paragraph 2 above, the total estimated expenditure in respect of the promotion of the rights of the individuals will be \$179.5 million. This represents a further increase, rather than a decline, of the total expenditure on the work compared with the original estimates for 2010-11 (\$175.6 million) and the revised estimates for 2010-11 (\$178.6 million).

Signature	_____
Name in block letters	<u>JOSHUA LAW</u>
Post Title	<u>Permanent Secretary for Constitutional and Mainland Affairs</u>
Date	<u>17 March 2011</u>

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB031**

Question Serial No.

1997

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 : The Beijing Office is responsible for maintaining close contacts with the Central People's Government ministries, and promoting commercial relations and investment promotion in the 15 provinces/municipalities. In this connection, will the Administration please advise on the following:

1. Are there any indicators in place to assess the actual effectiveness of the above work? If yes, what are the details? If no, what are the reasons?
2. Will the four Mainland Offices put in more resources to cope with the work arising from complementing the 12th Five-Year Plan? If yes, what are the details? If no, what are the reasons?

Asked by : Hon. SHEK Lai-him, Abraham

Reply :

Besides liaison with the Central People's Government ministries, the Beijing Office (BJO) is also tasked to enhance Hong Kong's liaison and communication with the provinces/municipalities under its coverage, promote economic and trade cooperation with these areas and promote inward investment to Hong Kong from these areas.

2. There are yearly performance indicators for BJO and other Mainland Offices for evaluating and assessing the effectiveness of their work in these various aspects. The performance indicators for BJO for 2011 are as follows:

<u>Commercial relations</u>	
Meetings on trade-related matters attended	75
Visits to host governments and trade organisations	120
Seminars, exhibitions and workshops organised	20
participated	30
Public speeches given	10
Media interviews/briefings given	50
Circulars/newsletters/press releases issued	330
<u>Liaison and public relations</u>	
Call on senior government officials/organisations	240
Public relations functions/events organised	70
participated	130
Newsletters, pamphlets, press releases issued	90
No. of visitors assisted	1420
Public speeches given	10
Media interviews/briefings given	130
Enquiries handled (excluding those related to immigration matters)	4170
<u>Investment promotion</u>	
Projects pursued	83
Projects completed	20

3. Since 2008, the Administration has been actively complementing the preparation of the National 12<sup>th</sup> Five Year Plan (the Plan) by establishing direct working relationship with the National Development and Reform Commission and engaging the stakeholders to collect views on Hong Kong's functions and roles in enhancing the development of our country in the 12-5 period. The Constitutional and Mainland Affairs Bureau's roles and functions on the above include assisting in coordinating inter-bureau efforts and liaising with the relevant Mainland authorities. The Mainland Offices' roles and functions in complementing the Plan include assisting in liaising with the relevant Mainland authorities; offering advice to relevant government bureaux and departments on related matters; and assisting in the implementation of related initiatives in the Mainland. These are integral to the existing roles and functions of the Mainland Offices.

4. Upon the endorsement of the Plan by the National People's Congress and its promulgation in March this year, the Constitutional and Mainland Affairs Bureau (CMAB) will continue to help coordinate the implementation of the Plan in the following areas:

- (a) assisting in coordination with the concerned bureaux and departments to map out their follow up action plans on the specific areas mentioned in



the Plan. Views of the community, including the relevant business sectors and professional bodies will be taken into account during the process;

- (b) assisting in monitoring the progress and action plans mentioned in (a) above;
- (c) assisting in liaising with the relevant Mainland authorities, particularly the National Development and Reform Commission, on matters relating to the implementation of the Plan relevant to the HKSAR;
- (d) assisting in taking forward various regional cooperation initiatives, particularly the implementation of the Framework Agreement on Hong Kong/Guangdong Co-operation;
- (e) offering advice to the Shenzhen Municipal Government in promoting the development of modern service industries in Qianhai; and
- (f) assisting in coordinating with the relevant Mainland offices to conduct relevant research and studies on the related areas as necessary.

5. In 2011-12, about \$5 million has been earmarked for CMAB and the Mainland Offices to promote co-operation between Hong Kong and the Mainland, including the implementation of the Plan, Pan-Pearl River Delta co-operation, the Framework Agreement on Hong Kong/Guangdong Co-operation and Qianhai development.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB032**

Question Serial No.

0856

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : What are the specific responsibilities of the government in relation to the formulation, consultation and implementation of “The Outline of the Plan for the Reform and Development of the Pearl River Delta” (the Outline)? What is the estimated expenditure involved? Of the expenditure involved, how much of it are payments to Mainland government departments at various levels, academic and research institutes and other organisations in the Mainland? Please provide details, broken down by the government departments and institutes/organisations, of the items and expenditures involved. Does the work include the promotion of the Outline to the people of Hong Kong? What are the details and the way forward of the Outline? How can the government ensure that the work concerned is in line with the principle of “One Country, Two Systems”?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

“The Outline of the Plan for the Reform and Development of the Pearl River Delta” (the Outline) was drawn up by the National Development and Reform Commission of the Central People’s Government to serve as the programme of action for the reform and development and the basis for compiling relevant specialized plans in the Pearl River Delta. It focuses on Guangzhou, Shenzhen, Zhuhai, Foshan, Jiangmen, Dongguan, Zhongshan, Huizhou, and Zhaoqing, reaching out to the Pan-Pearl River Delta Region. Related contents on potential areas of close co-operation with Hong Kong and Macao are also included. Since its announcement in January 2009, the Outline has received high level of support from the local community as a whole. In particular, the Legislative Council (LegCo) passed a motion in March 2009, urging the Administration to actively implement complementary policies for the Outline.

2. The Hong Kong Special Administrative Region (HKSAR) Government attaches great importance to the strategic value of the Outline, which has elevated

co-operation between Hong Kong and Guangdong to a national strategic level. Specifically, the Constitutional and Mainland Affairs Bureau (CMAB) is responsible for co-ordinating HKSAR Government's efforts in co-operation between Hong Kong and Guangdong, including implementation of the Outline.

3. To translate the macro policies in the Outline into concrete measures that are conducive to the development of both places, Hong Kong and Guangdong signed the Framework Agreement on Hong Kong/Guangdong Co-operation (Framework Agreement) on 7 April 2010. Since then, CMAB has been actively co-ordinating the efforts of the HKSAR Government in implementing the Framework Agreement. Good progress has been made in 2010, and the 2011 Work Plan setting out the work programme of Hong Kong / Guangdong co-operation for the year was agreed and signed in February this year.

4. In respect of promotion work, the full text of the Framework Agreement was issued on the day it was signed and details were announced in a press release. Subsequently, the Administration has also briefed the House Committee and different Panels of the LegCo on the various aspects of the Framework Agreement, and a LegCo motion was passed in May 2010, urging the Administration to proactively implement the Framework Agreement. In addition, the Administration, together with the Guangdong Provincial Government, organised a forum in June 2010 in Hong Kong to brief the Hong Kong business sectors on the opportunities brought about by the Framework Agreement.

5. In 2011-12, about \$5 million has been earmarked for CMAB and the Mainland Offices to promote co-operation between Hong Kong and the Mainland, including Pan-Pearl River Delta co-operation, implementation of the Framework Agreement, Qianhai development, as well as the implementation of the National 12<sup>th</sup> Five Year Plan. This amount represents the direct expenditure which is expected to be incurred in relation to the various meetings, visits and similar events. In addition, the Bureau as a whole and the Mainland Offices will also deploy sufficient staff and other resources for the purpose.

6. As set out in its Chapter One, the Framework Agreement was formulated in accordance with the principle of "One Country, Two Systems". The Administration will continue to adhere to this principle in the implementation process.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB033**

Question Serial No.

0857

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : Regarding the abolition of the District Council's appointed seats, how much provision has the government set aside for the implementation and consultation of the views of this Council as well as those of the general public on the proposed abolition? What is timetable for the abolition? What is the preliminary stance and direction of the government on this matter?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The Administration will continue to address the issue of the abolition of the District Council appointment system and will endeavour to put forth relevant proposals to the Legislative Council by mid-2011.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ JOSHUA LAW

Post Title \_\_\_\_\_ Permanent Secretary for  
Constitutional and Mainland Affairs

Date \_\_\_\_\_ 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB034**

Question Serial No.

0858

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : Please list out the expenditure items, organisers and target groups of the events for the promotion of the Basic Law in 2010-11 as well as the expenditure estimated for the promotion of the Basic Law in 2011-12 and the main area of activities. Is there any dedicated staff under the Constitutional and Mainland Affairs Bureau to look into the work and budget of other government departments for the promotion of the Basic Law through channels like school education, community activities and other publicity activities? If so, what is the rank of the responsible officer? What is the total expenditure incurred by various government departments on the promotion of the Basic Law in 2010-11?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

Over the years, the Government has been promoting the Basic Law through civic education, school education and training for civil servants. The Basic Law Promotion Steering Committee (BLPSC) has been set up to provide the necessary steer on the overall programme and strategy for promoting the Basic Law. Based on the steer of the BLPSC and its working groups (namely local community; teachers and students; civil servants; industrial, commercial and professional sectors; and overseas community working groups) relevant bureaux/departments, such as the Home Affairs Bureau, Civil Service Bureau and Trade and Industry Department, assisted in organising related promotional activities in their respective sectors. The Constitutional and Mainland Affairs Bureau (CMAB) provides secretariat support to the BLPSC and assists in overseeing the implementation of these promotional efforts. Under the supervision of senior management, the relevant tasks are handled by one directorate officer at D2 level and one Senior Administrative Officer, among other duties.

2. In 2010-11, the CMAB set aside \$16 million for the promotion of the Basic Law. Over 20 Basic Law promotional activities were implemented based on the following three promotional strategies:

- (i) First, using the electronic media as our key publicity channel to introduce the more macro and concrete aspects of the Basic Law to the general public, as well as the principle of “One Country, Two Systems”. Some \$8.4 million was provided for the production of TV drama, documentary, game shows, Announcements in the Public Interest, online games and radio quiz shows.
  - (ii) Secondly, enhancing public awareness and understanding of the Basic Law in a lively and interactive manner through promotional activities at district levels, such as roving shows and carnivals. About \$4.9 million was provided for this purpose.
  - (iii) Thirdly, strengthening the co-operation with community organisations in staging promotional activities, such as seminars and competitions, in order to reach a wider audience through their extensive community networks. Some \$1.1 million was used in this area.
3. In addition, we have provided about \$1.5 million for other publicity materials and necessary administrative support for the promotion of the Basic Law.
4. In the coming year, CMAB 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 “One Country, Two Systems”, “Hong Kong People administering Hong Kong” and high degree of autonomy principles. The BLPSC and its workings groups will continue to provide the necessary steer on the overall programme and strategy for promoting the Basic Law.
5. In 2010-11, the Government has set aside a total provision of some \$20 million (including those set aside by CMAB) for the promotion of the Basic Law.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB035**

Question Serial No.

0859

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : How much provision will the government allocate on the follow-up work with the relevant Mainland authorities with respect to the preparation of the National Five-Year Plan under the principle of “One Country, Two Systems”? How can the Administration ensure that the work will be accomplished under the principle of “One Country, Two Systems”?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

Since 2008, the Administration has been actively complementing the preparation of the National 12<sup>th</sup> Five-Year Plan (the Plan) by establishing direct working relationship with the National Development and Reform Commission and engaging the stakeholders to collect views on Hong Kong's functions and roles in enhancing the development of our country in the 12-5 period. The Constitutional and Mainland Affairs Bureau's roles and functions on the above include assisting in coordinating inter-bureau efforts and liaising with the relevant Mainland authorities.

2. Upon the endorsement of the Plan by the National People's Congress and its promulgation in March this year, the Constitutional and Mainland Affairs Bureau (CMAB) will continue to help coordinate the implementation of the Plan in the following areas:

- (a) assisting in coordinating with the concerned bureaux and departments to map out their follow up action plans on the specific areas mentioned in the promulgated Plan. Views of the community, including the relevant business sectors and professional bodies will be taken into account during the process;
- (b) assisting in monitoring the progress and action plans mentioned in (a) above;

- (c) assisting in liaising with the relevant Mainland authorities, particularly the National Development and Reform Commission, on matters relating to the implementation of the Plan relevant to the HKSAR;
- (d) assisting in taking forward various regional cooperation initiatives, particularly the implementation of the Framework Agreement on Hong Kong/Guangdong Co-operation;
- (e) offering advice to the Shenzhen Municipal Government in promoting the development of modern service industries in Qianhai; and
- (f) assisting in coordinating with the relevant Mainland offices to conduct relevant research and studies on the related areas as necessary.

3. In 2011-12, about \$5 million has been earmarked for CMAB and the Mainland Offices to promote co-operation between Hong Kong and the Mainland, including the implementation of the Plan, Pan-Pearl River Delta co-operation, the Framework Agreement on Hong Kong/Guangdong Co-operation and Qianhai development.

4. The HKSAR Government's work to complement the National Five-Year Plan has all along been conducted under the "One Country, Two Systems" principle. Hong Kong will continue to enjoy a high degree of autonomy, and the protections under the Basic Law will not be compromised.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB036**

Question Serial No.

2165

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : What is the specific plan for promoting the Basic Law and organising publicity activities in 2011-12? What is the estimated expenditure for such promotional activities?

Asked by : Hon. TAM Yiu-chung

Reply :

In 2011-12, we have set aside \$16 million for organising various promotional activities to enhance public awareness and understanding of the Basic Law, in particular on 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 principle of "One Country, Two Systems", "Hong Kong People administering Hong Kong" and high degree of autonomy. We will continue to adopt the following three promotional strategies:

- (a) First, we will use the electronic media as our key publicity channel to introduce the more macro and concrete aspects of the Basic Law to the general public, including the historical background and the drafting of the Basic Law, as well as the principle of "One Country, Two Systems". Planned projects include TV drama, online games and radio quiz show.
- (b) Secondly, we will enhance public awareness and understanding of the Basic Law in a lively and interactive manner through promotional activities at the district level, such as roving shows and carnivals.

- (c) Thirdly, we will strengthen co-operation with community organisations in staging promotional activities, such as seminars and competitions, in order to reach a wider audience through their extensive community networks.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB037**

Question Serial No.

2166

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : What is the specific plan for co-ordinating the HKSAR's input to complement the preparation of the National 12<sup>th</sup> Five-year Plan in 2011-12? What is the estimated expenditure?

Asked by : Hon. TAM Yiu-chung

Reply :

It was mentioned in the 2007-08 Policy Address that the HKSAR would take early action to complement the preparation of the National 12<sup>th</sup> Five-Year Plan (the Plan). A steering committee has been set up under the chairmanship of the Chief Secretary for the Administration to co-ordinate our strategy for complementing the Plan. Since 2008, the Administration has been actively complementing the preparation of the Plan by establishing direct working relationship with the National Development and Reform Commission and engaging the stakeholders to collect views on Hong Kong's functions and roles in enhancing the development of our country in the 12-5 period. The Constitutional and Mainland Affairs Bureau (CMAB)'s roles and functions on the above include assisting in coordinating inter-bureau efforts and liaising with the relevant Mainland authorities.

2. Upon the endorsement of the Plan by the National People's Congress and its promulgation in March this year, CMAB will continue to help coordinate the implementation of the Plan in the following areas:

- (a) assisting in coordinating with the concerned bureaux and departments to map out their follow up action plans on the specific areas mentioned in the promulgated Plan. Views of the community, including the relevant business sectors and professional bodies will be taken into account during the process;
- (b) assisting in monitoring the progress and action plans mentioned in (a) above;

- (c) assisting in liaising with the relevant Mainland authorities, particularly the National Development and Reform Commission, on matters relating to the implementation of the Plan relevant to the HKSAR;
- (d) assisting in taking forward various regional cooperation initiatives, particularly the implementation of the Framework Agreement on Hong Kong/Guangdong Co-operation;
- (e) offering advice to the Shenzhen Municipal Government in promoting the development of modern service industries in Qianhai; and
- (f) assisting in coordinating with the relevant Mainland offices to conduct relevant research and studies on the related areas as necessary.

3. In 2011-12, about \$5 million has been earmarked for CMAB and the Mainland Offices to promote co-operation between Hong Kong and the Mainland, including the implementation of the Plan, Pan-Pearl River Delta co-operation, the Framework Agreement on Hong Kong/Guangdong Co-operation and Qianhai development.

Signature	_____
Name in block letters	<u>JOSHUA LAW</u>
Post Title	<u>Permanent Secretary for Constitutional and Mainland Affairs</u>
Date	<u>17 March 2011</u>

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB038**

Question Serial No.

2167

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : In strengthening co-operation with Guangdong Province and taking forward co-operation initiatives agreed at the Joint Conference in 2011-12, what is the specific work plan for promoting the development of modern service industries in Qianhai? What is the estimated expenditure?

Asked by : Hon. TAM Yiu-chung

Reply :

According to the consensus reached between the governments of Hong Kong and Shenzhen, the Shenzhen Municipal Government (SZMG) takes a leading role and is responsible for the development and management of Qianhai, while the Hong Kong Special Administrative Region (HKSAR) Government plays an advisory role by providing comments on development planning as well as the study and formulation of related policies. The Constitutional and Mainland Affairs Bureau (CMAB) co-ordinates the efforts of relevant bureaux of the HKSAR Government to facilitate the Hong Kong business sector, especially the financial services, professional services and other services sectors to capitalise on the business opportunities presented by the development of Qianhai to tap into the Mainland market.

2. The HKSAR Government has been maintaining close liaison with SZMG. Both sides have also set up the Joint Task Force on Qianhai Co-operation since November 2009 and have discussed the relevant issues on different occasions. The HKSAR Government's advice to the Shenzhen authorities concerned mainly the business environment and policies required to encourage Hong Kong service industries to set up operations in Qianhai. In accordance with the Overall Development Plan on Hong Kong / Shenzhen Co-operation on Modern Service Industries in Qianhai Area (Qianhai Development Plan) approved by the State Council in August 2010, Qianhai has been designated as a Hong Kong / Guangdong modern service industry innovation and co-operation exemplary zone with a view to playing a pilot role in promoting co-operation in service industries, including the

financial industries and the professional service industries, between Hong Kong and the Mainland. In this regard, relevant bureaux of the HKSAR Government have been consulting the business sectors under their respective purviews from time to time through various channels, including meetings, exchange sessions and inviting written submissions. CMAB facilitates their communication with the Shenzhen authorities so that the policy proposals and suggestions received are consolidated and communicated to the relevant Mainland authorities on a timely basis. CMAB has also been actively complementing the publicity and promotional work of the Shenzhen authorities to introduce to Hong Kong enterprises, professional sectors and service suppliers the content and business opportunities brought about by the Qianhai Development Plan. In addition, CMAB also liaises with relevant bureaux to organise meetings for the Shenzhen authorities to brief Hong Kong trade associations and professional bodies on the latest development in Qianhai and obtain feedback from them directly. All the above work will continue in 2011-12.

3. In 2011-12, about \$5 million has been earmarked for CMAB and the Mainland Offices to promote co-operation between Hong Kong and the Mainland, including Pan-Pearl River Delta co-operation, implementation of the Framework Agreement on Hong Kong / Guangdong Co-operation, Qianhai development, as well as the implementation of the National 12<sup>th</sup> Five Year Plan. This amount represents the direct expenditure which is expected to be incurred in relation to the various meetings, visits and similar events. In addition, the Bureau as a whole and the Mainland Offices will also deploy sufficient staff and other resources for the purpose.

Signature	_____
Name in block letters	JOSHUA LAW
Post Title	Permanent Secretary for Constitutional and Mainland Affairs
Date	17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB039**

Question Serial No.

2168

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : What are the detailed plans to coordinate and promote exchanges with Taiwan in 2011-12? How much resources are earmarked for the purpose?

Asked by : Hon. TAM Yiu-chung

Reply :

The Constitutional and Mainland Affairs Bureau is responsible for coordinating exchanges and cooperation with Taiwan under the framework of the "One China" policy and "Qian's Seven Principles".

2. In 2011-12, we will continue to strengthen our exchanges and cooperation with Taiwan. Our major tasks will include –

- (a) proactively liaising with the Taiwanese side under the Hong Kong-Taiwan Economic and Cultural Cooperation and Promotion Council (ECCPC) platform in taking forward the various priority areas of cooperation, including the setting up of a multi-functional office in Taiwan, renewal of air services arrangements, enhancement in financial supervision cooperation and promotion of tourism;
- (b) assisting the ECCPC in organising activities to further enhance exchanges with Taiwan, including a joint meeting with its Taiwanese counterpart, the Taiwan-Hong Kong Economic and Cultural Cooperation Council, forums, seminars and cultural exchanges in fostering Hong Kong – Taiwan cooperation;
- (c) sponsoring non-governmental bodies in organising forums, seminars and related activities which promote Hong Kong-Taiwan exchanges;
- (d) promoting exchanges between Hong Kong and Taiwan and facilitating relevant Taiwan visitors from different sectors to

understand the latest social and economic developments of Hong Kong and the implementation of “One Country, Two Systems”;

- (e) liaising with Taiwan organisations in Hong Kong on matters concerning the relations between Hong Kong and Taiwan; and
- (f) advising and assisting other bureaux and departments on cultural, trade and economic exchanges with Taiwan.

3. This Bureau has earmarked about \$12 million in 2011-12 for the activities of the ECCPC and exchanges with Taiwan.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB040**

Question Serial No.

2169

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : In 2011-12, the total estimated expenditure of the Constitutional and Mainland Affairs Bureau on the Programme: Constitutional and Mainland Affairs represents a significant decrease of \$161.5 million (i.e. 61.6%) against that of 2010-11. To what extent are the estimated expenditures for various areas of work affected?

Asked by : Hon. TAM Yiu-chung

Reply :

In 2011-12, the total estimated expenditure for Programme (2): Constitutional and Mainland Affairs is \$161.5 million (61.6%) lower than that of 2010-11 mainly due to the decreased cash flow requirement for non-recurrent expenditure of the Expo 2010 Shanghai China after its completion. This reduced cash flow requirement of \$162.79 million in the original estimate for 2010-11 is partly offset by the increase in other provisions for strengthening support for Constitutional and Mainland Affairs. Therefore, there is no significant impact on the estimated expenditure for other areas of work under the Programme.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB041**

Question Serial No.

2170

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 : What are the respective estimated provisions for the Beijing Office and the 3 Economic and Trade Offices (ETOs) in Guangdong, Chengdu and Shanghai for 2011-12? Will the Administration consider setting up an ETO in Fujian?

Asked by : Hon. TAM Yiu-chung

Reply :

In 2011-12, the allocation for the Mainland Offices under Programme (3) is \$124.2 million. We have earmarked \$46.2 million for the Beijing Office, \$38.2 million for the Guangdong Economic and Trade Office (ETO), \$22 million for the Shanghai ETO and \$17.8 million for the Chengdu ETO.

2. As for enhancing communication with Fujian, we have maintained contacts with the Fujian Provincial Government and various cities at the municipal level through the Guangdong ETO. We have also facilitated communication between Hong Kong businessmen and the local economic and trade departments concerned, and have provided services related to local enterprises making investments in Hong Kong. Through organising delegations, exchanges, investment seminars and cultural programmes, we can enhance understanding between Hong Kong and Fujian, promote trading and investment, as well as co-operation in other areas. Looking ahead, we will continue our efforts in strengthening contacts and co-operation between Hong Kong and Fujian and will keep in view the possibility of setting up a liaison unit on the West Coast Economic Zone in due course.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ JOSHUA LAW

Post Title \_\_\_\_\_ Permanent Secretary for  
Constitutional and Mainland Affairs

Date \_\_\_\_\_ 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB042**

Question Serial No.

2171

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  
Secretary for Commerce and Economic Development

Question : What are the specific work plans of the Mainland Offices for enhancing investment promotion function in the Mainland in 2011-12? What are the estimated expenditures?

Asked by : Hon. TAM Yiu-chung

Reply :

A major role of the Mainland Offices is to promote Hong Kong's many advantages as a trade, investment and business hub in the region, and to attract Mainland enterprises to invest in Hong Kong. The Mainland Offices will identify potential Mainland companies in the areas that they cover; proactively approach and visit the companies identified to encourage them to invest in Hong Kong; help identify and match Mainland potential investors with business partners in Hong Kong to attract inward investment in Hong Kong; and provide free, one-stop information and consultation services for both Hong Kong investors who have an interest in investing in the Mainland, as well as Mainland enterprises who are looking for investment opportunities in Hong Kong.

2. As commercial relations and investment promotion activities all aim to project and market Hong Kong's strengths, they complement each other. General promotion work conducted by the Investment Promotion Divisions also supports the Mainland Offices' work on liaison and economic and trade affairs.

3. While Invest Hong Kong has earmarked around \$2 million for promoting investment in the Mainland in 2011-12, the Constitutional and Mainland Affairs Bureau has earmarked a sum of \$103 million under Programme (3) for the Mainland Offices to undertake liaison, economic and trade, and investment promotion work. The Mainland Offices' investment promotion work is an integral part of the roles and functions of their work. The expenditure involved cannot be singled out and will be absorbed within the above provision.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB043**

Question Serial No.

2172

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 : What specific plan does the Equal Opportunities Commission have for implementing the various recommendations in the Formal Investigation Report on Accessibility in Publicly Accessible Premises in 2011-12? What is the estimated expenditure?

Asked by : Hon. TAM Yiu-chung

Reply :

In respect of the formal investigation report on accessibility, the Equal Opportunities Commission (EOC) will take the following actions in 2011-12 -

- (a) to continue to monitor the implementation progress of the plan of the Government and the LINK to improve all inaccessible facilities, including those deficiencies identified in EOC's formal investigation report;
- (b) to assist in the training of the access officers and facilities managers of the Government and the LINK; and
- (c) to continue to meet with senior Government officials as necessary to exchange views to improve the overall accessibility in our society.

2. The actions to be taken by the EOC are part of its normal functions, and no specific breakdown of the expenditure involved is available.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB044**

Question Serial No.

2173

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 : What specific work plan does the Office of the Privacy Commissioner for Personal Data have for assisting the Administration in the legislative process of amendment to the Personal Data (Privacy) Ordinance in 2011-12? What is the estimated expenditure?

Asked by : Hon. TAM Yiu-chung

Reply :

The Government is now analysing and consolidating the views on legislative proposals to strengthen protection under the Personal Data (Privacy) Ordinance ("PDPO") received during the further public discussions which ended in December 2010. They include comments and suggestions provided by the Office of the Privacy Commissioner for Personal Data ("PCPD"). We plan to introduce an amendment bill into the Legislative Council in July 2011.

2. To facilitate the public's understanding of the new requirements under the PDPO upon the passage of the legislative amendments, the PCPD will step up promotion and education and prepare guidelines or codes of practice in consultation with stakeholders to provide practical guidance on compliance with the new requirements. Since such work is part of the on-going work of the PCPD, there is no separate breakdown on the expenditure.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ JOSHUA LAW

Post Title \_\_\_\_\_ Permanent Secretary for  
Constitutional and Mainland Affairs

Date \_\_\_\_\_ 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB045**

Question Serial No.

2174

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 : What specific work plan does the Privacy Commissioner for Personal Data have for conducting major promotional activities in 2011-12? What is the estimated expenditure?

Asked by : Hon. TAM Yiu-chung

Reply :

The Office of the Privacy Commissioner for Personal Data will set aside about \$1.45 million for promotional, publicity, education and publication activities in 2011-12. Major ones include :

- (a) two Announcements in the Public Interest, one targeted at data subjects and one targeted at data users featuring the application of the provisions of the Personal Data (Privacy) Ordinance, to be broadcast on television and through other channels;
- (b) Student Ambassador programme – a learning process provided to secondary school students to foster a culture of respect for personal data privacy;
- (c) an industry-wide privacy campaign for a targeted industry;
- (d) Privacy Awareness Week 2011 - an annual regional promotional event;
- (e) activities for Data Protection Officers' Club members, including regular meetings, introductory seminars, discussion sessions and visits;
- (f) participation in the Education & Careers Expo 2012;
- (g) production of publicity and educational materials such as Teaching Kit for Liberal Studies;

- (h) professional workshops on data protection – a series of professional workshops tailored for the needs of executives dealing with personal data; and
- (i) public seminars on topical issues, e.g. proper use of technology in daily life.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ JOSHUA LAW \_\_\_\_\_

Post Title \_\_\_\_\_ Permanent Secretary for  
Constitutional and Mainland Affairs \_\_\_\_\_

Date \_\_\_\_\_ 17 March 2011 \_\_\_\_\_



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB046**

Question Serial No.

2175

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 : What specific plan does the Privacy Commissioner for Personal Data have for increasing manpower in 2011-12? What is the estimated expenditure?

Asked by : Hon. TAM Yiu-chung

Reply :

The Government is firmly committed to the protection of personal data privacy and will provide resources at an appropriate level to support the Office of the Privacy Commissioner for Personal Data ("PCPD") for the effective enforcement of the Personal Data (Privacy) Ordinance ("PDPO").

2. The provision for the PCPD in 2011-12 amounts to \$52.7 million, representing an increase of 5.6% over the 2010-11 revised estimate (of \$49.9 million). After adjusting for the one-off provision of \$1.02 million to the PCPD in 2010-11 for enhancing its information technology system, this reflects an additional recurrent provision of \$3.8 million. The PCPD will make use of the additional resources to create four additional posts (2 Senior Personal Data Officer and 2 Personal Data Officer posts) to strengthen the implementation of the PDPO, including stepping up enforcement and compliance-checking work.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB047**

Question Serial No.

2178

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 2011-12 provision for Programme: Rights of the Individual is only \$15.8 million, a drastic cut of \$28.1 million (64%) as compared with \$43.9 million in 2011-12. What is the reason for the drastic cut? What are the implications of the slash on the current expenditure on protection of human rights and privacy as viewed against the background of increasing demand for the protection of human rights and privacy? How can the Administration ensure that the work on human rights and privacy protection will not be affected after the slash?

Asked by : Hon. TAM Yiu-chung

Reply :

The Constitutional and Mainland Affairs Bureau (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", which have been increasing in recent years.

2. The apparent reduction in the 2011-12 estimated expenditure under the programme "Rights of the Individual" in the 2011-12 draft Estimates is mainly due to the transfer of manpower and resources for support services for ethnic minorities, amounting to \$26.3 million, to the Home Affairs Department (HAD) starting from 2011-12. This is in line with the initiative to assist ethnic minorities as announced by the Chief Executive in his 2010-11 Policy Address, under which the Permanent Secretary for Home Affairs would lead a dedicated team to step up and co-ordinate efforts in facilitating the integration of new arrivals to Hong Kong and ethnic minorities into the community.

3. In 2011-12, the estimated expenditure of the CMAB on human rights promotion under the programmes “Rights of the Individual” and “Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data” is \$153.2 million. Together with the \$26.3 million to be transferred to the HAD as explained in paragraph 2 above, the total estimated expenditure in respect of the promotion of the rights of the individuals will be \$179.5 million. This represents a further increase, rather than a decline, of the total expenditure on the work compared with the original estimates for 2010-11 (\$175.6 million) and the revised estimates for 2010-11 (\$178.6 million). The work on the promotion of human rights and protection of privacy would not be adversely affected.

Signature	_____
Name in block letters	<u>JOSHUA LAW</u>
Post Title	<u>Permanent Secretary for Constitutional and Mainland Affairs</u>
Date	<u>17 March 2011</u>

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB048**

Question Serial No.

2233

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : How much resources will be earmarked for taking forward exchanges and co-operation with Taiwan in 2011-12? Taiwanese people feel contempt for Hong Kong's economic achievement because of the cage-housing problem in Hong Kong. What would the Constitutional and Mainland Affairs Bureau do to uplift this negative image.

Asked by : Hon. CHAN Wai-yip, Albert

Reply :

The Constitutional and Mainland Affairs Bureau is responsible for coordinating exchanges and cooperation with Taiwan under the framework of the "One China" policy and "Qian's Seven Principles".

2. In 2011-12, we will continue to strengthen our exchanges with Taiwan, with a viewing to enhancing mutual understanding and fostering further cooperation. Our major tasks will include –

- (a) proactively liaising with the Taiwanese side under the Hong Kong-Taiwan Economic and Cultural Cooperation and Promotion Council (ECCPC) platform in taking forward the various priority areas of cooperation, including the setting up of a multi-functional office in Taiwan, renewal of air services arrangements, enhancement in financial supervision cooperation and promotion of tourism;
- (b) assisting the ECCPC in organising activities to further enhance exchanges with Taiwan, including a joint meeting with its Taiwanese counterpart, the Taiwan-Hong Kong Economic and Cultural Cooperation Council, forums, seminars and cultural exchanges in fostering Hong Kong – Taiwan cooperation;
- (c) sponsoring non-governmental bodies in organising forums, seminars and related activities which promote Hong Kong-Taiwan exchanges and enhance mutual understanding;

- (d) promoting exchanges between Hong Kong and Taiwan and facilitating relevant Taiwan visitors from different sectors to understand the latest social and economic developments of Hong Kong and the implementation of “One Country, Two Systems”;
- (e) liaising with Taiwan organisations in Hong Kong on matters concerning the relations between Hong Kong and Taiwan; and
- (f) advising and assisting other bureaux and departments on cultural, trade and economic exchanges with Taiwan.

3. This Bureau has earmarked about \$12 million in 2011-12 for the activities of the ECCPC and exchanges with Taiwan.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB049**

Question Serial No.

2234

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 : There is a decrease of \$29.4 million (65.0%) in the provision for Programme (4) Rights of the Individual in 2011-12. One of the reasons for the decrease is due to the transfer of the support services for ethnic minorities and relevant resources, including one existing post, from a bureau, a higher level authority, to the Home Affairs Department (HAD), a lower level authority. Will the Administration please explain why the support services for ethnic minorities and relevant resources have to be transferred to the HAD?

Asked by : Hon. CHAN Wai-yip, Albert

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 closely monitor the difficulties faced by ethnic minorities in daily life so as to ensure that the support services can meet their needs. It will help mobilize 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 mainstream 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.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB050**

Question Serial No.

2235

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 numbers of complaints received under the Family Status Discrimination Ordinance and the Racial Discrimination Ordinance maintained at a relatively low level of between 20 to 64 cases in 2009 and 2010. Has the Administration looked into the causes for the relatively low levels of complaint? Has it assessed the effectiveness of its efforts in educating the public of the above two ordinances?

Asked by : Hon. CHAN Wai-yip, Albert

Reply :

Over the years, the complaint cases received by the Equal Opportunities Commission (EOC) under the Family Status Discrimination Ordinance (FSDO) constitute around 3% to 5% of the overall number of complaint cases.

2. For the Race Discrimination Ordinance (RDO), it came into full effect in July 2009. Since its enactment, the 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. The EOC expects that the number of complaint cases on RDO would increase with the increasing awareness of the rights under the new law.

3. EOC has been closely monitoring its publicity and education programmes to promote the anti-discrimination ordinances, including the FSDO and the RDO. In 2010, over 99% of the participants of the EOC's training programmes were satisfied. About 89% of the participants of the EOC's funded community projects were satisfied with the activities organised under the EOC's Community Participation Funding Programme on Equal Opportunities. These programmes were considered effective in achieving their objectives.



4. The EOC will continue to promote the anti-discrimination ordinances through public education and publicity programmes targeting the general public, ethnic minorities, employers and employees, NGOs, and students and educators.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB051**

Question Serial No.

2242

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 Office of the Privacy Commissioner for Personal Data ("PCPD") received 1 179 complaints in 2010.

- (a) What were the main categories of these complaints? Please give descriptions of each category and the number of cases involved.
- (b) Did the PCPD do any analysis on these complaints and find out which category of personal data complaints was worth noting? Did the PCPD have enough resources to handle these complaints?

Asked by : Hon. IP Kwok-him

Reply :

The nature of alleged breaches in the 1 179 complaint cases received by the Office of the Privacy Commissioner for Personal Data ("PCPD") in 2010 is summarised in the table attached at the **Annex**.

2. Of the 1 515 alleged breaches shown in the table, 522 (34%) concerned alleged misuse of complainants' personal data without their prescribed consent. Most of them were against private sector organisations in the banking and finance, property management and telecommunications industries.

3. The provision for the PCPD in 2011-12 amounts to \$52.7 million, representing an increase of 5.6% over the 2010-11 revised estimate (\$49.9 million). After adjusting for the one-off provision of \$1.02 million to the PCPD in 2010-11 for enhancing its information technology system, this reflects an additional recurrent provision of \$3.8 million which will enable the PCPD to create four additional posts to strengthen the implementation of the Personal Data (Privacy) Ordinance (“PDPO”), including stepping up enforcement and compliance-checking work. The Government will continue to provide resources at an appropriate level to support the PCPD for effective enforcement of the PDPO.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

**Nature of Complaints Received in 2010**

<b>Nature</b>	<b>Number of alleged breaches</b>	<b>Percentage</b>
Use of personal data without consent	522	34%
Collection of personal data	480	32%
Direct Marketing	157	11%
Inadequate Security	148	10%
Accuracy and Retention	111	7%
Access/Correction Requests	97	6%
<b>Total</b>	<b>1 515</b>	<b>100%</b>

Note: The total number of alleged breaches is higher than the total number of complaints received (1 179) as there could be more than one allegation of breach of the Personal Data (Privacy) Ordinance in one complaint.

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB052**

Question Serial No.

2243

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 : Regarding the 1 076 complaint cases where investigations by the Office of the Privacy Commissioner for Personal Data were completed in the previous year, by whom or which institutions were these cases mainly raised? Which trades, organisations or government departments were mainly involved in these complaint cases? Please advise on the status of those private and public sector organisations and government agencies involved in the cases.

Asked by : Hon. IP Kwok-him

Reply :

Of the 1 076 complaint cases for which investigations by the Office of the Privacy Commissioner for Personal Data were completed in 2010:

- (a) 839 (78%) cases were against private sector organisations;
- (b) 130 (12%) cases were against public sector organisations (of which 98 cases were related to government departments and 32 cases related to other public bodies); and
- (c) 107 (10%) cases were against individuals.

2. The majority of complaints against private sector organisations were related to the banking and finance industry (188 cases), property management industry (103 cases) and telecommunications industry (102 cases). The complainants are all data subjects.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB053**

Question Serial No.

2244

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 Office of the Privacy Commissioner for Personal Data (PCPD) gave recommendations on the implementation of the Ordinance in respect of 192 cases last year. What were the main categories of these cases?

Asked by : Hon. IP Kwok-him

Reply :

The 192 cases with recommendations given to the parties being complained against in 2010 involved a total of 286 alleged breaches of the provisions under the Personal Data (Privacy) Ordinance. Of the 286 alleged breaches, 80 (28%) concerned the alleged excessive or unfair collection of personal data of complainants and 66 (23%) concerned the alleged misuse of complainants' personal data without their prescribed consent.

2. The majority of complaints (161 cases out of the 192 cases with recommendations given) were against private sector organisations. Most of them were financial institutions, property management companies and telecommunications companies.

Signature \_\_\_\_\_

Name in block letters **JOSHUA LAW** \_\_\_\_\_

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs \_\_\_\_\_

Date 17 March 2011 \_\_\_\_\_

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB054**

Question Serial No.

2272

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : The estimated expenditure for 2011-12 is \$100.5 million, representing a decrease of 60% (or \$150.7 million) against that for the past financial year. As explained by the Administration, this is mainly due to the decreased cash flow requirement for non-recurrent expenditure of the Expo 2010 Shanghai China after its completion, offset by the increased provision for enhancing further co-operation and exchanges with Taiwan. Please list in detail the decreased requirement after the completion of Expo 2010 Shanghai China and the increased provision for enhancing further co-operation and exchanges with Taiwan.

Asked by : Hon. IP Kwok-him

Reply :

Under Programme (2): Constitutional and Mainland Affairs, the estimated expenditure for 2011-12 is \$150.7 million (60.0%) lower than the revised estimate for 2010-11. This is mainly due to the decreased cash flow requirement for non-recurrent expenditure of the Expo 2010 Shanghai China after its completion. The non-recurrent expenditure was mostly spent on operating the Hong Kong Pavilion and the Urban Best Practices Area (UBPA) Exhibition, organising a wide range of cultural performances and promotion activities, as well as developing and maintaining the Online Hong Kong Pavilion and Online UBPA Exhibition during the Expo period from 1 May to 31 October 2010. This reduced cash flow requirement of \$157.89 million is partly offset by the overall increase of \$7.19 million in other provisions for strengthening support for Constitutional and Mainland Affairs.

2. To enhance further co-operation and exchanges with Taiwan, the Bureau has earmarked about \$12 million in 2011-12 for the activities of the Hong Kong-Taiwan Economic and Cultural Cooperation and Promotion Council and exchanges with Taiwan.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB055**

Question Serial No.

2273

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : There will be a net increase of 10 posts in 2011-12. Please provide details of these posts and the expenditure involved.

Asked by : Hon. IP Kwok-him

Reply :

There will be a creation of 14 posts in 2011-12. Details of the posts are as follows -

- (a) one time-limited Personal Secretary I post for providing secretarial support to a new Administrative Officer Staff Grade B post created up to June 2013 for taking forward various new cooperation initiatives with the Mainland and Taiwan;
- (b) one Senior Executive Officer and three clerical posts for strengthening administrative support for Constitutional and Mainland Affairs; and
- (c) provisions have been reserved for creation of one directorate and eight non-directorate posts to reinforce the support for the work of the Hong Kong-Taiwan Economic and Cultural Cooperation and Promotion Council and to prepare for the setting up of a multi-functional office in Taiwan. The ranking and exact deployment of these posts are subject to further development in Hong Kong-Taiwan relations and the outcome of our on-going discussions with the Taiwanese side.

2. The above creation of 14 posts will be offset by deletion of the following four posts in 2011-12 -

- (a) two posts, including one Chief Executive Officer and one Architect, for supporting the HKSAR's participation in the Expo 2010 Shanghai China; and

- (b) two posts, including one Senior Executive Officer and one Personal Secretary II, for handling the public consultation on the electoral arrangements for 2012.

Other posts for the above two exercises have lapsed in 2010-11.

3. The expenditure for the above net creation of ten posts is estimated to be around \$6.39 million.

Signature	_____
Name in block letters	<u>JOSHUA LAW</u>
Post Title	<u>Permanent Secretary for Constitutional and Mainland Affairs</u>
Date	<u>17 March 2011</u>

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB056**

Question Serial No.

2274

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

Programme : (2) Constitutional and Mainland Affairs

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's main responsibilities under this programme include: follow up with the relevant Mainland authorities on how the HKSAR could complement the preparation and implementation of the National Five-year Plans under the principle of "One Country, Two Systems". In 2011-12, the Bureau will continue to co-ordinate the HKSAR's inputs to complement the implementation of the National 12<sup>th</sup> Five-year Plan. Will the Administration advise on this year's detailed work arrangements for complementing the preparation and implementation of the National 12<sup>th</sup> Five-year Plan, and the estimated expenditure and manpower involved?

Asked by : Hon. IP Kwok-him

Reply :

It was mentioned in the 2007-08 Policy Address that the HKSAR would take early action to complement the preparation of the National 12<sup>th</sup> Five-Year Plan (the Plan). A steering committee has been set up under the chairmanship of the Chief Secretary for the Administration to co-ordinate our strategy for complementing the Plan. Since 2008, the Administration has been actively complementing the preparation of the Plan by establishing direct working relationship with the National Development and Reform Commission and engaging the stakeholders to collect views on Hong Kong's functions and roles in enhancing the development of our country in the 12-5 period. The Constitutional and Mainland Affairs Bureau (CMAB)'s roles and functions on the above include assisting in coordinating inter-bureau efforts and liaising with the relevant Mainland authorities.

2. Upon the endorsement of the Plan by the National People's Congress and its promulgation in March this year, CMAB will continue to help coordinate the implementation of the Plan in the following areas:

- (a) assisting in coordinating with the concerned bureaux and departments to map out their follow up action plans on the specific areas mentioned in the promulgated Plan. Views of the community, including the relevant

business sectors and professional bodies will be taken into account during the process;

- (b) assisting in monitoring the progress and action plans mentioned in (a) above;
- (c) assisting in liaising with the relevant Mainland authorities, particularly the National Development and Reform Commission, on matters relating to the implementation of the Plan relevant to the HKSAR;
- (d) assisting in taking forward various regional co-operation initiatives, particularly the implementation of the Framework Agreement on Hong Kong/Guangdong Co-operation;
- (e) offering advice to the Shenzhen Municipal Government in promoting the development of modern service industries in Qianhai; and
- (f) assisting in coordinating with the relevant Mainland offices to conduct relevant research and studies on the related areas as necessary.

3. In 2011-12, about \$5 million has been earmarked for CMAB and the Mainland Offices to promote co-operation between Hong Kong and the Mainland, including the implementation of the Plan, Pan-Pearl River Delta co-operation, the Framework Agreement on Hong Kong/Guangdong Co-operation and Qianhai development.

Signature	_____
Name in block letters	<u>JOSHUA LAW</u>
Post Title	<u>Permanent Secretary for Constitutional and Mainland Affairs</u>
Date	<u>17 March 2011</u>

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB057**

Question Serial No.

2275

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

Programme : (2) Constitutional and Mainland Affairs

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's main responsibilities under this programme include: co-ordinate and enhance exchanges and co-operation with Taiwan. In respect of co-ordination and enhancement of exchanges and co-operation with Taiwan, what are the Bureau's detailed work arrangements for 2011-12? Will arrangements be made for high-level government officials to visit Taiwan and invitation extended to official representatives of Taiwan to visit Hong Kong? Please advise on the details, as well as the estimated expenditure and manpower involved.

Asked by : Hon. IP Kwok-him

Reply :

The Constitutional and Mainland Affairs Bureau is responsible for coordinating exchanges and cooperation with Taiwan under the framework of the "One China" policy and "Qian's Seven Principles".

2. In 2010-11, we continued to strengthen our liaison and relations with a wide spectrum of sectors in Taiwan. In April 2010, we set up the Hong Kong- Taiwan Economic and Cultural Cooperation and Promotion Council (ECCPC), while Taiwan established a counterpart, the Taiwan-Hong Kong Economic and Cultural Co-operation Council (THEC). The establishment of the ECCPC and THEC is a milestone in the relations between Hong Kong and Taiwan.

3. In August 2010, the Financial Secretary led a delegation comprising ECCPC members to Taiwan. Apart from attending the first joint meeting of the ECCPC and THEC, meetings were arranged with personnel from the political, economic and trade, cultural sectors in Taiwan. Consensus was reached by both sides on priority areas of cooperation, including the renewal of air services arrangements, the strengthening of financial supervision cooperation, the discussion on avoidance of double taxation arrangements for shipping income, and the establishment of a multi-functional office in Taiwan.

4. We have received visiting prominent political figures as well as officials of Taiwan in Hong Kong, including representatives of the Taiwan Mainland Affairs Council and the Straits Exchange Foundation, delegations led by the Mayor of Taipei City, members of the Taiwan legislature and other public institutions. We have also organised visit programmes for Taiwan professional bodies, businessmen, students and academia. These initiatives have been helpful in enhancing understanding among different sectors in Taiwan on the implementation of “One Country, Two Systems” principle in Hong Kong.

5. We have sponsored local non-governmental bodies in organising Hong Kong-Taiwan seminars on topics of mutual interests to both places. We have also sponsored the organisation of study tours for students from Hong Kong, the Mainland and Taiwan. Over 650 students participated in these study tours to exchange views, enhance mutual understanding and build up friendship.

6. The anticipated expenditure for the conduct of the work on exchanges with Taiwan and ECCPC-related activities in 2010-11 is about \$10 million.

7. In 2011-12, we will continue to strengthen our exchanges and cooperation with Taiwan. Our major tasks will include -

- (a) proactively liaising with the Taiwanese side under the ECCPC platform in taking forward the various priority areas of cooperation, including the setting up of a multi-functional office in Taiwan, renewal of air services arrangements, enhancement in financial supervision cooperation and promotion of tourism;
- (b) assisting the ECCPC in organising activities to further enhance exchanges with Taiwan, including a joint meeting with its Taiwanese counterpart, the THEC, forums, seminars and cultural exchanges in fostering Hong Kong-Taiwan cooperation;
- (c) sponsoring non-governmental bodies in organising forums, seminars and related activities which promote Hong Kong-Taiwan exchanges;
- (d) promoting exchanges between Hong Kong and Taiwan and facilitating relevant Taiwan visitors from different sectors to understand the latest social and economic developments of Hong Kong and the implementation of “One Country, Two Systems”;
- (e) liaising with Taiwan organisations in Hong Kong on matters concerning the relations between Hong Kong and Taiwan; and
- (f) advising and assisting other bureaux and departments on cultural, trade and economic exchanges with Taiwan.

8. This Bureau has earmarked about \$12 million in 2011-12 for the activities of the ECCPC and exchanges with Taiwan. Under the supervision of the senior

management of this Bureau, one Directorate officer at D2 rank and a Senior Administrative Officer are responsible, among other things, for the above mentioned work in the Bureau. As this Bureau also serves as the Secretariat to the ECCPC and organise ECCPC activities, two non-directorate posts will be created in 2011-12 to provide administrative support.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB058**

Question Serial No.

2276

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : As pointed out in paragraph 17 of Brief Description, 24 new political appointment positions have been created with effect from 1 April 2008. However, not all of these 24 positions have been filled so far. Does the Government have any plan to appoint political appointees for the remaining positions in 2011-12?

Asked by : Hon. IP Kwok-him

Reply :

Regarding the filling of the outstanding positions of Under Secretaries and Political Assistants in the Government, our consistent position is that, if there are suitable candidates, such positions will be filled. If necessary, this could be done in phases.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB059**

Question Serial No.

2277

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : It is reported in the *Matters Requiring Special Attention in 2011-12* that the Bureau will continue to offer advice to the Shenzhen Municipal Government in promoting the development of modern service industries in Qianhai. Please advise what sort of advice was offered to the Shenzhen Municipal Government in 2010-11. What are the specific work plans for 2011-12? How much staffing and expenditure are involved?

Asked by : Hon. IP Kwok-him

Reply :

According to the consensus reached between the governments of Hong Kong and Shenzhen, the Shenzhen Municipal Government (SZMG) takes a leading role and is responsible for the development and management of Qianhai, while the Hong Kong Special Administrative Region (HKSAR) Government plays an advisory role by providing comments on development planning as well as the study and formulation of related policies. The Constitutional and Mainland Affairs Bureau (CMAB) co-ordinates the efforts of relevant bureaux of the HKSAR Government to facilitate the Hong Kong business sector, especially the financial services, professional services and other services sectors to capitalise on the business opportunities presented by the development of Qianhai to tap into the Mainland market.

2. The HKSAR Government has been maintaining close liaison with SZMG. Both sides have also set up the Joint Task Force on Qianhai Co-operation since November 2009 and have discussed the relevant issues on different occasions. The HKSAR Government's advice to the Shenzhen authorities concerned mainly the business environment and policies required to encourage Hong Kong service industries to set up operations in Qianhai. In accordance with the Overall Development Plan on Hong Kong / Shenzhen Co-operation on Modern Service Industries in Qianhai Area approved by the State Council in August 2010, Qianhai has been designated as a Hong Kong / Guangdong modern service industry innovation and co-operation exemplary zone with a view to playing a pilot role in

promoting co-operation in service industries, including the financial industries and the professional service industries, between Hong Kong and the Mainland. In this regard, relevant bureaux of the HKSAR Government have been consulting the business sectors under their respective purviews from time to time through various channels, including meetings, exchange sessions and inviting written submissions. CMAB facilitates their communication with the Shenzhen authorities so that the policy proposals and suggestions received are consolidated and communicated to the relevant Mainland authorities on a timely basis. In addition, CMAB also liaises with relevant bureaux to organise meetings for the Shenzhen authorities to brief Hong Kong trade associations and professional bodies on the latest development in Qianhai and obtain feedback from them directly. All the above work will continue in 2011-12.

3. In 2011-12, about \$5 million has been earmarked for CMAB and the Mainland Offices to promote co-operation between Hong Kong and the Mainland, including Pan-Pearl River Delta co-operation, implementation of the Framework Agreement on Hong Kong / Guangdong Co-operation, Qianhai development, as well as the implementation of the National 12<sup>th</sup> Five Year Plan. This amount represents the direct expenditure which is expected to be incurred in relation to the various meetings, visits and similar events. In addition, the Bureau as a whole and the Mainland Offices will also deploy sufficient staff and other resources for the purpose. As the work involved is an integral part of the duties and functions of the CMAB officers concerned, the related manpower expenditure cannot be singled out and quantified.

Signature	_____
Name in block letters	<u>JOSHUA LAW</u>
Post Title	<u>Permanent Secretary for Constitutional and Mainland Affairs</u>
Date	<u>17 March 2011</u>

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB060**

Question Serial No.

2278

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : It is reported in the *Matters Requiring Special Attention in 2011-12* that the Bureau will continue to strengthen co-operation with Guangdong Province and co-ordinate efforts in taking forward co-operation initiatives agreed at the Joint Conference, including the implementation of the Framework Agreement and the drawing up of annual work plan, overseeing the work of the relevant Expert Groups, and providing secretariat support to the Greater PRD Business Council set up under the Joint Conference.

- (a) In respect of the implementation of the Framework Agreement, what was the specific work done in 2010-11, the areas of work mentioned in the annual work plans that were completed and outstanding?
- (b) When will the 2011-12 work plan be drawn up to implement the Framework Agreement?

Asked by : Hon. IP Kwok-him

Reply :

The Hong Kong Special Administrative Region (HKSAR) Government attaches great importance to enhancing co-operation between Hong Kong and the Mainland, including Guangdong. In April 2010, Hong Kong and Guangdong signed the Framework Agreement on Hong Kong/Guangdong Co-operation (Framework Agreement), which has translated the macro policies in "The Outline of the Plan for the Reform and Development of the Pearl River Delta" into concrete measures that are conducive to the development of both places.

- (a) In respect of implementation of the Framework Agreement, while the Constitutional and Mainland Affairs Bureau is responsible for co-ordinating the efforts of the HKSAR Government in promoting co-operation with Guangdong, specific projects are initiated and

taken forward by the relevant policy bureaux and departments. Major areas of work mentioned in the 2010 Work Plan include cross-boundary infrastructure facilities, modern services industries, manufacturing industry and innovation and technology, international business environment, quality living area, and education and manpower. Encouraging progress has been made in the implementation of the 2010 Work Plan. Details are reported in the Legislative Council paper No. CB(1)1531/10-11(05) “Trade Relations between Mainland and Hong Kong and Hong Kong/Guangdong Co-operation Joint Conference in relation to Commerce and Industry between the Two Places”.

- (b) The 2011 Work Plan setting out the work programme of Hong Kong / Guangdong co-operation for the year was agreed and signed after the 16<sup>th</sup> Working Meeting of Hong Kong / Guangdong Co-operation Joint Conference held in February this year. Full text of the 2011 Work Plan has been annexed to the Legislative Council paper No. CB(1)1531/10-11(05) “Trade Relations between Mainland and Hong Kong and Hong Kong/Guangdong Co-operation Joint Conference in relation to Commerce and Industry between the Two Places”.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB061**

Question Serial No.

2279

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : It is reported in the *Matters Requiring Special Attention in 2011-12* that the Bureau will work closely with the Electoral Affairs Commission to conduct by-elections to the LegCo and DCs, to prepare for the DC election and Election Committee subsector elections to be held in 2011 and commence preparatory work for the CE election and LegCo election to be held in 2012.

- (a) What are the specific work involved in the preparatory work for the DC election and Election Committee subsector election to be held this year? How much staffing and expenditure are involved?
- (b) What are the specific work to be started this year in respect of the preparatory work for the CE election and LegCo election to be held in 2012? How much staffing and expenditure are involved?

Asked by : Hon. IP Kwok-him

Reply :

To prepare for the 2011 District Council election and Election Committee subsector elections, 2012 Chief Executive election and Legislative Council election, the Constitutional and Mainland Affairs Bureau ("CMAB") is working closely with the Electoral Affairs Commission ("EAC") on the necessary preparatory work, including the legislation amendment exercise relating to the elections and review of various electoral arrangements. We are also co-ordinating Government-wide publicity effort for the voter registration and voter turnout campaigns in 2011.

2. These tasks form an integral part of the CMAB's election-related policy work and are carried out by the existing staffing establishment of the Bureau.

3. The EAC has the statutory responsibility for the conduct and supervision of elections. The Registration and Electoral Office (“REO”) provides the EAC with the necessary support in conducting the aforementioned elections. The costs for conducting the election will be met by the REO.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB062**

Question Serial No.

2632

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 : As mentioned in paragraph 143 of the 2011 Budget Speech, four centres providing comprehensive support services ethnic minorities were sponsored by the Government since 2009 to provide comprehensive support services to ethnic minorities. In this connection, please provide details of these four centres, with the locating districts and the number of participants benefitted from their services in respect of each centre. Will the Government also inform the Committee whether a review on the effectiveness of the sponsorship arrangements of the four centres has been conducted? If yes, what are the details, and whether the Government has considered the possibilities of opening more centres in other districts? If yes, what are the details of the estimated additional sponsorship?

Asked by : Hon. SHEK Lai-him, Abraham

Reply :

The four support service centres for ethnic minorities came into operation from May to September 2009. They provide language classes in Cantonese and English, cultural and community programmes, counselling and referral services, and other integration programmes for ethnic minorities to facilitate their integration into the community and access to public services. One of the centres, the CHEER centre operated by the Hong Kong Christian Service, also provides telephone and on-site interpretation services and translation services. The locations and the number of participants benefitted from the services (up to end February 2011) for the centres are as follows –

<b>Centre</b>	<b>Location*</b>	<b>No. of participants (up to end February 2011)</b>
Hong Kong Christian Service CHEER Centre	Kwun Tong	18 000**
International Social Service HK Branch HOPE Centre	Wan Chai	5 800

<b>Centre</b>	<b>Location*</b>	<b>No. of participants (up to end February 2011)</b>
Yuen Long Town Hall Support Service Centre	Yuen Long	20 000***
Christian Action SHINE Centre	Tuen Mun	9 200

\* The centres aim to provide services to all members of ethnic minorities in Hong Kong. Apart from services provided at the locations set out in the table, the centres also provide services at a number of other locations in cooperation with other parties.

\*\* Including users of free telephone interpretation and enquiry service, on-site interpretation and written translation services.

\*\*\* The centre organised mass programmes such as cultural show and carnivals. The number of spectators of these mass programmes is around 14 000, which is not counted for consistent comparison.

2. The Administration has been monitoring closely the operation of these centres. The centres are required to submit regular reports and plans which include the outcome of surveys conducted on their users on the effectiveness and satisfaction of the services provided. We have been keeping the operation of the centres under review and necessary adjustments were made in the light of the operational experience and the needs of ethnic minority communities, in order to provide more suitable services for ethnic minorities. For example, we have provided additional sponsorship to operate tutorial classes for ethnic minority students in various districts.

3. Overall speaking, the four centres have been operating smoothly, meeting or exceeding their performance pledges for the majority of their services. Feedback from service users and ethnic minority communities has been positive.

4. The Administration will continue to keep the operation of the centres under review. As announced by the Financial Secretary in his Budget, in 2011-12, the Home Affairs Department (HAD) will be given more resources and set up a dedicated team to strengthen and integrate the support services for ethnic minorities. The HAD will introduce two major initiatives, launching district-based integration programmes; and introducing services to ethnic minorities by arranging for those with similar background and experience to reach out to them, and to make referrals to Government departments where necessary.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB063**

Question Serial No.

2281

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

Programme : (2) Constitutional and Mainland Affairs

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's main responsibilities include co-ordinating and enhancing exchanges and co-operation with Taiwan. The Financial Secretary pointed out in his Budget Speech that on the premise of promoting the economic development of Hong Kong and Taiwan to the mutual benefit, the Government is actively discussing with Taiwan about ways to promote financial regulatory co-operation, update air services arrangements and avoid double taxation on shipping income. The Government plans to set up a multi-functional office in Taipei and are now working with the Taiwanese side on the relevant details for early implementation of this proposal. Please advise on:

- (a) the current progress of the setting up of a multi-functional office in Taipei. Please advise on the detailed work arrangements for 2011-12, as well as the manpower and expenditure involved;
- (b) the current progress of the promotion of financial regulatory co-operation, the updating of air services arrangements and the avoidance of double taxation on shipping income. What are the detailed work arrangements for 2011-12? What are the roles and functions of the Constitutional and Mainland Affairs Bureau in these discussions and negotiations?

Asked by : Hon. IP Kwok-him

Reply :

In April 2010, we set up the Hong Kong – Taiwan Economic and Cultural Cooperation and Promotion Council (ECCPC), while Taiwan established a counterpart, the Taiwan-Hong Kong Economic and Cultural Co-operation Council (“THEC”). The establishment of the ECCPC and THEC is a milestone in the relations between Hong Kong and Taiwan.

2. In August 2010, the Financial Secretary led a delegation comprising ECCPC members to Taiwan. Apart from attending the first joint meeting of the ECCPC and

THEC, meetings were arranged with personnel from the political, economic and trade, cultural sectors in Taiwan. Consensus was reached by both sides on priority areas of cooperation, including the renewal of air services arrangements, the strengthening of financial supervision cooperation, the discussion on avoidance of double taxation arrangements for shipping income, and the establishment of a multi-functional office in Taiwan.

3. Since then, this Bureau, as the ECCPC Secretariat, has arranged and coordinated a number of working meetings involving technical experts of both sides to liaise on details of these initiatives. With good will between the two sides in taking forward these areas of cooperation, we hope that positive progress could be made in due course.

4. We have reserved sufficient provision for the establishment of the multi-functional office, as well as work related to exchanges with Taiwan and ECCPC activities.

Signature	_____
Name in block letters	<u>JOSHUA LAW</u>
Post Title	<u>Permanent Secretary for Constitutional and Mainland Affairs</u>
Date	<u>17 March 2011</u>

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB064**

Question Serial No.

2282

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 : The main responsibilities of the Mainland Offices include: enhancing co-operation with the places concerned and taking part in relevant activities, which include exploring co-operation opportunities and the implementation of co-operation initiatives. In respect of the Offices' effort in enhancing co-operation with the Economic Zone on the West Coast of the Taiwan Strait, will the Administration advise on:

- (a) the specific work done, the activities taken part in, areas in which co-operation opportunities were opened up and the co-operation initiatives taken forward last year?
- (b) the specific work arrangements for this year?

Asked by : Hon. IP Kwok-him

Reply :

The Economic Zone on the Western Coast of the Taiwan Strait (the Haixi Economic Zone) is an important economic zone in the eastern region of the Mainland, covering the entire Fujian Province and more than ten adjoining cities in the neighbouring provinces of Zhejiang, Jiangxi and Guangdong. In 2010-11, the Hong Kong Economic and Trade Office in Guangdong (GDETO) had assisted in enhancing co-operation and relationship with the Haixi Economic Zone through the following:

- (a) facilitating HKSAR Government's participation in major events to enhance our profile in the region, such as the "14th China International Fair for Investment and Trade" held in Xiamen City, Fujian Province in September 2010;
- (b) facilitating mutual visits and study missions to foster exchanges and closer co-operation;
- (c) participating in various promotional activities organised by local and Hong Kong organisers to build up networks;

- (d) disseminating to Hong Kong investors the latest information on trade and economic policies relating to the Haixi Economic Zone; and
- (e) organising/co-organising events to promote Hong Kong with a view to attracting potential investors, such as the seminar on “Hong Kong – Your Platform to Go Global: Capitalise on Hong Kong’s Financial Services for International Expansion” held in Putian City, Fujian Province in December 2010.

2. In 2011-12, GDETO will continue with the above areas of work as appropriate to assist in fostering closer ties and co-operation with the Haixi Economic Zone.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB065**

Question Serial No.

2287

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

Programme : (1) Director of Bureau's Office

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : Under Analysis of Financial and Staffing Provision, it is mentioned that "Provision for 2011-12 is \$1.90 million (22.90%) higher than the revised estimate for 2010-11. This is mainly due to the provision required for filling the position of Political Assistant." Will the Administration advise this Committee of the current progress in filling the Political Assistant position and when the new appointee is expected to take up the post? As the chance of filling the above position in the some one-year remaining tenure of the current-term Government is increasingly remote, will the Administration consider shelving the above provision?

Asked by : Hon. FUNG Kin-kee, Frederick

Reply :

Regarding the filling of the outstanding positions of Under Secretaries and Political Assistants in the Government, our consistent position is that, if there are suitable candidates, such positions will be filled. If necessary, this could be done in phases. We consider it appropriate to make provision for the position of Political Assistant in 2011-12.

Signature \_\_\_\_\_

Name in block letters **JOSHUA LAW** \_\_\_\_\_

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs \_\_\_\_\_

Date 17 March 2011 \_\_\_\_\_

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB066**

Question Serial No.

2288

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : Please advise this Committee of the actual expenditure for the 2010 Legislative Council by-election conducted on 16 May and the difference between the actual expenditure for the by-election and the formerly approved provision (estimated at \$147 million).

Asked by : Hon. FUNG Kin-kee, Frederick

Reply :

The Electoral Affairs Commission (“EAC”) has the statutory responsibility for the conduct and supervision of elections. The Registration and Electoral Office (“REO”) provided the EAC with the necessary support in conducting the 2010 Legislative Council by-election. The expenditure for conducting the 2010 Legislative Council by-election, which amounted to \$126 million, was met by the REO.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB067**

Question Serial No.

2289

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : For public opinion surveys on subjects such as constitutional matters conducted by the Administration, please list out in detail the surveys conducted in the past year, including the title and topic of, the amount of money spent on and consultancy institution engaged for each project. Please also advise on the surveys planned to be conducted and their estimated expenses. If the Administration is unwilling to make public the information, what are the reasons?

Asked by : Hon. FUNG Kin-kee, Frederick

Reply :

The Central Policy Unit regularly conducts internal studies and commissions academic and commercial research institutes to carry out opinion polls on different public policy issues. The findings are for Government's internal reference. We generally will not make public information relating to these internal studies and polls.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB068**

Question Serial No.

2290

Head : 144: Government Secretariat: Subhead (No. & title) : 000  
Constitutional and Mainland Affairs Bureau Operational  
expenses

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : The Matters Requiring Special Attention in 2011-12 include the preparation of the 2011 District Council ("DC") election. Please provide the estimated expenditure for the 2011 DC election and the comparison with the last DC election.

Asked by : Hon. FUNG Kin-kee, Frederick

Reply :

The Electoral Affairs Commission ("EAC") has the statutory responsibility for the conduct and supervision of elections. The Registration and Electoral Office ("REO") provides the EAC with the necessary support in conducting the 2011 DC election. The costs for conducting the 2011 DC election will be met by the REO.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB069**

Question Serial No.

2291

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : As mentioned under Matters Requiring Special Attention in 2011-12, the Bureau will “co-ordinate and enhance exchanges and co-operation with Taiwan, including the Government’s liaison with Taiwan organisations in the HKSAR”. Will the Administration advise this Committee of the specific efforts made in the past year in respect of the above work, the expenditure and manpower involved, the exchanges and liaison work planned for the coming year, the resources set aside and the manpower input?

Asked by : Hon. FUNG Kin-kee, Frederick

Reply :

The Constitutional and Mainland Affairs Bureau is responsible for coordinating exchanges and cooperation with Taiwan under the framework of the “One China” policy and “Qian’s Seven Principles”.

2. In 2010-11, we continued to strengthen our liaison and relations with a wide spectrum of sectors in Taiwan. In April 2010, we set up the Hong Kong-Taiwan Economic and Cultural Cooperation and Promotion Council (ECCPC), while Taiwan established a counterpart, the Taiwan-Hong Kong Economic and Cultural Co-operation Council (THEC). The establishment of the ECCPC and THEC is a milestone in the relations between Hong Kong and Taiwan.

3. In August 2010, the Financial Secretary led a delegation comprising ECCPC members to Taiwan. Apart from attending the first joint meeting of the ECCPC and THEC, meetings were arranged with personnel from the political, economic and trade, cultural sectors in Taiwan. Consensus was reached by both sides on priority areas of cooperation, including the renewal of air services arrangements, the strengthening of financial supervision cooperation, the discussion on avoidance of double taxation arrangements for shipping income, and the establishment of a multi-functional office in Taiwan.

4. We have received visiting prominent political figures as well as officials of Taiwan in Hong Kong, including representatives of the Taiwan Mainland Affairs Council and the Straits Exchange Foundation, delegations led by the Mayor of Taipei City, members of the Taiwan legislature and other public institutions. We have also organised visit programmes for Taiwan professional bodies, businessmen, students and academia. These initiatives have been helpful in enhancing understanding among different sectors in Taiwan on the implementation of “One Country, Two Systems” principle in Hong Kong.

5. We have sponsored local non-governmental bodies in organising Hong Kong-Taiwan seminars on topics of mutual interests to both places. We have also sponsored the organisation of study tours for students from Hong Kong, the Mainland and Taiwan. Over 650 students participated in these study tours to exchange views, enhance mutual understanding and build up friendship.

6. The anticipated expenditure for the conduct of the work on exchanges with Taiwan and ECCPC-related activities in 2010-11 is about \$10 million.

7. In 2011-12, we will continue to strengthen our exchanges and cooperation with Taiwan. Our major tasks will include -

- (a) proactively liaising with the Taiwanese side under the ECCPC platform in taking forward the various priority areas of cooperation, including the setting up of a multi-functional office in Taiwan, renewal of air services arrangements, enhancement in financial supervision cooperation and promotion of tourism;
- (b) assisting the ECCPC in organising activities to further enhance exchanges with Taiwan, including a joint meeting with its Taiwanese counterpart, the THEC, forums, seminars and cultural exchanges in fostering Hong Kong-Taiwan cooperation;
- (c) sponsoring non-governmental bodies in organising forums, seminars and related activities which promote Hong Kong-Taiwan exchanges;
- (d) promoting exchanges between Hong Kong and Taiwan and facilitating relevant Taiwan visitors from different sectors to understand the latest social and economic developments of Hong Kong and the implementation of “One Country, Two Systems”;
- (e) liaising with Taiwan organisations in Hong Kong on matters concerning the relations between Hong Kong and Taiwan; and
- (f) advising and assisting other bureaux and departments on cultural, trade and economic exchanges with Taiwan.

8. This Bureau has earmarked about \$12 million in 2011-12 for the activities of the ECCPC and exchanges with Taiwan. Under the supervision of the senior management of this Bureau, one Directorate officer at D2 rank and a Senior

Administrative Officer are responsible, among other things, for the above mentioned work in the Bureau. As this Bureau also serves as the Secretariat to the ECCPC and organise ECCPC activities, two non-directorate posts will be created in 2011-12 to provide administrative support.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ **JOSHUA LAW**

Post Title \_\_\_\_\_ **Permanent Secretary for  
Constitutional and Mainland Affairs**

Date \_\_\_\_\_ **17 March 2011**

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB070**

Question Serial No.

2292

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 : Under Matters Requiring Special Attention in 2011-12, it is mentioned that the Bureau will “continue to promote the rights of children”. Will the Administration advise this Committee of the specific work done to promote the rights of children in the past year, the expenditure incurred on related activities and projects, the work plan for the coming year and the estimated expenditure?

Asked by : Hon. FUNG Kin-kee, Frederick

Reply :

The Government is committed to promoting the public awareness of and respect for the rights of children. The programmes in promoting children’s rights and the corresponding expenditure in 2010-11 include –

- (a) organising the Children’s Rights Education Funding Scheme (the Funding Scheme), which encourages community participation in public education and promotion on children’s rights through providing funding for non-government organisations (NGOs) to carry out relevant projects. The estimated expenditure in 2010-11 for the 2010-11 Funding Scheme is \$500,000. In addition, there is an estimated expenditure of \$300,000 to fund part of the payment for the 2011 Funding Scheme which has been converted to a calendar year basis starting from 2011 to facilitate operation of the scheme;
- (b) one-off sponsorship to an NGO for the production of a Cantonese Speaking book for ethnic minority children. The estimated expenditure in 2010-11 is \$450,000;
- (c) broadcasting of an announcement in the public interest to promote children’s rights with an estimated expenditure of \$330,000 in 2010-11;

- (d) one-off sponsorship for an NGO for the Children's Council project, including the design of a website for the project, with an expenditure of \$100,100 in 2010-11; and
- (e) one-off sponsorship for a children-led NGO in the design and production of publicity materials to promote children's rights. The estimated expenditure in 2010-11 is \$20,000.

2. Besides the above programmes, we also convene the Children's Rights Forum to provide a direct channel for Government to exchange views on matters concerning children's rights with children representatives and relevant NGOs. The activity does not incur significant expenditure.

3. In 2011-12, the Government will continue its efforts in promoting the rights of children. We will continue to organise the Funding Scheme and the Children's Rights Forum, and provide sponsorship to NGOs to organise specific programmes such as the Children's Council. The total estimated expenditure in the area, excluding manpower costs, is \$1.03 million. We will consider the need for other expenditure in the light of the progress of the work.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB071**

Question Serial No.

2293

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 : Regarding the 4 support services centres for ethnic minorities set up by non-government organisations in 2009 under the sponsorship of the Constitutional and Mainland Affairs Bureau, will the Administration advise this Committee of the respective numbers of members of ethnic minorities who have participated in the activities and used the services of each of the centres in each of the past 2 years by ethnicity and district; expenditure and staffing of the 4 centres in each of the past 2 years; whether the Administration has evaluated the effectiveness of the centres, collected feedback from and gauged the level of satisfaction of service users? Does the Administration have any plan to expand the services of the centres?

Asked by : Hon. FUNG Kin-kee, Frederick

Reply :

Statistics on participants in the activities and users of the services of the four centres in 2009-10 (representing part year operation statistics of the centres which commenced services from May to September 2009) are as follows –

By ethnicity

Race	Hong Kong Christian Service CHEER Centre**	International Social Service HK Branch HOPE Centre	Yuen Long Town Hall Support Service Centre	Christian Action SHINE Centre**
Filipino	48	1080	163	48
Indonesian	33	350	357	26
Indian	77	131	18	36
Nepalese	13	156	1343	35
Thai	10	194	0	1
Pakistani	223	113	490	106
Others	10	105	14	92
Not provided*	0	0	0	42

Race	Hong Kong Christian Service CHEER Centre**	International Social Service HK Branch HOPE Centre	Yuen Long Town Hall Support Service Centre	Christian Action SHINE Centre**
<b>Total</b>	<b>414</b>	<b>2129</b>	<b>2385***</b>	<b>386</b>

By district

District	Hong Kong Christian Service CHEER Centre**	International Social Service HK Branch HOPE Centre	Yuen Long Town Hall Support Service Centre	Christian Action SHINE Centre**
Central and Western	7	376	8	4
Eastern	13	274	7	3
Southern	5	269	0	1
Wan Chai	13	460	3	0
Kowloon City	63	175	3	1
Yau Tsim Mong	23	81	19	0
Sham Shui Po	22	67	8	6
Wong Tai Sin	75	29	1	0
Kwun Tong	95	55	2	15
Tai Po	2	30	5	2
Tuen Mun	5	27	51	253
Yuen Long	2	25	2132	91
Northern	0	17	5	3
Sai Kung	27	61	1	2
Shatin	9	40	0	0
Tsuen Wan	4	35	12	3
Kwai Tsing	31	29	116	1
Islands	11	79	3	0
Not provided*	7	0	9	1
<b>Total</b>	<b>414</b>	<b>2129</b>	<b>2385***</b>	<b>386</b>

\* Some of the users providing other types of information have not responded in respect to the type of information in question.

\*\* A membership mechanism is adopted. The centres only collect relevant statistics on their members. Members who participate in multiple activities are only counted once.

\*\*\* Including participants of mass programmes organised by the centre, such as cultural shows and festive events, and the estimated breakdown by the centre. A breakdown of statistics for participants in programmes other than mass programmes is not available.

2. Based on available statistics, projected breakdown of participants in activities and services users in 2010-11 are as follows –

By ethnicity

Race	Hong Kong Christian Service CHEER Centre**	International Social Service HK Branch HOPE Centre	Yuen Long Town Hall Support Service Centre	Christian Action SHINE Centre**
Filipino	158	976	790	95
Indonesian	1144	603	2155	186
Indian	233	572	44	57
Nepalese	131	420	2939	95
Thai	57	93	50	7
Pakistani	503	261	1443	177
Others	19	278	1504	60
Not provided*	0	0	533	0
<b>Total</b>	<b>2245</b>	<b>3203</b>	<b>9458***</b>	<b>677</b>

By district

District	Hong Kong Christian Service CHEER Centre**	International Social Service HK Branch HOPE Centre	Yuen Long Town Hall Support Service Centre	Christian Action SHINE Centre**
Central and Western	59	605	216	14
Eastern	131	496	1	6
Southern	56	305	1	2
Wan Chai	31	740	23	3
Kowloon City	220	253	42	24
Yau Tsim Mong	188	156	251	57
Sham Shui Po	189	77	3	11
Wong Tai Sin	50	32	5	14
Kwun Tong	487	76	1	19
Tai Po	33	19	25	12
Tuen Mun	21	44	347	256
Yuen Long	75	80	6307	165
Northern	35	17	7	12
Sai Kung	211	76	3	17
Shatin	140	60	46	31
Tsuen Wan	52	55	33	17
Kwai Tsing	119	33	7	7
Islands	22	63	7	10
Not provided*	126	16	2133	0
<b>Total</b>	<b>2245</b>	<b>3203</b>	<b>9458***</b>	<b>677</b>



- \* Some of the users providing other types of information have not responded in respect to the type of information in question.
- \*\* A membership mechanism is adopted. The centres only collect relevant statistics on their members. Members who participate in multiple activities are only counted once.
- \*\*\* Including participants of mass programmes organised by the centre, such as cultural shows and festive events, and the estimated breakdown by the centre. A breakdown of statistics for participants in programmes other than mass programmes is not available.

3. The above information only covers part of the participants and users on whom statistics or projected statistics are available. The collection of information also differs across the centres in accordance with their operational situation, and depends on whether individual users are willing to provide the information.

4. On expenditure and staffing, the breakdown in 2009-10 are as follows –

Centre	Expenditure* (\$)	Staffing**	
		Full time	Part time
Hong Kong Christian Service CHEER Centre	4.37 million	29	12
International Social Service HK Branch HOPE Centre	4.35 million	9	7
Yuen Long Town Hall Support Service Centre	4.16 million	11	3
Christian Action SHINE Centre	4.07 million	11	8
Total		60	30
<b>Grand total</b>	<b>16.95 million</b>	<b>90</b>	

\* Including part of the one-off setting up cost, and part year operating cost in 2009-10.

\*\* Figures as at 15 March 2010.

5. The estimated expenditure and staffing of each of the centres in 2010-11 are as follows-

Centre	Expenditure (\$)	Staffing*	
		Full time	Part time
Hong Kong Christian Service CHEER Centre	7.00 million	29	28
International Social Service HK Branch HOPE Centre	4.17 million	10	25
Yuen Long Town Hall Support Service Centre	4.63 million	18	31
Christian Action SHINE Centre	4.63 million	15	30
Total		72	114
<b>Grand Total</b>	<b>20.43 million</b>	<b>186</b>	

\* Figures as at 28 February 2011.

6. The Administration has been monitoring closely the centre's operation. The centres are required to submit regular reports and plans which include the outcome of surveys conducted on their users on the effectiveness and satisfaction of the services provided. We have been keeping the operation of the centres under review and necessary adjustments have been made in the light of the operational experience and the needs of ethnic minority communities, in order to provide more suitable services for ethnic minorities. For example, we have provided additional sponsorship to operate tutorial classes for ethnic minority students in various districts.

7. Overall speaking, the four centres have been operating smoothly, meeting or exceeding their performance pledges for the majority of their services. Feedback from ethnic minority communities has been positive. The Administration will continue to monitor the operation and performance of the centres through gathering feedback from the community, conducting visits, and other monitoring mechanisms such as reports and user evaluation of the activities and services of the centres.

8. As announced by the Financial Secretary in his Budget, in 2011-12, the Home Affairs Department (HAD) will be given more resources and set up a dedicated team to strengthen and integrate the support services for ethnic minorities. The HAD will introduce two major initiatives, launching district-based integration programmes; and introducing services to ethnic minorities by arranging for those with similar backgrounds and experiences to reach out to them, and to make referrals to Government departments where necessary. The Administration will continue to keep the operation of the four centres as well as the initiatives in this area under review.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB072**

Question Serial No.

2294

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 improvement measures taken by the Equal Opportunities Commission earlier on in response to the Audit Report, will the Administration advise this Committee of the current progress of the measures to enhance governance, to enhance the Commission's internal financial control and management capabilities etc.?

Asked by : Hon. FUNG Kin-kee, Frederick

Reply :

In response to the Audit Report and the Report of the Public Accounts Committee (PAC), the Equal Opportunities Commission (EOC) has sought to enhance its governance, internal financial control and management capabilities through implementation of the recommendations in the reports. It had engaged an external auditor to conduct a compliance and management study. The study commenced in January 2010 and was completed in May 2010. It concluded that the EOC had duly implemented all the recommendations in the reports and the recommendations had been incorporated into and regularised as part of the EOC's governance and administrative arrangements. The study made further recommendations to enhance the EOC's governance, in areas including procurement, procedures relating to duty visits and regular review of the Memorandum of Administrative Arrangements. The EOC Board endorsed the recommendations of the study in June 2010 and actions have been taken to implement them accordingly.

2. As regards the creation of a new Chief Operating Officer (COO) post as one of the measures to further enhance the administration of the EOC, the initiative has been deferred to allow time for the EOC to evaluate the other follow-up actions arising from the above-mentioned compliance and management study. That would shed light on the delineation of the roles and responsibilities between the Chairperson and the COO, and between the COO and other functional Division Heads. The key consideration is how the addition of this post may indeed achieve the desired result of having an appropriate check and balance at the most senior echelon of the Commission without hampering management efficiency. The Administration will inform the PAC of further progress in this regard.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB073**

Question Serial No.

2295

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

Programme : (2) Constitutional and Mainland Affairs  
(3) Mainland Offices

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : For studies on subjects relating to Mainland Affairs (including those on economic and social development aspects) conducted by the Administration, please list out in detail the projects conducted in the past two years, the amount of money spent and the responsible institutions. Please also advise on the studies to be conducted in the coming two years and the estimated expenditure for each study.

Asked by : Hon. FUNG Kin-kee, Frederick

Reply :

The studies conducted on subjects relating to Mainland Affairs (including economic and social development) in 2009-10 and 2010-11 are listed as follows -

<b>Name of study</b>	<b>Objective</b>	<b>Actual expenditure of each survey</b>	<b>Name of institution engaged</b>
Business Potential of Sichuan for Hong Kong Logistics Companies	To assist the Hong Kong logistics industry in exploring the business opportunities of Sichuan	RMB 135,000	The Sichuan Modern Logistics Association (四川省現代物流協會)
A Study on the Strategy for the Cooperation of Hong Kong / Guangdong Service Industries under the "Early and Pilot" measures	To explore the development trend of Hong Kong's service industries in Guangdong and select individual service industries which can be further promoted in Guangdong	RMB 120,000	The Institute of Hong Kong, Macao & Special Economic Zone's Economy, Jinan University (暨南大學特區港澳經濟研究所)

Name of study	Objective	Actual expenditure of each survey	Name of institution engaged
Closer Economic Partnership Arrangement (CEPA) Implementation in Chongqing	To understand the status of CEPA implementation in Chongqing and explore the business opportunities of Chongqing for Hong Kong enterprises	RMB 150,000 (The study is still in progress. The estimated expenditure for the study will be paid in 2011-12.)	Chongqing Jiaotong University (重慶交通大學)

2. There is no plan for studies to be conducted in 2011-12 and 2012-13.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
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Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB074**

Question Serial No.

2296

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 pregnancy discrimination in workplace, will the Administration advise this Committee of the number of complaints received in each of the past 3 years, the nature of complaints and follow-ups taken by the Equal Opportunities Commission? Please also advise on the expenditure on publicity and educational activities in each of the past 3 years.

Asked by : Hon. FUNG Kin-kee, Frederick

Reply :

The number of pregnancy-related complaints in the employment field received by the Equal Opportunities Commission (EOC) in the past three years, the nature of the complaints and the case outcome are as follows:

Issues involved:

	<b>2008</b>	<b>2009</b>	<b>2010</b>
Recruitment	3	2	4
Detriment in employment or terms	66	54	51
Dismissal	95	115	94
Vocational training	0	1	0
<b>Total</b>	<b>164</b>	<b>172</b>	<b>149</b>

Outcome:

	<b>2008</b>	<b>2009</b>	<b>2010</b>
Private settlement reached before investigation completed	2	4	10
Cases discontinued for lacking in substance or other reasons	97	116	72
Cases settled through conciliation	47	37	23
Cases where conciliation was unsuccessful	18	15	8
Still under investigation	0	0	36
<b>Total</b>	<b>164</b>	<b>172</b>	<b>149</b>

2. The EOC's expenditure on publicity and public education programmes (including manpower expenditure) is \$15.19 million, \$18.3 million and \$17.8 million in 2008-09, 2009-10 and 2010-11 respectively. About half of the EOC's programmes from 2008 to 2010 are related to the promotion of preventing pregnancy discrimination and sex discrimination.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB075**

Question Serial No.

2297

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 : Will the Administration advise this Committee of the respective expenditures incurred by the Equal Opportunities Commission on studies conducted in each of the past 3 years? Please list out the titles and objectives of studies conducted in each of the past 3 years, the amount of money spent on each study and the responsible institutions. Please also advise on the studies planned to be conducted in each of the coming 2 years and the estimated expenditure on each study.

Asked by : Hon. FUNG Kin-kee, Frederick

Reply :

The research studies commissioned by the Equal Opportunities Commission (EOC) which commenced or were ongoing in the past 3 years, with their corresponding objectives, expenditure involved and the responsible institutions, are listed below.

<b>Period of study</b>	<b>Research study</b>	<b>Objective</b>	<b>Expenditure</b>	<b>Responsible institutions</b>
2007-08 to 2009-10	Study on Public Perception of Portrayal of Female Gender in the Hong Kong Media	To collect public perception of female stereotyping and bias in the media's portrayal of female images	\$941,647	Social Sciences Research Centre, The University of Hong Kong (HKU)

<b>Period of study</b>	<b>Research study</b>	<b>Objective</b>	<b>Expenditure</b>	<b>Responsible institutions</b>
2008-09 to 2009-10	Thematic Household Survey on Racial Acceptance	To collect public views towards ethnic minorities in different societal areas	\$813,750	MOV Data Collection Center Limited and the Census and Statistics Department
2009-10 to 2011-12	Study on Equal Opportunities for Students with Disabilities under the Integrated Education System in Hong Kong	To evaluate stakeholders' views on the implementation of integrated education in Hong Kong	\$494,500	Centre for Special Needs and Studies in Inclusive Education of the Hong Kong Institute of Education
2009-10 to 2011-12	Second Baseline Survey on Public Attitudes Towards Persons with a Disability	To collect public views towards persons with disabilities in different societal areas	\$200,000	Policy 21 Limited
2010-11 (ongoing)	In-depth Study on Racial Encounters and Experience in Discrimination	To have an in-depth understanding of discriminatory views on ethnic minorities	\$157,300	Centre for Civil Society & Governance of HKU and Policy 21 Limited
2010-11 (ongoing)	Exploratory Study on Gender Stereotyping and Its Impact on Male Gender	To identify difficulties faced by men in encountering changes in different societal areas	\$389,201	The Gender Research Centre, Hong Kong Institute of Asia-Pacific Studies, the Chinese University of Hong Kong
2010-11 (ongoing)	Students' Sexual Attitudes and Views on Sexual Harassment	To solicit students' views on sexual harassment	\$379,361	Department of Special Education and Counselling, The Hong Kong Institute of Education

2. Funding has been reserved for conducting other studies, subject to the consideration of the Policy and Research Committee of the EOC.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB076**

Question Serial No.

2298

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : It is reported in the *Matters Requiring Special Attention in 2011-12* that the Bureau will prepare for ..... Election Committee subsector elections. Could the Administration advise this Committee what is the estimated total expenditure for the Election Committee subsector election and how would it compare with that of the previous general elections?

Asked by : Hon. FUNG Kin-kee, Frederick

Reply :

To prepare for the 2011 Election Committee subsector elections, the Constitutional and Mainland Affairs Bureau ("CMAB") is working closely with the Electoral Affairs Commission ("EAC") on the necessary preparatory work, including the legislation amendment exercise relating to the elections and review of various electoral arrangements. We are also co-ordinating Government-wide publicity effort for the voter registration and voter turnout campaigns in 2011.

2. These tasks form an integral part of the CMAB's election-related policy work and are carried out by the existing staffing establishment of the Bureau.

3. The EAC has the statutory responsibility for the conduct and supervision of elections. The Registration and Electoral Office ("REO") provides the EAC with the necessary support in conducting the aforementioned elections. The costs for conducting the election will be met by the REO.

Signature \_\_\_\_\_

Name in block letters **JOSHUA LAW**

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB077**

Question Serial No.

2364

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : The Administration plans to strengthen co-operation with Guangdong Province to take forward the implementation of the Outline of the Plan for the Reform and Development of the Pearl River Delta. Please advise this Committee:

- (a) the resources and staffing allocated last year for the implementation work and details of the work plan.
- (b) the resources and staffing to be allocated next year for the implementation work and details of the work plan.

Asked by : Hon. WONG Kwok-kin

Reply :

The Hong Kong Special Administrative Region (HKSAR) Government attaches great importance to enhancing co-operation with Guangdong, and in particular, the implementation of "The Outline of the Plan for the Reform and Development of the Pearl River Delta" (the Outline), which has elevated co-operation between the two places to a national strategic level. To translate the macro policies in the Outline into concrete measures that are conducive to the development of both places, Hong Kong and Guangdong signed the Framework Agreement on Hong Kong/Guangdong Co-operation (Framework Agreement) in April 2010. Since then, Constitutional and Mainland Affairs Bureau (CMAB) has been actively co-ordinating the efforts of the HKSAR Government in implementing the Framework Agreement.

2. (a) In 2010-11, the expenditure of CMAB relating to the promotion of co-operation between Hong Kong and Guangdong, including implementation of the Framework Agreement, was about \$1.6 million. Major areas of work in the 2010 Work Plan include cross-boundary infrastructure facilities, modern services industries, manufacturing industry and innovation and technology,

international business environment, quality living area, and education and manpower. Details are reported in the Legislative Council paper No. CB(1)1531/10-11(05) “Trade Relations between Mainland and Hong Kong and Hong Kong/Guangdong Co-operation Joint Conference in relation to Commerce and Industry between the Two Places”.

- (b) In 2011-12, about \$5 million has been earmarked for CMAB and the Mainland Offices to promote co-operation between Hong Kong and the Mainland, including Pan-Pearl River Delta co-operation, implementation of the Framework Agreement, Qianhai development, as well as the implementation of the National 12<sup>th</sup> Five Year Plan. This amount represents the direct expenditure which is expected to be incurred in relation to the various meetings, visits and similar events. In addition, the Bureau as a whole and the Mainland Offices will also deploy sufficient staff and other resources for the purpose. The 2011 Work Plan setting out the work programme of Hong Kong / Guangdong co-operation for the year was agreed and signed after the 16<sup>th</sup> Working Meeting of Hong Kong / Guangdong Co-operation Joint Conference held in February this year. Full text of the 2011 Work Plan has been annexed to the Legislative Council paper No. CB(1)1531/10-11(05) “Trade Relations between Mainland and Hong Kong and Hong Kong/Guangdong Co-operation Joint Conference in relation to Commerce and Industry between the Two Places”.

3. As the work involved is an integral part of the duties and functions of the CMAB officers concerned, the related manpower expenditure cannot be singled out and quantified.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB078**

Question Serial No.

2365

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  
Secretary for Commerce and Economic Development

Question : Under Matters Requiring Special Attention in 2011-12, it is stated that the Mainland Offices will “promote Hong Kong in the Mainland, particularly those selected provinces / regions / municipalities for the promotion of the professional services sectors and taking into consideration the potential for developing business opportunities between Hong Kong and the Mainland locations concerned and interests of the various sectors of the HKSAR.” In this connection, please provide the following information:

- (a) the coverage of the selected provinces / regions / municipalities;
- (b) concrete measures to promote the professional services sectors in the Mainland, the expenditure involved and the expected economic benefits.

Asked by : Hon. WONG Kwok-kin

Reply :

One of the functions of the Mainland Offices in the economic and trade area is to represent and promote Hong Kong's trade and commercial interests in the Mainland. The Mainland Offices adopt a multi-pronged approach in taking this forward. They do so by proactively approaching Hong Kong investors / practitioners in the places concerned and following up issues of common concern through appropriate channels; assisting Hong Kong investors / practitioners in obtaining information on business operation in the Mainland, particularly those relating to new laws and policies; and assisting in arranging trade delegations to the Mainland, etc.

2. As an integral part of the above work, the Mainland Offices will incorporate the promotion of Hong Kong's services (including professional services) into the

various activities to be launched in 2011-12, including seminars, exhibitions, workshops and talks as appropriate. The Mainland Offices will also explore opportunities to conduct activities targeted at promoting Hong Kong's professional services that match the interests of the Hong Kong professional service sectors concerned, as well as the needs and circumstances of the selected provinces, regions and municipalities, including the business opportunities arising from the development of modern service industries in Qianhai.

3. Planned general promotional activities include seminars on Hong Kong's modern services (including those covered under the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA)), trade missions to selected Mainland provinces / municipalities, and participation in major trade fairs, exhibitions and forums in the Mainland. The Mainland Offices will maintain close contact with the relevant service sectors in Hong Kong during the process.

4. The Guangdong Province in particular offers huge business opportunities for Hong Kong professional services sectors, brought about by CEPA, the Framework Agreement on Hong Kong / Guangdong Co-operation (Framework Agreement) and the Overall Development Plan on Hong Kong / Shenzhen Co-operation on Modern Service Industries in Qianhai Area (Qianhai Development Plan). Under CEPA, some 41 measures have been announced since 2008 for early and pilot implementation in the Guangdong Province. These 41 measures encompass 21 sectors including legal, construction, medical, tourism, telecommunications, banking, securities and rail transport services. The Framework Agreement, signed in April 2010 in Beijing in the presence of national leaders including State Vice-President Mr Xi Jinping, provides strong policy support for Hong Kong-invested enterprises in opening up the Mainland domestic market and implementing CEPA, including in particular the Guangdong pilot measures for the service industries. The Qianhai Development Plan, approved by the State Council in August 2010, designates Qianhai in Shenzhen as a Hong Kong / Guangdong modern service industry innovation and co-operation exemplary zone with a view to playing a pilot role in promoting co-operation in service industries, including the financial industries and the professional service industries, between Hong Kong and the Mainland. The Hong Kong Economic and Trade Office in Guangdong, working together with the Constitutional and Mainland Affairs Bureau and other relevant bureaux of the HKSAR Government, plays an active role in facilitating the Hong Kong business sector to capitalise on these opportunities to further expand into the Mainland market.

5. In 2011-12, a sum of \$103 million has been earmarked under Programme (3) for the Mainland Offices to undertake liaison, economic and trade, and investment promotion work. The Mainland Offices' work in promoting Hong Kong's professional services in the Mainland is an integral part of the roles and functions of their work. The expenditure involved cannot be singled out and will be absorbed within the above provision.



6. We expect that these measures will help Hong Kong's professional service sectors to expand their market, further develop Hong Kong as an international business and service centre, enhance the provision of support services to enterprises in the mainland and further strengthen the trade relations between Hong Kong and the Mainland.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB079**

Question Serial No.

2366

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 : Regarding the HKSAR's participation in the reconstruction of earthquake stricken areas of Sichuan, would the Administration please provide the following information:

- (a) Details of the Government's work in supporting the post-quake reconstruction in Sichuan, and the total expenditure and the manpower involved.
- (b) The planned resource and manpower inputs for further supporting the post-quake reconstruction in Sichuan in future. What is the detailed plan?

Asked by : Hon. WONG Kwok-kin

Reply :

The Finance Committee of the Legislative Council approved a total of \$9 billion for injection into the Trust Fund in Support of Reconstruction in the Sichuan Earthquake Stricken Areas (Trust Fund) in three stages. In October 2008, the HKSAR entered into "Cooperation Arrangement on Support of Restoration and Reconstruction in the Sichuan Earthquake Stricken Areas" with the Sichuan Provincial Government. A three-tier coordination mechanism was set up with a view to monitoring implementation of the 151 government-led and 33 non-governmental organisation reconstruction projects.

2. The Constitutional and Mainland Affairs Bureau (CMAB) is responsible for coordinating cross-bureau efforts and liaison with the relevant Sichuan authorities on the reconstruction work. The Bureau also acts as the secretariat for the Steering Committee on the HKSAR's Support for Reconstruction in the Sichuan Earthquake Stricken Areas, chaired by the Chief Secretary for Administration, to oversee and coordinate the HKSAR's support in the reconstruction.

3. The total estimated operating and staff costs for the HKSAR's support in reconstruction is around \$113 million from 2009-2010 to 2011-2012, to be funded by

the Trust Fund. They include the cost of independent professional consultants engaged by the HKSAR Government and the creation of 31 time-limited posts including 20 Civil Service posts, seven Non-Civil Service Contract posts in CMAB and other relevant bureaux/departments, as well as four posts in the Hospital Authority. As at end of 2010-2011, the actual expenditure is around \$61 million.

(a) Specific work involved in the HKSAR's support in reconstruction is as follows –

- (i) Liaison with the Sichuan authorities: the HKSAR Government and Sichuan authorities maintain close contact under the coordination mechanism to monitor the implementation of the reconstruction projects. In 2010-2011, the Bureau has coordinated one High-level Meeting and three Coordination Group meetings with Sichuan authorities. Furthermore, seven dedicated project group meetings and 240 meetings at working level were conducted during the year. The HKSAR-funded reconstruction projects are being implemented smoothly in general. Around 15 projects have been completed by end of 2010;
- (ii) Project management: The HKSAR Government and Sichuan authorities have been closely supervising the progress and quality of the reconstruction projects. Representatives from relevant bureaux/departments of the HKSAR Government and independent professional consultants engaged by the HKSAR Government conducted site inspections to monitor construction quality and safety. In 2010-2011, relevant bureaux/departments took part in 115 inspections, involving a total of some 876 man-days. These inspections basically covered all projects supported by the HKSAR. According to the observation of the relevant bureaux/departments and the independent professional consultants, no major problem has been identified so far. Any technical problems identified were referred to the Sichuan authorities for follow up action. Both sides keep track of the rectification of these problems;
- (iii) Funding management: CMAB and relevant bureaux/departments of the HKSAR Government closely monitor the funding position of the reconstruction projects to ensure proper management and use of funds. Funds were transferred from the Trust Fund to the Dedicated Account set up by the Sichuan Government by instalments having regard to the anticipated project milestone attainment in the next 12-month period. The two sides hold Annual Review Meetings to review project milestones completed in the past year, assess the anticipated project milestones completion in the following year, and hence the funding for the year. Prior to the Annual Review Meeting, the HKSAR Government conduct site inspections on selected projects to verify actual project milestones attainment. The last Annual Review Meeting was convened in January 2011. Through regular reports by Sichuan, the HKSAR Government also keeps track of the receipt, release and use of funds by Sichuan

throughout the year. The Trust Fund has so far transferred \$5.902 billion to Sichuan's Dedicated Account for the government-led reconstruction projects, which is about 68.9% of the HKSAR's total commitment in the projects; and

- (iv) Others: to enhance the supervision and management of reconstruction projects by the Sichuan authorities, the Bureau also assisted in coordinating study mission of the Sichuan authorities to Hong Kong. In December 2010, the Executive Vice-Governor of Sichuan led a delegation to visit Hong Kong and met with representatives of bureaux and departments concerned.
- (b) CMAB will continue to coordinate bureaux/departments for work laid down in (a) with existing provisions set aside from the Trust Fund as mentioned in paragraph 3. The estimated operating and staff costs for 2011-2012 is around \$31 million. In 2011-2012, the main focus of the HKSAR Government's work in support of reconstruction is as follows –
- (i) Given a considerable number of projects will be expected to complete in the coming year, the HKSAR Government and Sichuan authorities will step up project completion inspections. The Sichuan side conducts completion inspections in accordance with the established rules and procedures, and representatives of the HKSAR will participate as observers;
  - (ii) The HKSAR Government will maintain communication with Sichuan on the long-term operation and manpower planning for the reconstruction projects, in particular medical projects and rehabilitation centre projects;
  - (iii) The HKSAR Government will closely monitor progress of the two infrastructure projects, the Provincial Road 303 and the Mianmao Highway, the construction of which was disrupted by the flooding and mudslide in Sichuan in August 2010; and
  - (iv) With the expected completion of a considerable number of projects in the coming year, the HKSAR Government will step up efforts to publicise the HKSAR's achievements in the support of reconstruction in the earthquake stricken areas in Sichuan.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB080**

Question Serial No.

2412

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 : Please provide details of the total expenditure incurred by the Hong Kong Economic and Trade Office in Guangdong and the work undertaken since its establishment, as well as its co-operation with the Mainland.

Asked by : Hon. WONG Kwok-kin

Reply :

The Hong Kong Economic and Trade Office in Guangdong (Guangdong ETO) was established in July 2002 under the then Commerce and Industry Bureau to promote mutual trade and economic co-operation between Hong Kong and Guangdong. With effect from April 2006, the Guangdong ETO was placed under the Constitutional and Mainland Affairs Bureau (known as the Constitutional Affairs Bureau then). At the same time, the service boundary of the Guangdong ETO was expanded to cover the trade and economic promotions in the five provinces/region of Fujian, Jiangxi, Guangdong, Guangxi and Hainan. An Immigration Division was also set up under the Guangdong ETO to provide practical assistance to Hong Kong residents in these areas. In August 2010, a Shenzhen Liaison Unit was established under the Guangdong ETO to enhance liaison with the Shenzhen authorities and to serve Hong Kong residents there.

2. The major functions of the Guangdong ETO since 2006 are as follows:

- (a) To develop and promote the economic and trade relations between Hong Kong and its service area;
- (b) To enhance understanding between the concerned local governments and the HKSAR Government;
- (c) To provide support to Hong Kong enterprises operating in its service area;

- (d) To promote and facilitate investments in Hong Kong from its service area;
- (e) To promote Hong Kong in its service area; and
- (f) To provide practical assistance to Hong Kong residents in distress in its service area.

3. For further details of the work of the Guangdong ETO, please refer to its annual work report submitted to the Panel on Commerce and Industry of the Legislative Council.

4. The total expenditure, including staff costs, of the Guangdong ETO between 2006-07 and 2010-11 is about \$155.4 million. In 2011-12, we have earmarked \$38.2 million for the Office to carry out its work.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB081**

Question Serial No.

2413

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  
Secretary for Security

- Question : (a) How many requests for assistance from Hong Kong people have been received by the Hong Kong Economic and Trade Office in Guangdong (Guangdong ETO) and the Shenzhen Liaison Unit set up last year? What are the main categories of these requests? Of the requests received, how many are related to economic and trade matters? What is the percentage of cases involving assistance to retirees and the elderly who have difficulties in their maintenance against the total number of requests?
- (b) Originally, the Guangdong ETO is set up to assist Hong Kong people in the Mainland in economic and trade-related matters. However, requests for assistance from the elderly settling in the Mainland after retirement have been increasing in recent years. Does the Administrative have any plan to set up a dedicated unit to provide assistance to these elderly? If it has, what are the details and expenditure involved? If not, what are the reasons?

Asked by : Hon. WONG Kwok-kin

Reply :

During 2010, a total of 283 assistance cases were handled by the Guangdong ETO. The nature of these cases is shown in the table below:

Category	No. of cases handled in 2010
(i) business and trade disputes	7
(ii) complaints relating to real estate in the Mainland	14
(iii) complaints against administrative, law enforcement and judicial agencies in the Mainland	45
(iv) loss of travel documents or monies	4

Category	No. of cases handled in 2010
(v) persons in danger, involved in traffic accidents, injured or whose relatives had passed away in the Mainland	180
(vi) detention	14
(vii) others	19
<b>Total :</b>	<b>283</b>

2. Among the 283 cases handled by the Guangdong ETO in 2010, seven of them were related to business and trade disputes. Cases under other categories may also be related to economic and trade matters, but no separate statistics are maintained under the existing system.

3. The Guangdong ETO did not maintain separate statistics for assistance rendered to retirees and the elderly settling in the Mainland. The Office will continue to handle the assistance cases by deploying their existing resources, and there is no plan to set up a separate unit dedicated for the Hong Kong retirees and elderly settling in the Mainland.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB082**

Question Serial No.

2414

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : In respect of the HKSAR's inputs to complement the preparation of the National 12<sup>th</sup> Five-Year Plan, please provide details of the Bureau's work and expenditure for the coming year. What is the manpower involved?

Asked by : Hon. WONG Kwok-kin

Reply :

It was mentioned in the 2007-08 Policy Address that the HKSAR would take early action to complement the preparation of the National 12<sup>th</sup> Five-Year Plan (the Plan). A steering committee has been set up under the chairmanship of the Chief Secretary for the Administration to co-ordinate our strategy for complementing the Plan. Since 2008, the Administration has been actively complementing the preparation of the Plan by establishing direct working relationship with the National Development and Reform Commission and engaging the stakeholders to collect views on Hong Kong's functions and roles in enhancing the development of our country in the 12-5 period. The Constitutional and Mainland Affairs Bureau (CMAB)'s roles and functions on the above include assisting in coordinating inter-bureau efforts and liaising with the relevant Mainland authorities.

2. Upon the endorsement of the Plan by the National People's Congress and its promulgation in March this year, CMAB will continue to help co-ordinate the implementation of the Plan in the following areas:

- (a) assisting in coordinating with the concerned bureaux and departments to map out their follow up action plans on the specific areas mentioned in the promulgated Plan. Views of the community, including the relevant business sectors and professional bodies will be taken into account during the process;
- (b) assisting in monitoring the progress and action plans mentioned in (a) above;

- (c) assisting in liaising with the relevant Mainland authorities, particularly the National Development and Reform Commission, on matters relating to the implementation of the Plan relevant to the HKSAR;
- (d) assisting in taking forward various regional co-operation initiatives, particularly the implementation of the Framework Agreement on Hong Kong/Guangdong Co-operation;
- (e) offering advice to the Shenzhen Municipal Government in promoting the development of modern service industries in Qianhai; and
- (f) assisting in coordinating with the relevant Mainland offices to conduct relevant research and studies on the related areas as necessary.

3. In 2011-12, about \$5 million has been earmarked for CMAB and the Mainland Offices to promote co-operation between Hong Kong and the Mainland, including the implementation of the Plan, Pan-Pearl River Delta co-operation, the Framework Agreement on Hong Kong/Guangdong Co-operation and Qianhai development.

Signature	_____
Name in block letters	JOSHUA LAW
Post Title	Permanent Secretary for Constitutional and Mainland Affairs
Date	17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB083**

Question Serial No.

0888

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

Programme : (1) Director of Bureau's Office

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : The provision for Director of Bureau's Office in 2010-11 was 21.7% more than the revised estimate for 2009-10. However, the revised estimate for 2010-11 was 17.8% less than the original estimate for 2010-11. Please list out the items and details of the unspent approved provision and the reasons for the underspending. On the other hand, the 2011-12 estimated expenditure is 22.9% more than the revised estimate for 2010-11. Please advise on the initiatives for which the estimated expenditure will be spent and details of the initiatives.

Asked by : Hon. CHAN Mo-po, Paul

Reply :

Under Programme (1): Director of Bureau's Office, the revised estimate for 2010-11 is \$1.8 million (17.8%) less than the original estimate mainly due to the savings arising from the vacancy in the position of Political Assistant to Director of Bureau. On the other hand, the estimated expenditure for 2011-12 is \$1.9 million (22.9%) higher than the revised estimate for 2010-11 mainly due to the provision earmarked for filling the position of Political Assistant and a slight upward adjustment in other staff costs.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB084**

Question Serial No.

0889

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : The provision for Constitutional and Mainland Affairs in 2010-11 was 107.6% more than the revised estimate for 2009-10. However, the revised estimate for 2010-11 was 4.1% less than the original estimate for 2010-11. Please list out the items and details of the unspent approved provision and the reasons for the underspending. On the other hand, the 2011-12 estimated expenditure is 60% less than the revised estimate for 2010-11. Please advise on the initiatives to be affected by the reduction and details of the initiatives.

Asked by : Hon. CHAN Mo-po, Paul

Reply :

Under Programme (2): Constitutional and Mainland Affairs, the revised estimate for 2010-11 is \$10.8 million (4.1%) less than the original estimate. A substantial part of this reduction in estimated expenditure is owing to the lower-than-expected cash flow requirement for the Expo 2010 Shanghai China. Other major causes for the reduction include savings in staff cost mainly due to vacancies and time lag in filling new posts, as well as less-than-estimated expenditure for conducting various activities.

2. On the other hand, the estimated expenditure for 2011-12 is \$150.7 million (60.0%) lower than the revised estimate for 2010-11. This reduction is mainly due to the decreased cash flow requirement for non-recurrent expenditure of the Expo 2010 Shanghai China after its completion on 31 October 2010. This reduced cash flow requirement of \$157.89 million is partly offset by the overall increase of \$7.19 million in other provisions for strengthening support for Constitutional and Mainland Affairs. Therefore, there is no adverse effect on implementation of various initiatives under Programme (2).

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ **JOSHUA LAW**

Post Title \_\_\_\_\_ Permanent Secretary for  
Constitutional and Mainland Affairs

Date \_\_\_\_\_ 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB085**

Question Serial No.

0890

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : In paragraph 69 of the Budget Speech, it states that the Government plans to set up a multi-functional office in Taipei and is now working with the Taiwanese side on the relevant details for early implementation of this proposal. However, under “matters requiring special attention in 2011-12”, it only reiterates the same statement in the 2010-11 Estimates that the Constitutional and Mainland Affairs Bureau will “coordinate and enhance exchanges and cooperation with Taiwan, including the Government’s liaison with Taiwan organisations in Hong Kong”. The overall provision for 2011-12 under Programme (2) has decreased by 60% as compared to 2010-11. How much resources have been earmarked for the prompt implementation of the initiative on setting up a multi-functional office in Taipei? What are the establishment, objectives, effectiveness indicators and timetable for the setting up of this Office?

Asked by : Hon. CHAN Mo-po, Paul

Reply :

Under Programme (2): Constitutional and Mainland Affairs, the provision for 2011-12 is 60% lower than the revised estimate for 2010-11 mainly due to the decreased cash flow requirement for non-recurrent expenditure of the Expo 2010 Shanghai China after its completion.

2. Building on the positive development in the cross-Strait relations, we have stepped up our efforts in proactively enhancing our exchanges and cooperation with Taiwan. Amongst others, we set up the Hong Kong – Taiwan Economic and Cultural Cooperation and Promotion Council (ECCPC) in April 2010, while Taiwan established a counterpart, the Taiwan-Hong Kong Economic and Cultural Co-operation Council (THEC). The establishment of the ECCPC and THEC is a milestone in the relations between Hong Kong and Taiwan.

3. In August 2010, the Financial Secretary led a delegation comprising ECCPC members to Taiwan. Apart from attending the first joint meeting of the

ECCPC and THEC, meetings were arranged with personnel from the political, economic and trade, cultural sectors in Taiwan. Consensus was reached by both sides on priority areas of cooperation, including the establishment of a multi-functional office in Taiwan. We have, since then, been liaising with the Taiwanese side on these initiatives. With a positive spirit of cooperation and good will between the two sides, we hope that the multi-functional office can be set up in due course. We have reserved sufficient provision for setting up the office.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB086**

Question Serial No.

0891

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : It is stated in Matter Requiring Special Attention in 2011-12 that the Bureau will “continue to offer advice to the Shenzhen Municipal Government in promoting the development of modern service industries in Qianhai”. Will the Administration consult the financial services sector and professionals before offering advice to the Shenzhen Municipal Government especially as it is mentioned in the Budget Speech that we will “join hands with Shenzhen to develop Qianhai into a modern service industry innovation and co-operation exemplary zone, and capitalise on the opportunities presented by CEPA and such policies as early and pilot implementation, with a view to opening up development frontiers in Qianhai for the financial and professional service industries of Hong Kong.” What are the modes of consultation? When will advice be offered to the Shenzhen Municipal Government for early development of the exemplary zone?

Asked by : Hon. CHAN Mo-po, Paul

Reply :

According to the consensus reached between the governments of Hong Kong and Shenzhen, the Shenzhen Municipal Government (SZMG) takes a leading role and is responsible for the development and management of Qianhai, while the Hong Kong Special Administrative Region (HKSAR) Government plays an advisory role by providing comments on development planning as well as the study and formulation of related policies. The Constitutional and Mainland Affairs Bureau (CMAB) co-ordinates the efforts of relevant bureaux of the HKSAR Government to facilitate the Hong Kong business sector, especially the financial services, professional services and other services sectors to capitalise on the business opportunities presented by the development of Qianhai to tap into the Mainland market.

2. The HKSAR Government has been maintaining close liaison with SZMG. Both sides have also set up the Joint Task Force on Qianhai Co-operation since November 2009 and have discussed the relevant issues on different occasions. The

HKSAR Government's advice to the Shenzhen authorities concerned mainly the business environment and policies required to encourage Hong Kong service industries to set up operations in Qianhai. In accordance with the Overall Development Plan on Hong Kong / Shenzhen Co-operation on Modern Service Industries in Qianhai Area approved by the State Council in August 2010, Qianhai has been designated as a Hong Kong / Guangdong modern service industry innovation and co-operation exemplary zone with a view to playing a pilot role in promoting co-operation in service industries, including the financial industries and the professional service industries, between Hong Kong and the Mainland. In this regard, relevant bureaux of the HKSAR Government have been consulting the business sectors under their respective purviews from time to time through various channels, including meetings, exchange sessions and inviting written submissions. CMAB facilitates their communication with the Shenzhen authorities so that the policy proposals and suggestions received are consolidated and communicated to the relevant Mainland authorities on a timely basis. In addition, CMAB also liaises with relevant bureaux to organise meetings for the Shenzhen authorities to brief Hong Kong trade associations and professional bodies on the latest development in Qianhai and obtain feedback from them directly. All the above work will continue in 2011-12.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB087**

Question Serial No.

0892

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : This year marks the beginning of the 12<sup>th</sup> Five-year Plan (the Plan) period and it is stated in Matter Requiring Special Attention in 2011-12 that the Bureau will continue to co-ordinate the HKSAR's inputs to complement the implementation of the National 12<sup>th</sup> Five-Year Plan. What is the Administration's estimated expenditure for complementing the Plan? What are the work plan and targets for consolidating and enhancing Hong Kong's position as an international financial, trade and shipping centre?

Asked by : Hon. CHAN Mo-po, Paul

Reply :

It was mentioned in the 2007-08 Policy Address that the HKSAR would take early action to complement the preparation of the National 12<sup>th</sup> Five-Year Plan (the Plan). A steering committee has been set up under the chairmanship of the Chief Secretary for the Administration to co-ordinate our strategy for complementing the Plan. Since 2008, the Administration has been actively complementing the preparation of the Plan by establishing direct working relationship with the National Development and Reform Commission and engaging the stakeholders to collect views on Hong Kong's functions and roles in enhancing the development of our country in the 12-5 period. The Constitutional and Mainland Affairs Bureau's roles and functions on the above include assisting in coordinating inter-bureau efforts and liaising with the relevant Mainland authorities.

2. Upon the endorsement of the Plan by the National People's Congress and its promulgation in March this year, the Constitutional and Mainland Affairs Bureau (CMAB) will continue to help coordinate the implementation of the Plan in the following areas:

- (a) assisting in coordination with the concerned bureaux and departments to map out their follow up action plans on the specific areas mentioned in the Plan. Views of the community, including the relevant business sectors and professional bodies will be taken into account during the process;

- (b) assisting in monitoring the progress and action plans mentioned in (a) above;
- (c) assisting in liaising with the relevant Mainland authorities, particularly the National Development and Reform Commission, on matters relating to the implementation of the Plan relevant to the HKSAR;
- (d) assisting in taking forward various regional cooperation initiatives, particularly the implementation of the Framework Agreement on Hong Kong/Guangdong Co-operation;
- (e) offering advice to the Shenzhen Municipal Government in promoting the development of modern service industries in Qianhai; and
- (f) assisting in coordinating with the relevant Mainland offices to conduct relevant research and studies on the related areas as necessary.

3. In 2011-12, about \$5 million has been earmarked for CMAB and the Mainland Offices to promote co-operation between Hong Kong and the Mainland, including the implementation of the Plan, Pan-Pearl River Delta co-operation, the Framework Agreement on Hong Kong/Guangdong Co-operation and Qianhai development.

4. The contents of the Plan relating to Hong Kong cover a wide spectrum of policy areas, including financial services, trade and shipping. Relevant policy bureaux will map out the relevant follow up plans.

Signature	_____
Name in block letters	JOSHUA LAW
Post Title	Permanent Secretary for Constitutional and Mainland Affairs
Date	17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB088**

Question Serial No.

0893

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : In paragraph 69 of the Budget Speech, it states that the Government is actively discussing with Taiwan on avoidance of double taxation on shipping income. When would the agreement be signed? What work was conducted last year and how the matter will be taken forward in the coming year?

Asked by : Hon. CHAN Mo-po, Paul

Reply :

Building on the positive development in the cross-Strait relations, we have stepped up our efforts in proactively enhancing our exchanges and cooperation with Taiwan. Amongst others, we set up the Hong Kong – Taiwan Economic and Cultural Cooperation and Promotion Council (ECCPC) in April 2010, while Taiwan established a counterpart, the Taiwan-Hong Kong Economic and Cultural Co-operation Council (THEC). The establishment of the ECCPC and THEC is a milestone in the relations between Hong Kong and Taiwan.

2. In August 2010, the Financial Secretary led a delegation comprising ECCPC members to Taiwan. Apart from attending the first joint meeting of the ECCPC and THEC, meetings were arranged with personnel from the political, economic and trade, cultural sectors in Taiwan. Consensus was reached by both sides on priority areas of cooperation, including the discussion on arrangements for avoidance of double taxation on shipping income.

3. Since then, we have been liaising with the Taiwanese side to enhance mutual understanding on the respective taxation regimes of Hong Kong and Taiwan and explore practicable means to realise the arrangements. We will continue our discussion with the Taiwanese side in the coming year. With a positive spirit of

cooperation and good will between the two sides, we hope that a consensus can be reached in due course.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB089**

Question Serial No.

0921

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 : What is the provision set aside by the Equal Opportunities Commission for handling legal matters (such as assisting complainants to institute legal proceedings) in 2011-12?

Asked by : Hon. NG Margaret

Reply :

The Equal Opportunities Commission (EOC) has allocated an amount of \$1.5 million for the provision of legal assistance in 2011-12. The amount does not include the manpower and administrative expenditure of the EOC, which includes the expenses of the legal service division within the EOC. Where necessary, the EOC may allocate additional resources to this area of work.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB090**

Question Serial No.

0922

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 : There is an apparent increase in visits to Equal Opportunities Commission's website in 2009 and 2010 and the number of visits is expected to increase in 2011. Does the Administration have any plan and has it set aside provision for updating the website or upgrading its functions? If yes, what are the details? If no, what are the reasons?

Asked by : Hon. NG Margaret

Reply :

The maintenance and update of the website of the Equal Opportunities Commission (EOC) is part of its normal operations and is covered in the expenditure of the EOC.

2. The EOC has just embarked on a new revamp of its website to enrich its content and to enable easier and more efficient access to information by the public. The project will be led by the EOC's information technology staff and cost will be absorbed internally. The revamped website is expected to be launched in early 2012.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ JOSHUA LAW

Post Title \_\_\_\_\_ Permanent Secretary for  
Constitutional and Mainland Affairs

Date \_\_\_\_\_ 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB091**

Question Serial No.

0923

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 : There is a significant increase in the numbers of enquiries, complaints and cases where legal assistance was granted under the Race Discrimination Ordinance in 2010. Does the Administration have any plan to increase or redeploy manpower and resources for handling matters relating to the Ordinance? If it has, what are the details? If not, what are the reasons?

Asked by : Hon. NG Margaret

Reply :

In relation to the full implementation of the Race Discrimination Ordinance (RDO) in 2009, the Government has been providing additional funding to the Equal Opportunities Commission (EOC) since the 2008-09 financial year for the preparation and implementation of the RDO, including expenditure for enhancing the publicity and promotion and recruitment of additional staff.

2. We will keep close liaison with the EOC on the resources for the implementation of the RDO and other anti-discrimination ordinances and ensure that the EOC has sufficient resources to carry out its statutory duties.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB092**

Question Serial No.

0924

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 : In respect of the Equal Opportunities Commission, one of the matters requiring special attention in 2011-12 is “studying the education needs of ethnic minorities in Hong Kong”. In this connection, please provide details and the implementation timetable.

Asked by : Hon. NG Margaret

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 was set up in July 2010 under the EOC to specifically deal with the subject.

2. The Working Group has focused on the needs of ethnic minority (EM) students and three sharing sessions with different stakeholders including school principals and teachers, EM parents, and non-government organisations (NGOs) 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. Separately, the EOC will consider other relevant measures, including exploring the possibility of partnership programmes such as promotion of inclusive environment in educational and training institutions and provision of sensitivity training for relevant personnel.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB093**

Question Serial No.

0925

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : In respect of the Constitutional and Mainland Affairs Bureau, one of the matters requiring special attention in 2011-12 is "take forward amendment to the relevant legislation for the abolition of the DC appointed seats, taking into account views from the LegCo and the public". In this connection, please provide details and the implementation timetable.

Asked by : Hon. NG Margaret

Reply :

The Administration will continue to address the issue of the abolition of the District Council appointment system and will endeavour to put forth relevant proposals to the Legislative Council by mid-2011.

Signature \_\_\_\_\_

Name in block letters **JOSHUA LAW** \_\_\_\_\_

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs \_\_\_\_\_

Date 17 March 2011 \_\_\_\_\_

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB094**

Question Serial No.

1031

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : Now that the Government has completed the local legislation for the selection of the Chief Executive (CE) and the formation of the Legislative Council in 2012, will the Government allocate resources in 2011-12 to start on the research work and public consultation for universal suffrage to select the CE in 2017? If yes, what are the details for the work plan, work timetable and the estimated expenditure? If no, what are the reasons?

Asked by : Hon. CHAN Tanya

Reply :

Under the decision of the Standing Committee of the National People's Congress of 2007 ("NPCSC decision"), the current-term HKSAR Government is only authorised to deal with the methods for selecting the Chief Executive ("CE") and for forming the Legislative Council ("LegCo") in 2012. The HKSAR Government must act in accordance with the NPCSC decision.

2. We will consolidate views received from the LegCo and different sectors of the community on issues relating to universal suffrage for the CE for the next-term Government to follow up.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ JOSHUA LAW

Post Title \_\_\_\_\_ Permanent Secretary for  
Constitutional and Mainland Affairs

Date \_\_\_\_\_ 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB095**

Question Serial No.

1032

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : The Government has said that all the seats in the Legislative Council may be returned by universal suffrage in 2020. Will the Government allocate resources in 2011-12 to start on the research work to advance universal suffrage for Legislative Council election in 2016 or to work on the review, research and public consultation for the Legislative Council election by universal election in 2020? If yes, what are the details for the work plan, work timetable and the estimated expenditure? If no, what are the reasons?

Asked by : Hon. CHAN Tanya

Reply :

The decision of the Standing Committee of the National People's Congress of 2007 ("NPCSC decision") has made it clear that the Chief Executive ("CE") may be selected by universal suffrage in 2017, and that after the CE is selected by universal suffrage, all the members of the Legislative Council ("LegCo") may be elected by universal suffrage. The proposal of advancing universal suffrage for LegCo election in 2016 does not comply with the NPCSC decision, and hence, cannot be implemented.

2. Under the NPCSC decision, the current-term HKSAR Government is only authorised to deal with the methods for selecting the CE and for forming the LegCo in 2012. The HKSAR Government must act in accordance with the NPCSC decision.

3. We will consolidate views received from the LegCo and different sectors of the community on how the electoral method for the LegCo should be amended after 2012 for the next-term Government to follow up.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB096**

Question Serial No.

1033

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : At present, many under secretaries and political assistants are subject to much criticism by members of the community and their public recognition is still low. Will the Government allocate resources in 2011-12 to start the review and public consultation in respect of the effectiveness of these appointed posts, their duties, responsibilities and functions, remuneration and conditions of employment? If yes, what are the details for the work plan, work timetable and the estimated expenditure? If no, what are the reasons?

Asked by : Hon. CHAN Tanya

Reply :

In July 2006, the Government issued a public consultation document to canvass views from the community on how best to further develop the political appointment system. The Government proposed in the consultation document to create two additional layers of political appointment positions, namely Deputy Directors of Bureau (i.e. Under Secretaries) and Assistants to Directors of Bureau, with a view to enhancing the support for politically appointed Principal Officials in respect of their political and liaison work.

2. After the public consultation, the Government issued the "Report on Further Development of the Political Appointment System" in October 2007, setting out the way forward on the creation of two additional layers of politically appointed officials, namely Under Secretaries and Political Assistants. In December 2007, the Finance Committee of the Legislative Council approved the creation of 24 additional politically appointed positions comprising 11 Under Secretary positions and 13 Political Assistant positions.

3. In May-July last year, the HKSAR Government conducted a mid-term review of the remuneration for Under Secretaries and Political Assistants. Having considered the appraisal and review reports, the Appointment Committee considered that the performance of individual Under Secretaries and Political Assistants generally met the requirements, and on that basis decided that their remuneration should remain unchanged.

4. At the moment, we have no plan to adjust the structure of the Under Secretary and Political Assistant positions. However, the fourth-term Chief Executive may have views on adjusting the division of work among Policy Bureaux and the respective positions under the political appointment system. The current-term HKSAR Government will facilitate any such reviews.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB097**

Question Serial No.

1034

Head : 144 GS: Constitutional and  
Mainland Affairs Bureau

Subhead (No. & title) : 000  
Operational  
expenses

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : The current legal framework for different levels of election has been put in place for quite some time. With the development of our civic community, the change in political ecology and increasing public awareness of direct election, will the Government consider allocating resources in 2011-12 to conduct an overall review of our election laws and relax the existing restrictions of various kinds? If yes, what are the details for the overall review, work timetable and the estimated expenditure? If no, what are the reasons?

Asked by : Hon. CHAN Tanya

Reply :

With the passage of the motions by the Legislative Council ("LegCo") in June 2010 put forth by the Government on the proposed amendments to the method for selecting the Chief Executive and for forming the LegCo in 2012, and the subsequent approval and record of the relevant amendments to Annexes I and II of the Basic Law by the Standing Committee of the National People's Congress in August 2010, the Administration introduced the Chief Executive Election (Amendment) Bill 2010 and the Legislative Council (Amendment) Bill 2010 into the LegCo in December 2010 to provide for the electoral methods for the two elections in 2012. The two bills had been scrutinised and were passed by the LegCo on 3 and 5 March respectively.

2. The Constitutional and Mainland Affairs Bureau is, in conjunction with the Electoral Affairs Commission, formulating the practical arrangements for the elections to be held in 2011 and 2012. We will consider the necessary legislative amendments in this process.

Signature \_\_\_\_\_

Name in block letters **JOSHUA LAW**

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB098**

Question Serial No.

1062

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  
Secretary for Security

Question : In the brief description of Programme (3), it is mentioned that the duties of Beijing Office and Guangdong Economic and Trade Office include providing practical assistance to Hong Kong residents in distress in the Mainland. Please provide the number of detention cases of Hong Kong residents in the Mainland from 2008 to 2010 and a breakdown by categories on cases where the offices successfully helped the assistance seekers to return to Hong Kong.

Asked by : Hon. LEUNG Mei-fun, Priscilla

Reply :

The Immigration Divisions of the Beijing Office (BJO) and the Hong Kong Economic and Trade Office in Guangdong (GDETO) are responsible for providing practical assistance upon request to Hong Kong residents detained in the Mainland under their respective coverage areas. A breakdown of the detention cases handled by the Immigration Divisions of BJO and GDETO from 2008 to 2010 showing the number of assistance cases received and detainees returned to Hong Kong is set out below :

Reasons for Detention	2008		2009		2010	
	CR*	DR*	CR*	DR*	CR*	DR*
Fraud	11	2	12	1	9	0
Smuggling	9	1	4	1	7	1
Smuggling/manufacturing of narcotic drugs	5	1	3	0	3	0
Corruption	4	0	0	0	1	0
Murder with intent	2	0	0	0	0	0
Common assault	3	2	2	0	0	0
Embezzlement	2	1	0	0	0	0
Espionage	1	0	0	0	0	0



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB099**

Question Serial No.

2599

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 : Please list out the respective staffing and expenditure of the Office of the Privacy Commissioner for Personal Data in the past and coming year for handling complaints, taking enforcement actions, and conducting promotional and educational activities.

Asked by : Hon. IP Kwok-him

Reply :

The numbers of staff in the Office of the Privacy Commissioner for Personal Data ("PCPD") responsible for promotion and education, complaints handling, investigation and enforcement are as follows:

	<b>2010-11 (Actual numbers as at 31 December 2010)</b>	<b>2011-12 (planned)</b>
Promotion and education	1 Corporate Communications Manager, 2 Corporate Communications Officers, 1 Assistant Officer, supported by 2 clerical staff.	1 Corporate Communications Manager, 2 Corporate Communications Officers, 1 Assistant Officer, supported by 2 clerical staff.
Complaints handling, investigation and enforcement	3 Chief Personal Data Officers, 7 Senior Personal Data Officers, 9 Personal Data Officers, 9 Assistant Personal Data Officers, supported by 4.5 headcount of clerical staff.	4 Chief Personal Data Officers, 9 Senior Personal Data Officers, 11 Personal Data Officers, 9 Assistant Personal Data Officers, supported by 4.5 headcount of clerical staff.

2. Apart from staff costs, the PCPD's expenditure on promotion and education activities in 2010-11 is estimated at \$0.9 million. The PCPD's projected expenditure on promotion and education activities in 2011-12 is \$1.45 million.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB100**

Question Serial No.

2684

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : The SAR Government put forward a proposal to abolish the District Council appointment system prior to the passage of the constitutional reform package last year. Will the Administration advise this Committee of: the latest progress concerning the abolition of the appointment system; when will the Administration put forth proposals on the abolition and the timetable for consultation; when will the Administration fulfil its commitment of abolishing all appointed seats in District Councils?

Asked by : Hon. FUNG Kin-kee, Frederick

Reply :

The Administration will continue to address the issue of the abolition of the District Council appointment system and will endeavour to put forth relevant proposals to the Legislative Council by mid-2011.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB101**

Question Serial No.

2685

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : Please advise on the activities held for promoting the Basic Law in the past 3 year (2008-09, 2009-10 and 2010-11), the number of participants, the details and effectiveness of these activities. Please also advise on the estimated expenditure for promotional activities in 2011-12.

Asked by : Hon. LAM Tai-fai

Reply :

In the past three years, the Constitutional and Mainland Affairs Bureau has organised and sponsored over 60 promotional activities by adopting the following three promotional strategies:

- (i) First, using the electronic media as our key publicity channel to introduce the more macro and concrete aspects of the Basic Law to the general public, as well as the principle of "One Country, Two Systems". TV drama, documentary, game shows, Announcements in the Public Interest, online games and radio quiz shows were produced.
- (ii) Second, enhancing public awareness and understanding of the Basic Law in a lively and interactive manner through promotional activities at district levels, such as roving shows and carnivals.
- (iii) Third, strengthening co-operation with community organisations in staging promotional activities, such as seminars and competitions, in order to reach a wider audience through their extensive community networks.

2. These promotional programmes reach a wide cross-section of the community. For example, the average viewership of the Basic Law episodes on TV (“Basic Law, Two Decades’ Affection with Hong Kong” and “Basic Law Casual Talks”) ranges from 975 000 to 1 180 000 people per episode. Basic Law quiz programmes on radio also reach a very wide audience. Other Basic Law activities in schools and different districts attract public participation ranging from several hundred to several thousand people.

3. In 2011-12, we have set aside \$16 million for organising various promotional activities. We will focus on promoting the relationship between the Central Authorities and the Hong Kong Special Administrative Region, the importance of the Basic Law to Hong Kong’s implementation of “One Country, Two Systems”, “Hong Kong People administering Hong Kong” and high degree of autonomy principles. We will continue to make use of the above three promotional strategies in delivering the messages. We will keep track of the feedback and the level of participation of the general public to ensure that the important messages of the Basic Law could be conveyed to the community.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ JOSHUA LAW

Post Title \_\_\_\_\_ Permanent Secretary for  
Constitutional and Mainland Affairs

Date \_\_\_\_\_ 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB102**

Question Serial No.

2686

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : It is mentioned in Matters Requiring Special Attention in 2011-12 that the Bureau will take forward amendment to the relevant legislation for the abolition of the District Council appointed seats, taking into account views from the LegCo and the public. When will the Bureau commence consultation on the subject? Please list out the timetable and the estimated expenditure involved.

Asked by : Hon. LAM Tai-fai

Reply :

The Administration will continue to address the issue of the abolition of the District Council appointment system and will endeavour to put forth relevant proposals to the Legislative Council by mid-2011.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB103**

Question Serial No.

2687

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  
Secretary for Commerce and Economic Development

Question : Please advise on the number of Hong Kong investors approached by the 4 Mainland Offices in the past 3 years (2008-09, 2009-10 and 2010-11), the issues of common concern among these investors and the number of cases settled. Does the Bureau have any plan to assist the investors in obtaining information on new laws and policies more speedily? What is the estimated expenditure involved and what are the details?

Asked by : Hon. LAM Tai-fai

Reply :

The Mainland Offices maintain close contacts with Hong Kong investors in the Mainland through various channels such as seminars, visits and study missions, promotional events and written communication etc. They also assist in reflecting and following up on issues of common concern among Hong Kong investors with the relevant HKSAR Government and Mainland authorities through appropriate channels. Owing to the varied nature of the communication and liaison work, the Mainland Offices do not maintain statistics on the number of investors approached. The general concerns of Hong Kong investors include:

- (a) latest policies and legislation that may have implications on their business;
- (b) local development plan;
- (c) development of the domestic sales market in the Mainland; and
- (d) increasing operating costs in the Mainland.

2. The Mainland Offices also assist Hong Kong investors in obtaining information on business operation in the Mainland, particularly those relating to new laws and policies. These are done through various effective channels such as newsletters, the Mainland Offices' websites, publications, seminars and exhibitions.

3. In 2011-12, a sum of \$103 million has been earmarked under Programme (3) for the Mainland Offices to undertake liaison, economic and trade, and investment promotion work. The assistance work mentioned in paragraph 2 above is an integral part of the roles and functions of the Mainland Offices. The expenditure involved cannot be singled out and will be absorbed within the above provision.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB104**

Question Serial No.

2688

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 : Please advise on the number of general enquiries and requests for general assistance handled by the four Mainland Offices of the Bureau in the past 3 years (2008-09, 2009-10 and 2010-11). What are the nature of these general enquiries and requests, and what is the estimated expenditure involved? Does the Bureau have any plan to set up economic and trade offices in other provinces/municipalities in 2011-12? If yes, what are the details? If no, what are the reasons?

Asked by : Hon. LAM Tai-fai

Reply :

The statistics on general enquiries and requests for general assistance cases handled by the Mainland Offices (other than cases relating to immigration and personal safety matters) are kept on the basis of calendar years. Details of the above cases in the past 3 calendar years of 2008, 2009 and 2010 are set out below:

(a) General Enquiries

		<b>2008 (Actual)</b>	<b>2009 (Actual)</b>	<b>2010 (Actual)</b>
1.	Trade and business-related enquiries	3 975	4 266	3 679
2.	Enquiries seeking information on HKSAR Government or organisations in Hong Kong	2 932	3 201	3 105
3.	Enquiries seeking information on the Mainland	2 315	3 009	3 044
4.	Miscellaneous enquiries or expression of views	7 533	6 990	6 133
5.	Initial enquiries relating to request for assistance	2 505	1 873	1 972
	<b>Total:</b>	<b>19 260</b>	<b>19 339</b>	<b>17 933</b>

- (b) Request for assistance cases (other than those relating to immigration and personal safety matters)

		<b>2008 (Actual)</b>	<b>2009 (Actual)</b>	<b>2010 (Actual)</b>
1.	Business and Trade disputes	23	36	23
2.	Complaints relating to real estate in the Mainland	41	53	40
3.	Complaints against administrative, law enforcement and judicial agencies in the Mainland	146	208	116
4.	Others	57	33	42
	<b>Total:</b>	<b>267</b>	<b>330</b>	<b>221</b>

2. The above work is an integral part of the duties and functions of the Mainland Offices and the resources involved cannot be singled out.

3. Currently, the Beijing Office is responsible for maintaining close contact with the Central People's Government ministries and promoting Hong Kong's commercial relations and investment promotions in the northeastern, northern and northwestern regions of the Mainland. The Guangdong, Shanghai and Chengdu Economic and Trade Offices also perform similar economic and trade promotion roles in the areas under their purview, covering the southern, eastern and south-western parts of the Mainland. The current coverage is considered appropriate, but we will continue to keep in view the need for setting up new Economic and Trade Offices in the Mainland.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB105**

Question Serial No.

2689

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  
Secretary for Security

Question : How many cases of request for assistance by the Hong Kong residents being detained in the Mainland were received by the Beijing Office and the Guangdong Economic and Trade Office in the past 3 years (2008-09, 2009-10, 2010-11)? What is the nature of these cases and how long have the residents concerned been detained. What are the measures to be taken in 2011-12 in providing faster and more effective support to the residents concerned and their families? What is the expenditure involved?

Asked by : Hon. LAM Tai-fai

Reply :

The Immigration Divisions of the Beijing Office (BJO) and the Hong Kong Economic and Trade Office in Guangdong (GDETO) are responsible for providing practical assistance upon request to Hong Kong residents detained in the Mainland under their respective coverage areas. The numbers of detention cases handled by BJO and GDETO from 2008 to 2010 are 46, 35 and 27 respectively. The nature of these cases is set out below. BJO and GDETO have not maintained the statistics of the length of detention of the concerned residents.

Reasons for Detention	2008		2009		2010	
	BJO	GDETO	BJO	GDETO	BJO	GDETO
Fraud	6	5	5	7	7	2
Smuggling	2	7	0	4	2	5
Smuggling/manufacturing of narcotic drugs	3	2	1	2	0	3
Corruption	3	1	0	0	1	0
Murder with intent	1	1	0	0	0	0
Common assault	2	1	1	1	0	0
Embezzlement	1	1	0	0	0	0

Reasons for Detention	2008		2009		2010	
	BJO	GDETO	BJO	GDETO	BJO	GDETO
Espionage	0	1	0	0	0	0
Gambling	0	0	0	0	1	0
Illegal business operation	0	1	0	0	1	0
Commercial dispute	0	4	0	8	1	1
Bigamy	0	0	1	1	0	0
Others	2	2	0	4	0	3
<b>Sub-total</b>	<b>20</b>	<b>26</b>	<b>8</b>	<b>27</b>	<b>13</b>	<b>14</b>
<b>Total</b>	<b>46</b>		<b>35</b>		<b>27</b>	

2. In 2011-12, the Immigration Divisions under the BJO and GDETO will continue to follow the existing arrangements and provide practical assistance to the assistant seekers upon request, including the provision of information on relevant Mainland laws, regulations and procedures; advice on their right to appoint legal representatives; providing contact details of local law societies; and reflecting their views and requests to the relevant Mainland authorities. The provision earmarked for the Immigration Divisions of BJO and GDETO for the year is \$21.2 million.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB106**

Question Serial No.

2690

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : It is mentioned in Matters Requiring Special Attention in 2011-12 that the Bureau will promote the development of modern service industries in Qianhai. Will the Administration advise on the estimated expenditure for the related work and the work plan. Will any form of studies any form of promotional activities targeting local enterprises be conducted? If yes, what are the details and estimated expenditure? If no, what are the reasons?

Asked by : Hon. LAM Tai-fai

Reply :

According to the consensus reached between the governments of Hong Kong and Shenzhen, the Shenzhen Municipal Government (SZMG) takes a leading role and is responsible for the development and management of Qianhai, while the Hong Kong Special Administrative Region (HKSAR) Government plays an advisory role by providing comments on development planning as well as the study and formulation of related policies. The Constitutional and Mainland Affairs Bureau (CMAB) co-ordinates the efforts of relevant bureaux of the HKSAR Government to facilitate the Hong Kong business sector, especially the financial services, professional services and other services sectors to capitalise on the business opportunities presented by the development of Qianhai to tap into the Mainland market.

2. The HKSAR Government has been maintaining close liaison with SZMG. Both sides have also set up the Joint Task Force on Qianhai Co-operation since November 2009 and have discussed the relevant issues on different occasions. The HKSAR Government's advice to the Shenzhen authorities concerned mainly the business environment and policies required to encourage Hong Kong service industries to set up operations in Qianhai. In accordance with the Overall Development Plan on Hong Kong / Shenzhen Co-operation on Modern Service Industries in Qianhai Area (Qianhai Development Plan) approved by the State Council in August 2010, Qianhai has been designated as a Hong Kong / Guangdong

modern service industry innovation and co-operation exemplary zone with a view to playing a pilot role in promoting co-operation in service industries, including the financial industries and the professional service industries, between Hong Kong and the Mainland. In this regard, relevant bureaux of the HKSAR Government have been consulting the business sectors under their respective purviews from time to time through various channels, including meetings, exchange sessions and inviting written submissions. CMAB facilitates their communication with the Shenzhen authorities so that the policy proposals and suggestions received are consolidated and communicated to the relevant Mainland authorities on a timely basis. In addition, CMAB also liaises with relevant bureaux to organise meetings for the Shenzhen authorities to brief Hong Kong trade associations and professional bodies on the latest development in Qianhai and obtain feedback from them directly.

3. CMAB has also been actively complementing the publicity and promotional work of the Shenzhen authorities to introduce to Hong Kong enterprises, professional sectors and service suppliers the content and business opportunities brought about by the Qianhai Development Plan. Formats of these activities include meetings with Shenzhen authorities, seminars and discussion sessions.

4. All the above work will continue in 2011-12. In 2011-12, about \$5 million has been earmarked for CMAB and the Mainland Offices to promote co-operation between Hong Kong and the Mainland, including Pan-Pearl River Delta co-operation, implementation of the Framework Agreement on Hong Kong / Guangdong Co-operation, Qianhai development, as well as the implementation of the National 12<sup>th</sup> Five Year Plan. This amount represents the direct expenditure which is expected to be incurred in relation to the various meetings, visits and similar events. In addition, the Bureau as a whole and the Mainland Offices will also deploy sufficient staff and other resources for the purpose.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB107**

Question Serial No.

2691

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : It is mentioned in paragraph 17 of Brief Description under this programme that pursuant to the Report on Further Development of the Political Appointment System issued on October 2007, the Government further announced the new appointment of 2 Under Secretaries in 2009. Does the Administration have any plan to create new political appointment positions in 2011-12 and will a review report on further development of the political appointment system be put forth? If so, what are the details and the estimated expenditure? If not, what are the reasons?

Asked by : Hon. LAM Tai-fai

Reply :

In December 2007, the Finance Committee of the Legislative Council approved the creation of 24 additional politically appointed positions comprising 11 Under Secretary positions and 13 Political Assistant positions. We have no plan to create new political appointment positions in 2011-12.

2. The Government completed the mid-term review of the remuneration for Under Secretaries and Political Assistants in August last year. We have no plan to put forth a review report on further development of the political appointment system at this stage.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB108**

Question Serial No.

2692

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  
Secretary for Commerce and Economic Development

Question : Please advise on the number of local enterprises in the Mainland to which the Bureau has proactively provided information and assistance and the number of enterprises that are encouraged to invest in Hong Kong in the past 3 years (2008-09, 2009-10 and 2010-11). What are the nature of these enterprises, the Hong Kong issues they generally concerned with, the difficulties encountered, the investment projects and the amount of investments? Does the Bureau have any plan to approach more Mainland enterprises in 2011-12? If yes, what are the details and the estimated expenditure? If no, what are the reasons?

Asked by : Hon. LAM Tai-fai

Reply :

Invest Hong Kong, in collaboration with the Investment Promotion Divisions of the Mainland Offices, had helped about 150 Mainland companies to set up their business in Hong Kong over the past three years. Around half of these companies were in the transport, industrial as well as innovation and technology sectors. Some of the Mainland companies assisted enquired about the market conditions, rental, staff costs and regulatory requirements in Hong Kong. Some of the specific issues raised by the Mainland companies included identifying suitable accommodation and visa application. Invest Hong Kong and the Mainland Offices had endeavoured to offer advice and assistance to the client companies with a view to facilitating them in setting up their businesses in Hong Kong. The total investment of the above 150 Mainland companies amounts to around \$5,400 million.

2. In 2011-12, Invest Hong Kong and the Mainland Offices will continue to organise seminars, conduct investment promotion visits, and strengthen collaboration with the Mainland authorities and business associations to reach out to more privately-owned enterprises in the high-growth cities in the Mainland. They will also provide better after-care support services to assist the Mainland companies in Hong Kong to expand their businesses here.

3. While Invest Hong Kong has earmarked around \$2 million for promoting investment in the Mainland in 2011-12, the Constitutional and Mainland Affairs Bureau has earmarked a sum of \$103 million under Programme (3) for the Mainland Offices to undertake liaison, economic and trade, and investment promotion work. The Mainland Offices' investment promotion work is an integral part of the roles and functions of their work. The expenditure involved cannot be singled out and will be absorbed within the provision.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB109**

Question Serial No.

2693

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  
Secretary for Commerce and Economic Development

Question : It is mentioned in Matters Requiring Special Attention in 2011-12 that the Bureau will promote Hong Kong in the Mainland, particularly those selected provinces / regions / municipalities for the promotion of professional services sectors and taking into consideration the potential for developing business opportunities between Hong Kong and the Mainland locations concerned and interests of the various sectors of the HKSAR. In this connection, will the Administration inform this Committee of:

- (a) the locations that will be selected, the professional services to be promoted, the nature of activities and the estimated expenditure; and
- (b) the reasons for selecting the locations concerned. Will any study on potential business opportunities in the locations concerned be conducted? If yes, what are the details and estimated expenditure? If no, what are the reasons.

Asked by : Hon. LAM Tai-fai

Reply :

One of the functions of the Mainland Offices is to represent and promote Hong Kong's trade and commercial interests in the Mainland. The Mainland Offices adopt a multi-pronged approach in taking this forward. They do so by proactively approaching Hong Kong investors / practitioners in the places concerned and following up issues of common concern through appropriate channels; assisting Hong Kong investors / practitioners in obtaining information on business operation in the Mainland, particularly those relating to new laws and policies; and assisting in arranging trade delegations to the Mainland, etc.

2. As an integral part of the above work, the Mainland Offices will incorporate the promotion of Hong Kong's services (including professional services) into the

various activities to be launched in 2011-12, including seminars, exhibitions, workshops and talks as appropriate. The Mainland Offices will also explore opportunities to conduct activities targeted at promoting Hong Kong's professional services that match the interests of the Hong Kong professional service sectors concerned, as well as the needs and circumstances of the selected provinces, regions and municipalities, including the business opportunities arising from the development of modern service industries in Qianhai.

3. Planned general activities include seminars on Hong Kong's modern services (including those covered under the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA)), trade missions to selected Mainland provinces / municipalities, and participation in major trade fairs, exhibitions and forums in the Mainland. The Mainland Offices will maintain close contact with the relevant service sectors in Hong Kong during the process. In 2010, on top of their routine research work, individual Mainland Offices also conducted two studies respectively on logistics services in Sichuan and service industries in Guangdong. The Mainland Offices will continue with similar work in 2011.

4. The Guangdong Province in particular offers huge business opportunities for Hong Kong professional services sectors, brought about by CEPA, the Framework Agreement on Hong Kong / Guangdong Co-operation (Framework Agreement) and the Overall Development Plan on Hong Kong / Shenzhen Co-operation on Modern Service Industries in Qianhai Area (Qianhai Development Plan). Under CEPA, some 41 measures have been announced since 2008 for early and pilot implementation in the Guangdong Province. These 41 measures encompass 21 sectors including legal, construction, medical, tourism, telecommunications, banking, securities and rail transport services. The Framework Agreement, signed in April 2010 in Beijing in the presence of national leaders including State Vice-President Mr Xi Jinping, provides strong policy support for Hong Kong-invested enterprises in opening up the Mainland domestic market and implementing CEPA, including in particular the Guangdong pilot measures for the service industries. The Qianhai Development Plan, approved by the State Council in August 2010, designates Qianhai in Shenzhen as a Hong Kong / Guangdong modern service industry innovation and co-operation exemplary zone with a view to playing a pilot role in promoting co-operation in service industries, including the financial industries and the professional service industries, between Hong Kong and the Mainland. The Hong Kong Economic and Trade Office in Guangdong, working together with the Constitutional and Mainland Affairs Bureau and other relevant bureaux of the HKSAR Government, plays an active role in facilitating the Hong Kong business sector to capitalise on these opportunities to further expand into the Mainland market.

5. In 2011-12, a sum of \$103 million has been earmarked under Programme (3) for the Mainland Offices to undertake liaison, economic and trade, and investment promotion work. The Mainland Offices' work in promoting Hong Kong's professional services in the Mainland is an integral part of the roles and functions of their work. The expenditure involved cannot be singled out and will be absorbed within the above provision.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB110**

Question Serial No.

2704

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : (a) How many meetings were held and how many projects were carried out by the Basic Law Promotion Steering Committee in 2010-11? Please provide a breakdown on the title of the projects and the related expenses.

(b) How many projects are expected to be carried out by the Basic Law Promotion Steering Committee in 2011-12? Please provide a breakdown on the title of the projects and the related expenses.

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The Basic Law Promotion Steering Committee (BLPSC) and its working groups (namely local community; teachers and students; civil servants; industrial, commercial and professional sectors; and overseas community) conducted seven meetings in 2010-11. All activities deliberated by the BLPSC and its working groups were implemented by the relevant government bureaux/departments, such as the Home Affairs Bureau, Civil Service Bureau and Trade and Industry Department. The expenditure involved was borne by the bureaux/departments concerned.

2. The Constitutional and Mainland Affairs Bureau (CMAB) organised and sponsored over 20 Basic Law promotional activities by adopting the following three promotional strategies:

(i) First, using the electronic media as our key publicity channel to introduce the more macro and concrete aspects of the Basic Law to the general public, as well as the principle of "One Country, Two Systems". Some \$8.4 million was provided for the production of TV drama, documentary, game shows, Announcements in the Public Interest, online games and radio quiz shows.

(ii) Secondly, enhancing public awareness and understanding of the Basic Law in a lively and interactive manner through promotional

activities at district levels, such as roving shows and carnivals. About \$4.9 million was provided for this purpose.

(iii) Thirdly, strengthening the co-operation with community organisations in staging promotional activities, such as seminars and competitions, in order to reach a wider audience through their extensive community networks. Some \$1.1 million was used in this area.

3. In addition, we provided about \$1.5 million for other publicity materials and necessary administrative support for the promotion of the Basic Law.

4. CMAB 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 "One Country, Two Systems", "Hong Kong People administering Hong Kong" and high degree of autonomy principles. The BLPSC and its workings groups will continue to provide the necessary steer on the overall programme and strategy for promoting the Basic Law.

5. In 2010-11 and 2011-12, the Government has set aside a total provision of some \$20 million respectively for promotion of the Basic Law.

Signature	_____
Name in block letters	JOSHUA LAW
Post Title	Permanent Secretary for Constitutional and Mainland Affairs
Date	17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB111**

Question Serial No.

2705

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 : The Shenzhen Liaison Unit was established by the Hong Kong Economic and Trade Office in Guangdong in August last year. Has the Unit set up an office in Shenzhen? If it has, please provide the address and the estimated expenditure of the Unit for 2011-12. If not, how can the Unit strengthen liaison with various departments? How many Hong Kong residents in Shenzhen have requested for services of the Unit since its establishment? What is the scope of services?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The Hong Kong Economic and Trade Office in Guangdong (GDETO) set up the Shenzhen Liaison Unit (SLU) in August 2010. The Unit has been operating in a serviced office at Room 2628, Level 26, Anlian Centre, 4018 Jin Tian Road, Futian District, Shenzhen. The roles and functions of the Unit include:

- (a) liaising with relevant Shenzhen authorities to enhance the co-operation between Hong Kong and Shenzhen;
- (b) facilitating liaison on the co-operation between Hong Kong and Shenzhen in the promotion of service industries in Qianhai and other new initiatives;
- (c) providing support to Hong Kong enterprises in Shenzhen; and
- (d) handling enquiries and requests for assistance from Hong Kong residents in Shenzhen.

2. Since its establishment, SLU has handled 23 assistance cases involving Hong Kong residents in Shenzhen.

3. The GDETO has earmarked \$2.9 million for the operation of the SLU in 2011-12, including the staff costs.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB112**

Question Serial No.

2706

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : The Hong Kong – Taiwan Economic and Cultural Promotion and Cooperation Council (ECCPC) was set up in April 2010. Since its inauguration, how many meetings were held? In 2011-12, what is the estimated expenditure for providing secretariat service to the ECCPC?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

In April 2010, we set up the Hong Kong-Taiwan Economic and Cultural Promotion and Cooperation Council (ECCPC), while Taiwan established a counterpart, the Taiwan-Hong Kong Economic and Cultural Co-operation Council (THEC). The establishment of the ECCPC and THEC is a milestone in the relations between Hong Kong and Taiwan.

2. In 2010-11, the ECCPC and its Hong Kong – Taiwan Cultural Cooperation Committee (HKTCCC), had held four internal meetings. With the new platform established, a number of meetings have been conducted since April 2010 –

- (a) the ECCPC and THEC had their first joint meeting held in August 2010;
- (b) the HKTCCC had met its counterpart twice;
- (c) Heads of the two Councils had separately met for four times; and
- (d) the respective Secretariats of the ECCPC and THEC had ten working level meetings.

Contacts were also made among experts of the two sides to discuss priority areas of cooperation, such as renewal of air services arrangements and avoidance of double taxation arrangements for shipping income.

3. The Constitutional and Mainland Affairs Bureau provides secretariat service to the ECCPC, assisting the Council in planning and organisation of its activities. In 2011-12, major activities by the ECCPC will include –

- (a) proactively liaising with the Taiwanese side under the ECCPC platform in taking forward the various priority areas of cooperation, including the setting up of a multi-functional office in Taiwan, renewal of air services arrangements, enhancement in financial supervision cooperation and promotion of tourism;
- (b) organising activities to further enhance exchanges with Taiwan, including a joint meeting with its Taiwanese counterpart, the THEC, forums, seminars and cultural exchanges in fostering Hong Kong – Taiwan cooperation; and
- (c) sponsoring non-governmental bodies in organising forums, seminars and related activities which promote Hong Kong-Taiwan exchanges.

4. A provision of \$8 million has been reserved in 2011-12 for the conduct of the ECCPC activities.

Signature	_____
Name in block letters	JOSHUA LAW
Post Title	Permanent Secretary for Constitutional and Mainland Affairs
Date	17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB113**

Question Serial No.

2758

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : With regard to the implementation of the Framework Agreement on Hong Kong/Guangdong Co-operation (the Framework Agreement) and growing co-operation between Hong Kong and the Mainland in recent years, please provide relevant information on Hong Kong/Mainland cross-boundary projects or programmes in which the Constitutional and Mainland Affairs Bureau and departments under its purview are or have been involved.

- (a) For Hong Kong/Mainland cross-boundary projects or programmes from 2008-09 to 2010-11, please provide information in the following format:

Project/ programme title	Details, objective and whether it is related to the Framework Agreement	Expenditure involved	Name of Mainland department/ organisation involved	Progress (% completed, start date, anticipated completion date)	Have the details, objective, amount involved or impact on the public, society, culture and ecology been released to the public? If yes, through which channels and what were the manpower and expenditure involved? If no, what are the reasons?
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- (b) For Hong Kong/Mainland cross-boundary projects or programmes in 2011-12, please provide information in the following format:

Project/ programme title	Details, objective and whether it is related to the Framework Agreement	Expenditure involved	Name of Mainland department/ organisation involved	Progress (% completed, start date, anticipated completion date)	Will the details, objective, amount involved or impact on the public, society, culture and ecology be released to the public? If yes, through which channels and what will be the manpower and expenditure involved? If no, what are the reasons?
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- (c) Apart from the projects or programmes listed above, are there any other modes of cross-boundary co-operation? If yes, what are they? What were the manpower and expenditure involved in the past 3 years, and how much financial and manpower resources are earmarked in the 2011-12 Estimates?

Asked by : Hon. HO Sau-lan, Cyd

Reply :

The Constitutional and Mainland Affairs Bureau (CMAB) attaches great importance to enhancing co-operation between Hong Kong and the Mainland, including Guangdong, in particular the work relating to the Framework Agreement on Hong Kong/Guangdong Co-operation (Framework Agreement). There is general consensus in our community that co-operation with Guangdong is mutually beneficial and complementary. The Legislative Council (LegCo), for example, reaffirmed its strong support by passing a motion on 26 May 2010 entitled "Proactively implementing the Framework Agreement on Hong Kong/Guangdong Co-operation", which urges the Hong Kong Special Administrative Region (HKSAR) Government to formulate and implement the specific policies and measures outlined in the Framework Agreement as early as possible.

2. The Administration has briefed the House Committee and different Panels of LegCo on individual aspects of the Framework Agreement on various occasions. The full text of the Framework Agreement was issued on the day it was signed (7 April 2010) and details were announced in a press release. While CMAB is responsible for co-ordinating the efforts of the HKSAR Government in promoting co-operation with Guangdong, specific projects are initiated and taken forward by the relevant policy bureaux and departments. Where necessary, relevant parties such as advisory boards and LegCo would be briefed or consulted in accordance with established practice.

3. Since the Framework Agreement was signed last year, good progress has been made in its implementation. The 2011 Work Plan setting out the work programme of

Hong Kong / Guangdong co-operation for the year was agreed and signed in February this year.

4. In 2011-12, about \$5 million has been earmarked for CMAB and the Mainland Offices to promote co-operation between Hong Kong and the Mainland, including Pan-Pearl River Delta co-operation, implementation of the Framework Agreement, Qianhai development, as well as the implementation of the National 12<sup>th</sup> Five Year Plan. This amount represents the direct expenditure which is expected to be incurred in relation to the various meetings, visits and similar events. In addition, the Bureau as a whole and the Mainland Offices will also deploy sufficient staff and other resources for the purpose. As the work involved is an integral part of the duties and functions of the CMAB officers concerned, the related manpower expenditure cannot be singled out and quantified.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB114**

Question Serial No.

2774

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 : Please provide the schedule on the submission of reports to the United Nations (UN) human rights treaty monitoring bodies as required by the 7 human rights treaties applicable to the HKSAR and the hearing of reports submitted by Hong Kong by the monitoring bodies. Will it be necessary for the HKSAR Government to despatch a delegation to attend the meetings of the UN human rights treaty monitoring bodies in 2011-12? If yes, what are the details?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The due dates of submission for our reports in respect of the seven United Nations (UN) human rights treaties are set out below -

<b>UN Human Rights Treaty</b>	<b>Due date of submission of report</b>
Convention on the Rights of the Child	31 May 2009
International Covenant on Economic, Social and Cultural Rights	30 June 2010
Convention on the Rights of Persons with Disabilities*	31 August 2010
Convention on the Elimination of All Forms of Discrimination Against Women *	September 2010



<b>UN Human Rights Treaty</b>	<b>Due date of submission of report</b>
International Covenant on Civil and Political Rights	Within 2010
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	12 November 2012
International Convention on the Elimination of All Forms of Racial Discrimination	28 June 2013

\* Under the coordination of the Labour and Welfare Bureau

2. The hearing schedules for these reports have yet to be fixed by the relevant UN treaty monitoring bodies.

3. We will continue to co-ordinate attendance of the HKSAR Government representatives at meetings of the relevant UN human rights treaty monitoring bodies as required. We have not yet received the schedule for such hearings in 2011-12 that will involve our participation.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB115**

Question Serial No.

2775

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 : Please list out the expenditure items, organisers and target groups of the events for the promotion of human rights in 2010-11 as well as the expenditure estimated for the promotion of human rights in 2011-12 and the main area of activities. Are there any dedicated staff under the Constitutional and Mainland Affairs Bureau to look into the work and budget of other government departments for human rights education through channels like school education, community activities and other publicity activities? If yes, what was the expenditure incurred by various government departments on human rights education in 2010-11?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The Constitutional and Mainland Affairs Bureau (CMAB) has been promoting awareness of, respect for and protection of human rights through allocations to the programmes "Rights of the Individual" and "Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data". In 2011-12, the estimated expenditure of the CMAB under these two programmes is \$153.2 million.

2. The expenditure items, organisers and target groups of the programmes and events for promoting awareness of and respect for human rights in 2010-11 under the CMAB, excluding those carried out by the Equal Opportunities Commission (EOC) and the Office of the Privacy Commissioner for Personal Data (PCPD), are listed at the Annex.

3. The CMAB will continue its work on 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; while support services for ethnic minorities currently under the CMAB will be transferred to the Home Affairs Department. The EOC and the PCPD will continue to carry out their publicity,

promotion and education programmes and enforcement work for areas within their statutory framework.

4. The staff of the CMAB (including directorate and non-directorate staff and staff in the Gender Identity and Sexual Orientation Unit and Children's Rights Unit) work closely with other Government bureaux and departments for the promotion of human rights. For instance, the Education Bureau facilitates the promotion of human rights education in schools, through measures such as embedding related learning elements in the curriculum, organising teacher professional development programmes, developing learning and teaching resources. The Committee on the Promotion of Civic Education promotes human rights education in its publications and grants sponsorship under its Community Participation Scheme to community organisations to organise activities to promote civic values relating to human rights. The relevant expenditures such as staff costs are funded by the Education Bureau and Home Affairs Bureau.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

### Activities on promoting rights of the individual in 2010-11 under CMAB

<b>Activities</b>	<b>Responsible organisation</b>	<b>Target</b>
Publication of United Nations Human Rights reports	CMAB	Members of the public
Forums	CMAB	Members of the public, in particular interested NGOs
Equal Opportunities (Sexual Orientation) Slogan and Logo Design Competition	CMAB	Members of the public
Equal Opportunities (Sexual Orientation) Funding Scheme	Sponsored organisations	Members of the public
Support services centres for ethnic minorities	Sponsored NGOs	Members of the public, in particular ethnic minorities
Children's Rights Education Funding Scheme	Sponsored organisations	Members of the public, in particular children
Website for Children's Council	Sponsored organisation	Members of the public, in particular children
Announcement in the Public Interest (API) on children's rights on TV, Radio, MTR and Roadshow	CMAB	Members of the public, in particular children
Radio API and MTR advertisement on equal opportunities for sexual minorities	CMAB	Members of the public
Mobile information service at airport	Sponsored NGOs	Members of the public, in particular ethnic minorities
Cross-cultural youth programmes	Sponsored NGOs	Members of the public, in particular ethnic minorities
Community support teams	Sponsored NGOs	Members of the public, in particular ethnic minorities
Radio programmes in ethnic minority languages	RTHK	Members of the public, in particular ethnic minorities
Service Guidebooks	CMAB	Members of the public, in particular ethnic minorities
Harmony scholarships	CMAB	Primary and Secondary students, including ethnic

		minorities students
Reprinting of “Everyday Cantonese” speaking book	Sponsored NGO	Members of the public, in particular ethnic minority children

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB116**

Question Serial No.

2776

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 : Has the Office of the Privacy Commissioner for Personal Data estimated the expenses and manpower involved in the compilation of a register of data users? If yes, what will be the amount of expenses and number of staff required? Has the Office applied to the Secretary for Constitutional and Mainland Affairs for the expenses? Have any resources been reserved in the 2011 Estimate for the compilation of a register of data users? If yes, what is the amount?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The Administration and the Office of the Privacy Commissioner for Personal Data ("PCPD") are considering how to take forward the Data User Returns Scheme ("DURS"). As a start, the Administration has included in the provision for the PCPD in 2011-12 \$1.1 million to create one additional Senior Personal Data Officer post to study the implementation arrangements for the DURS.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB117**

Question Serial No.

2777

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 : Has the Office of the Privacy Commissioner for Personal Data estimated the expenses and manpower involved in the protection of personal data processed across the border as stipulated by Section 33 of the "Personal Data (Privacy) Ordinance"? If yes, what will be the amount of expenses and number of staff required? Has the Office applied to the Secretary for Constitutional and Mainland Affairs for the expenses? Have any resources been reserved in the 2011 Estimates for the above expenses? If yes, what is the amount?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The Administration and the Office of the Privacy Commissioner for Personal Data ("PCPD") are exploring the way forward on section 33 of the Personal Data (Privacy) Ordinance ("PDPO"), taking 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 PDPO, and international developments.

2. Resources required for carrying out the work in this area is absorbed within the existing provisions of the Office of the PCPD and no separate breakdown is available.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB118**

Question Serial No.

2778

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 Food and Health Bureau is now planning and developing a territory-wide Electronic Health Record System to facilitate health care services providers to share the health records of their patients. Has the Office of the Privacy Commissioner for Personal Data looked into the possibility of leakage of personal data caused by the development of the Electronic Health Record and ways to prevent leakage? If yes, please inform us of the expenses, manpower and scope of study involved and the time table. Have any resources and manpower been reserved in the 2011 Estimates for the follow-up on the privacy issue related to Electronic Health Record? If yes, what is the amount?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The Office of the Privacy Commissioner for Personal Data (“PCPD”) has been providing comments and advice on personal data protection issues to the Working Group on Legal, Privacy and Security Issues under the Steering Committee on eHealth Record (“eHR”) Sharing set up under the Food and Health Bureau (“FHB”). The PCPD undertakes such tasks as part of its work on providing advice to government departments and therefore, there is no separate breakdown for the expenditure incurred.

2. The PCPD has advised the FHB on the commissioning of a Privacy Impact Assessment on the eHR Sharing System. Therefore the PCPD does not have any plan to conduct a separate study at this stage.

Signature \_\_\_\_\_

Name in block letters **JOSHUA LAW**

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB119**

Question Serial No.

2779

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 : Please list out, by the ordinances involved, the number of complaints conciliated and successfully conciliated by the Equal Opportunities Commission, the number of unsuccessful conciliation cases which have not been further followed up, and the latest position of following up other unsuccessful conciliation cases in 2009 and 2010 respectively.

Asked by : Hon. LAU Wai-hing, Emily

Reply :

In 2009, the Equal Opportunities Commission (EOC) conducted conciliation on 290 cases, of which 173 (60%) were successfully conciliated while in 2010, the EOC conducted conciliation on 280 cases, of which 192 (69%) were successfully conciliated. A breakdown by ordinances in the respective years is listed below:

**Complaints conciliated in 2009**

<b>Ordinance</b>	<b>Complaints conciliated</b>	<b>Conciliation successful</b>	<b>Conciliation unsuccessful</b>
Sex Discrimination Ordinance (SDO)	113	72	41
Disability Discrimination Ordinance (DDO)	173	100	73
Family Status Discrimination Ordinance (FSDO)	3	1	2
Race Discrimination Ordinance (RDO)	1	0	1
<b>Total</b>	<b>290</b>	<b>173</b>	<b>117</b>

**Complaints conciliated in 2010**

<b>Ordinance</b>	<b>Complaints conciliated</b>	<b>Conciliation successful</b>	<b>Conciliation unsuccessful</b>
SDO	95	62	33
DDO	148	105	43
FSDO	10	9	1
RDO	27	16	11
<b>Total</b>	<b>280</b>	<b>192</b>	<b>88</b>

2. Complainants of cases which could not reach settlement, where applicable, could apply for legal assistance from the EOC or take civil action on their own. In 2009, EOC granted 31 cases of legal assistance, including 10 cases under SDO, 20 cases under DDO and one case under FSDO; while in 2010, EOC granted 13 cases of legal assistance, including six cases under SDO, five cases under DDO and two cases under RDO. These cases arose from previous cases of unsuccessful conciliation, some of which covered conciliation cases in the respective years and some covered cases which arose previously.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB120**

Question Serial No.

2780

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 : How many cases were not successfully conciliated by the Equal Opportunities Commission in 2009 and 2010 and have to be dealt with by the court? What were the numbers of cases taken to court by the Equal Opportunities Commission in 2009 and 2010? Please list out case by case the ordinances involved, the dates the cases were taken up, the time when the complaint was lodged with the Equal Opportunities Commission, when legal proceeding were instituted, when legal proceeding were concluded and the cost per case. Have assessments been made on the expenditure on the establishment of a tribunal to deal with cases relating to the Equal Opportunities Commission as well as the cost and effectiveness in handling every single case?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

During the calendar years of 2009 and 2010, the Equal Opportunities Commission (EOC) assisted aggrieved parties in bringing their cases to court in 16 cases. The date of complaint lodged, date of granting legal assistance, date of initiating legal proceeding, date of conclusion and expenditure involved (excluding staffing costs and general operating costs of the EOC) in each case are listed at the Annex.

2. The EOC has initiated discussion with stakeholders concerned on its proposal to establish an Equal Opportunities Tribunal, before further raising it with the Administration. The Administration would study the proposal carefully after it has been received from the EOC. An assessment of the cost implications and effectiveness of the proposal is not available at the present stage.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

**Annex**

	<b>Ordinance involved</b>	<b>Case</b>	<b>Date of complaint lodged</b>	<b>Date of granting legal assistance</b>	<b>Date of initiating legal proceeding (i.e. issuance of writs)</b>	<b>Conclusion Date</b>	<b>Expenditure (excluding staffing / general operating costs of EOC)* (Up to 31 Jan 11)</b>
1.	Disability Discrimination Ordinance (DDO)	Alleged disability discrimination and dismissal on the ground of disability and sick leaves	11 Sep 06	15 Jun 07	7 Jan 09	27 Sep 10 (EOC withdrew the case upon further assessment)	\$730
2.	DDO	Alleged disability discrimination and dismissal on the ground of disability	30 May 07	31 Mar 08	12 Jan 09	11 Aug 09 (Settled)	\$1,985
3.	DDO	Alleged disability discrimination and dismissal on the ground of hearing impairment	10 May 06	18 Apr 08	22 Jan 09	27 Mar 09 (Settled)	\$1,120
4.	DDO	Alleged disability vilification	31 Jul 07	11 Jul 08	7 Apr 09	27 Jan 11 (Case dismissed by court)	\$513,566
5.	DDO	Alleged disability discrimination, failure to provide wheelchair access to residential premises	26 Sep 06	18 Apr 08	3 Jun 09	7 March 11 (Settled)	\$53,507
6.	Sex Discrimination Ordinance (SDO)	Alleged sexual harassment in employment	18 Dec 07	20 Jan 09	16 Jun 09	Ongoing	\$44,296

	<b>Ordinance involved</b>	<b>Case</b>	<b>Date of complaint lodged</b>	<b>Date of granting legal assistance</b>	<b>Date of initiating legal proceeding (i.e. issuance of writs)</b>	<b>Conclusion Date</b>	<b>Expenditure (excluding staffing / general operating costs of EOC)* (Up to 31 Jan 11)</b>
7	SDO	Alleged sex discrimination by refusal of services and access to facilities on the ground of sex	25 Oct 06 20 Apr 07	23 May 08 13 Feb 09	10 Jul 09	11 May 10 (EOC withdrew the case upon further assessment)	\$188,245
8.	DDO	Alleged disability discrimination and dismissal on the ground of disability	24 Apr 08	31 Dec 08	22 Jul 09	16 Nov 09 (Settled)	\$660
9.	SDO	Alleged sexual harassment in employment	30 Oct 07	17 Oct 08	30 Oct 09	23 Aug 10 Enforcement proceeding (Assisted party won the case. Further action required to demand payment of damages)	\$1,544
10.	SDO	Alleged pregnancy discrimination by dismissal	6 Nov 08	29 Jun 09	22 Dec 09	26 Jul 10 (Settled)	\$733
11.	DDO	Alleged disability discrimination by dismissal	9 Sep 08	29 Jun 09	24 Feb 10	30 Dec 10 (Settled)	\$10,032
12.	SDO	Alleged pregnancy discrimination by not renewing employment contract	22 Dec 08	14 Dec 09	28 Apr 10	28 Oct 10 (Settled)	\$633
13.	SDO	Alleged sex discrimination in employment in terms of dress code	9 Oct 08	22 Jul 09	20 May 10	27 Sep 10 (Settled)	\$119,215

	<b>Ordinance involved</b>	<b>Case</b>	<b>Date of complaint lodged</b>	<b>Date of granting legal assistance</b>	<b>Date of initiating legal proceeding (i.e. issuance of writs)</b>	<b>Conclusion Date</b>	<b>Expenditure (excluding staffing / general operating costs of EOC)* (Up to 31 Jan 11)</b>
14.	DDO	Alleged disability discrimination by dismissal	19 Nov 09	21 Sep 09	12 Jul 10	Ongoing	\$1,857
15.	DDO	Alleged disability discrimination by dismissal	21 Oct 08	21 Sep 09	29 Oct 10	Ongoing	\$2,080
16.	SDO	Alleged sexual harassment in employment	24 Jul 08	27 Apr 09	9 Dec 10	Ongoing	\$694

\* The cost does not include manpower expenditure of EOC officers (including legal officers) and administrative costs of the EOC. The expenditure therefore varies from case to case, depending on whether legal assistance was provided by legal counsels of EOC or external counsel was engaged. As a result, in some cases where no external counsel was involved, only minor expenditures such as court filing fees, medical report charges and photocopying fees paid to external parties are reflected, if any.

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB121**

Question Serial No.

2781

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 complaints investigated by the Equal Opportunities Commission in 2010, please give a summary of cases where legal assistance was granted under the Sex Discrimination Ordinance, the Disability Discrimination Ordinance, the Family Status Discrimination Ordinance and the Race Discrimination Ordinance. Please also list out the organisations or government departments involved, findings of the investigations and the expenditure involved.

Asked by : Hon. LAU Wai-hing, Emily

Reply :

In 2010, 13 cases of legal assistance were provided by the Equal Opportunities Commission (EOC), including 6 cases under the Sex Discrimination Ordinance (SDO), 5 cases under the Disability Discrimination Ordinance (DDO), and 2 case under the Race Discrimination Ordinance (RDO). The details are listed at the Annex.



2. As regards the identity of the parties involved, the EOC considers it inappropriate to disclose the information as some of the cases are on-going and publicity may have an effect on the conduct of the case, and for those settled on confidential terms, such disclosure may lead to a breach of confidentiality.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

**Details of cases of legal assistance granted in 2010**

<b>No.</b>	<b>Legislation</b>	<b>Description</b>	<b>Status</b>	<b>Expenses*</b>
1.	SDO	Applicant alleged unlawful pregnancy discrimination and dismissal	Parties settled in July 2010	-
2.	SDO	Alleged sexual harassment in employment	Ongoing	-
3.	SDO	Alleged pregnancy discrimination and dismissal	EOC withdrew the case in November 2010, upon further legal assessment after more evidence is uncovered.	-
4.	SDO	Alleged pregnancy discrimination and dismissal	Ongoing	\$80
5.	SDO	Alleged pregnancy discrimination and dismissal	Ongoing	\$27
6.	SDO	Alleged pregnancy discrimination in calculation of shareholder profits	Ongoing	-
7.	DDO	Alleged disability discrimination in employment	EOC withdrew the case in June 2010 upon further legal assessment after more evidence is uncovered.	-
8.	DDO	Alleged disability harassment by colleagues	EOC withdrew the case in September 2010 upon further legal assessment after more evidence is uncovered.	-
9.	DDO	Alleged disability discrimination and dismissal	Ongoing	-
10.	DDO	Alleged disability discrimination and dismissal	Ongoing	\$30
11.	DDO	Alleged disability discrimination in calculation of shareholder profits	Ongoing	-
12.	RDO	Alleged race discrimination in refusal of primary school admission	Ongoing	-

<b>No.</b>	<b>Legislation</b>	<b>Description</b>	<b>Status</b>	<b>Expenses*</b>
13.	RDO	Alleged racial harassment by a resident in a village.	Ongoing	-

\* The cost does not include manpower expenditure of EOC officers (including legal officers) and administrative costs of the EOC. The expenditure therefore varies from case to case, depending on whether legal assistance was provided by legal counsels of EOC or external counsel was engaged. As a result, where no external counsel was involved, only minor expenditures such as court filing fees, medical report charges and photocopying fees paid to external parties are reflected, if any. The above table is on cases of legal assistance granted in 2010. The expenditure on cases with legal assistance granted before 2010 and ongoing in 2010-11 is not reflected above. Taking into account cases granted legal assistance before 2010 which have been ongoing in 2010-11, the total expenditure of the EOC on legal assistance is estimated to be around \$537,000 in 2010-11.

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB122**

Question Serial No.

2782

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 : For self-initiated investigations made by the Equal Opportunities Commission in 2008 to 2010, what is the number of cases where government departments are involved for each year? For all cases in 2010, please list out the dates when the investigation started, the incidents investigated, the ordinances involved, the organisations or government departments involved, findings of the investigations and the follow-up actions taken.

Asked by : Hon. LAU Wai-hing, Emily

Reply :

During 2008-10, the Equal Opportunities Commission (EOC) conducted self-initiated investigations into 49 situations (14, 18 and 17 in 2008, 2009 and 2010 respectively) involving government departments.

2. In 2010, the EOC initiated investigations into 102 situations involving government departments and public and private organisations, with 19 of them related to the Sex Discrimination Ordinance (SDO), 69 related to the Disability Discrimination Ordinance (DDO), 3 related to Family Status Discrimination Ordinance, and 11 related to the Race Discrimination Ordinance (RDO). The details of the respective cases are at Annex.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

**Annex**

	<b>Start date of the case</b>	<b>Nature</b>	<b>Organisations and departments concerned</b>	<b>Findings and follow up actions</b>
<b>SDO (19)</b>		<b>Employment ( 8)</b>		
1	Nov 10	Hiring for sales post alleged to be restricted to female	A jewelry company	Company explained all posts were offered to both genders. Written advice issued.
2	Nov 10	Dress code imposed on female teachers	A school	The school explained that the code was imposed to maintain decent attire. Written advice issued, drawing attention to equal treatment to all teachers.
3	Sept 10	Female cleaners deployed to work in male changing room, causing embarrassment to staff	Immigration Department	Department agreed to make necessary re-deployment to address privacy and decency concerns. Written advice issued.
4	Oct 10	Discriminatory recruitment advertisement – post opened to female only	A publishing company	Publisher attributed the advertisement to careless mistake and removed the advertisement. Written advice issued.
5	Oct 10	Security guard post alleged to be offered to female only	A security company	Company explained that the position was offered to both genders. Written advice issued.
6	Aug 10	Specified gender for a certain post in advertisement	A private company	Company admitted mistake. Written advice issued.
7	Aug 10	Discriminatory recruitment advertisement-- post opened to female only	A newspaper	Newspaper admitted omission in screening and agreed to step up filtering effort. Written advice issued.
8	Apr 10	Specific gender required for a post	A restaurant	The restaurant admitted mistake and amended the vacancy order. Written advice issued.
		<b>Provision of goods and services (11)</b>		
9	Dec 10	Different types of water closet provided in female and male toilets	Housing Department	Department explained that the difference in provisions was due to historical reasons, and agreed to consider improvement. EOC will follow up on the progress.

	<b>Start date of the case</b>	<b>Nature</b>	<b>Organisations and departments concerned</b>	<b>Findings and follow up actions</b>
10	Dec 10	Different waiting queues for male and female applicants for nursing home beds	Social Welfare Department	Department explained that the number of beds for both genders were generally equal, but regional difference due to availability might arise. Written advice issued, drawing Department's attention to possible disparity for different genders.
11	Dec 10	Special offer to female patrons only	A restaurant chain	The company explained that the different treatment was a promotional gimmick, and cancelled the special offer in question. Written advice issued.
12	Nov 10	Female cleaner deployed to work in male toilet causing embarrassment to users	A restaurant	Restaurant agreed to change work practice and be more sensitive to customers' need. Written advice issued.
13	Aug 10	Spectators in a TV program confined to one gender	A broadcasting company	Concern relayed to company which denied discrimination. Written advice issued. A formal complaint on a similar issue received and is under investigation.
14	Jul 10	Special offer to female customers only	A restaurant	Restaurant agreed to make the offer to all customers. Written advice issued.
15	Mar 10	Special offer to female customers only, for celebration of international women's day	A tourism company	Company explained that the offer was given by a hotel outside Hong Kong. It cancelled the offer to Hong Kong customers. Written advice issued.
16	Feb 10	Special offer to female riders only, for celebration of international women's day	A cable car operator	Operator agreed to provide similar offer to male customers separately, which was eventually made in November 2010. Written advice issued.
17	Mar 10	Special offer to female customers only, for celebration of international women's day	A hotel	Hotel had no plan to provide similar offer to male customers upon EOC's enquiry. It cancelled the offer. Written advice given.

	<b>Start date of the case</b>	<b>Nature</b>	<b>Organisations and departments concerned</b>	<b>Findings and follow up actions</b>
18	Feb 10	Special offer to only female customers of the bar section	A restaurant operator	Restaurant explained that the offer was a gimmick to attract female customers, and cancelled the offer. Written advice issued.
19	Feb 10	Usage of changing room alleged to be confined to female members	A choir group	Group explained that no such condition was imposed and all trainees could use the facilities if available. Written advice issued.
<b>DDO (69 )</b>		<b>Provisions of goods and services (27 )</b>		
1	Dec 10	Disabled toilets in a new building were locked	A property management company	Company explained that the locking of toilets was to prevent misuse by tenants for storage or garbage dump during decoration work. It posted a notice to inform users in need to call management office for assistance, and undertaken to open the doors after decoration work completed. Written advice issued.
2	Nov 10	A visually impaired person fell onto rail	A public transport company	Company explained that it already had planned to install screen-door. Written advice issued. EOC will follow up on the progress.
3	Nov 10	Special needs of applicants with disability not taken into consideration in the allocation of public housing unit	Housing Authority/ Department	Housing Authority agreed to take into account special allocation and alteration needs. Written advice issued.
4	Nov 10	Improvement on facilities for visually impaired residents	An incorporated owners	Incorporated owners did not have resources to provide guide paths, but agreed to repaint pillars and warning strips in bright colour, and discuss further improvement amongst owners. Written advice issued.

	<b>Start date of the case</b>	<b>Nature</b>	<b>Organisations and departments concerned</b>	<b>Findings and follow up actions</b>
5	Nov 10	Limitation on use of toilet facilities, including disabled toilets, by visitors of herbalist operating in a factory building	Management company of a factory building	The management company had no contractual right to limit the usage. Company lifted the restriction. Written advice issued.
6	Nov 10	Special needs of a tenant with disability not catered for	Housing Authority/ Department	Department made alterations, but the alternations were not accepted by the tenant. Formal complaint made on the case under investigation.
7	Oct 10	ATM machine at a particular location inaccessible by wheelchair	A bank	Bank explained that the wall-mounted ATM could not be lowered due to structural limitation while other ATMs inside the bank and in locations nearby were available. Bank agreed to assist where possible. Written advice issued.
8	Sept 10	Club refused service to a person with clutches	A dancing club	Club explained that service was declined for customer's benefit, as the person appeared to be intoxicated and had leg injury at the time. Written advice issued.
9-12	Sept 10	A wheelchair user was aggrieved by the rear-facing sitting arrangement for wheelchair users on buses	Four public bus companies (separated into 4 cases)	Companies explained that rear-facing arrangement was the prevailing standard approved by Transport Department. Transport Department explained that this was a practice for safety. EOC is seeking specialist advice on the subject.
13	Sept 10	Bus driver allegedly drove away when sighting a group of persons with visual disability approaching the bus stop	A public bus company	Bus company issued warning to the driver, and undertook to remind drivers to be helpful in such cases. Written advice issued.



	<b>Start date of the case</b>	<b>Nature</b>	<b>Organisations and departments concerned</b>	<b>Findings and follow up actions</b>
14	Aug 10	Medical consultation not treated as sick leave by employer	A social service agency	Agency explained that medical attendance chits were not sick leave certificates. No unlawful act found after reviewing practice of the agency. Agency advised to be more flexible in dealing with individual case.
15	Aug 10	Volume of audio announcing system on a bus too low for people with hearing difficulty and visual impairment	A public bus company	Concern referred to bus company. Company explained that some customers preferred a lower volume. No further actions required.
16	Jul 10	Disabled toilets in a commercial centre allegedly locked	A property management company	All toilets were found opened during EOC's site visit. Company explained that it has no practice of locking toilets. Written advice issued.
17	Jul 10	Poor attitude towards passenger with disability	A public transport company	Concerned referred to the company which undertook to investigate into the service complaint. Written advice issued.
18	Jul 10	Restriction on the use of passenger lift inside a service centre	A social service agency	Agency explained that no restriction was imposed on usage. No further action required.
19	Jul 10	Conditions imposed on use of service, which might be detrimental to certain group of persons	A statutory organisation	Conditions imposed based on medical consideration were not unreasonable. No further action required.
20	Jul 10	Energy-saving measure at non-peak hours at a transport station alleged to be discriminatory	A public transport company	EOC's site inspection found that energy saving measure lasted for two hours in the relevant station. Not all escalators stopped service. Lift adjacent to the shut-down escalator continued to operate. No further action required.
21	Jun 10	Bus started moving before wheelchair user secured safety belt	A public bus company	A formal complaint made and is under investigation. Written advice issued.

	<b>Start date of the case</b>	<b>Nature</b>	<b>Organisations and departments concerned</b>	<b>Findings and follow up actions</b>
22	Apr 10	Dining facilities and table not user-friendly to wheelchair users	A canteen operator	Operator improved facilities to cater for the special needs. Written advice issued.
23	Mar 10	Person with visual impairment might not be aware of potential hazard caused by the slippery advertising stickers stuck on lobby floor of a train station	A public transport company	Stickers on lobby floor removed at time of EOC's site visit. Company agreed to take into consideration of special needs of persons with disability. Written advice issued.
24	Jan 10	Persons with visual disability embarrassed by Octopus audio card readers, which would revealed loudly that they traveled under the fare subsidy scheme	A public transport company	Company agreed to amend the wordings of the fare deduction message. Written advice issued.
25	Jan 10	Disabled toilet in a commercial centre alleged to be locked	A property management company	Door was not locked at time of EOC's site visit. Company explained that the door might be difficult to open and agreed to improve. Written advice issued.
26	Jan 10	Disabled toilets in a office building alleged to be locked	A property management company	Doors not locked at time of EOC's site visit. Concern relayed to company and written advice issued.
27	Jan 10	Disabled toilet in a commercial centre alleged to be locked	A property management company	Company explained that the toilet was closed for maintenance. Opened at time of EOC's site visit. Written advice issued.
<b>Accessibility / transportation (42 )</b>				
28	Dec 10	Level difference at bus terminal	Transport Department	Level difference confirmed during EOC's visit. Department would study improvement plan. EOC will follow up on the progress.

	<b>Start date of the case</b>	<b>Nature</b>	<b>Organisations and departments concerned</b>	<b>Findings and follow up actions</b>
29	Dec 10	Steps at entrance of a private club	A private club	Club explained that physical limitation posed unjustifiable hardship, and assistance was rendered by the club when needed. Written advice issued.
30	Dec 10	Disabled toilets in commercial centre alleged to be blocked	A property management company	No blockage or locking of disabled toilets found in EOC's site visit. Written advice issued.
31	Nov 10	Tactile parts of warning strips installed in front of a market alleged to be too pointed	Food and Environmental Hygiene Department	No irregularity was found during EOC's site visit. Raised ridges were design requirements of the strips. No further action required.
32	Nov 10	Manual doors at entrance of a commercial centre alleged to be too heavy for persons with feeble hands and wheelchair users	A property management company	Company agreed to make feasibility study on installation of auto door. Written advice issued. EOC will follow up on the progress.
33	Oct 10	Wheelchair users could not make use of the space between the ticket dispensing machine and the pavement to enter the car park while able bodied persons could enter vide the narrow pavement built on the side	A property management company of a car park	Company explained that wheelchair users were not supposed to use the route in question to enter the car park but could use an alternate but less direct one. No further action required.
34	Sept 10	Residents wished to have passenger lift/ escalator installed at certain location	Housing Authority/ Department	Department explained that passenger lift might not be viable due to physical limitation. Site visit by the EOC found alternative accessible route. No further action required.
35	Sept 10	Passages inside a monastery not fully accessible	A monastery	EOC's site visit found that the complex was built along the slope and physical limitation exists. Monastery agreed to render assistance where possible. Written advice issued.

	<b>Start date of the case</b>	<b>Nature</b>	<b>Organisations and departments concerned</b>	<b>Findings and follow up actions</b>
36	Sept 10	Wheelchair users could not use the footbridge joining two commercial buildings to cross the road as lift services in the buildings stopped after business hours	A property management company	EOC's site visit found that zebra crossing was available nearby. Management company agreed to render assistance where necessary. Written advice issued.
37	Sept 10	No stairlift installed at a community hall	Home Affairs Department	Department explained that installation of facility was planned and agreed to step up the progress. Written advice issued.
38	Sept 10	Blockage of route to a commercial centre	A property management company	Company explained that the commercial centre was under renovation. EOC's site visit found that blockage was removed and renovation work completed. Written advice issued.
39	Sept 10	Wide gap between platform and train hazardous to persons with disability	A public transportation company	Company explained that it had conducted feasibility study on improvement measures and had taken trial measures on some platforms. Company has also provided relevant training to staff on providing personal assistance where necessary, and ramp services are available upon request. Written advice issued.
40	Sept 10	Building of passenger lift suggested to facilitate users of a rehabilitation centre	A property management company	Standard ramp already provided. Management company studied possibility of building an external lift, but found that it would involve land rights of adjacent owner and technical limitation. No further action required.

	<b>Start date of the case</b>	<b>Nature</b>	<b>Organisations and departments concerned</b>	<b>Findings and follow up actions</b>
41	Aug 10	A student could not attend a course due to inaccessible training centre	A course organiser	Course organiser explained the difficulty in accommodating the need in the present term of the course, refunded course fee and undertook to place student in an accessible centre in the next term of the course. Written advice given.
42	Aug 10	No drop kerb on some sections of roads inside a housing estate for wheelchair users	The incorporated owners of the estate	EOC's site visit found that while short detour was needed at some crossings, the general accessibility was acceptable. Owners' incorporation would discuss with Housing Department on financial support as it was a Tenant Purchase Scheme estate. Written advice issued.
43	Aug 10	Some entrances to a commercial building were allegedly not accessible to wheelchair users	A property management company	EOC's site visit found that all major entrances were accessible. No further action required.
44	Aug 10	Suggestion for lift to be installed at a certain footbridge	Transport Department	Ramps built to standard already in place. No further action required.
45	Aug 10	Restaurant not accessible to wheelchair users	A restaurant	Restaurant located on second floor with no lift service. Operator explained that the restaurant is in an old building and no ramp up to standard could be built. It agreed to render assistance where possible. No further action required.
46	Aug 10	Steps at main entrance of a building	Incorporated owners	Old building with structural limitation for improving accessibility. Owners' incorporation agreed to render assistance to persons in need. Written advice issued.

	<b>Start date of the case</b>	<b>Nature</b>	<b>Organisations and departments concerned</b>	<b>Findings and follow up actions</b>
47	Aug 10	Not all parts of the podium in a housing estate were accessible to wheelchair users	Incorporated owners	EOC's site visit found that all parts of the podium were accessible except for a pavilion due to level difference. Concerns were drawn to the incorporated owners. Written advice issued.
48	Jul 10	Double doors installed at main entrance of a building causing difficulty for wheelchair users	A property management company	Company explained that the double doors were to prevent heat loss. Company agreed to keep one side of the inner door opened as a compromise and render assistance where necessary. Written advice issued.
49	Jul 10	Difficulty in entering a supermarket	A supermarket chain	Formal complaint received. Conciliation in progress.
50	Jul 10	No lift installed at a particular exit of a transport station	A public transport company	Formal complaint received. Settlement reached after conciliation and company agreed to install a lift.
51	Jul 10	No footbridges connecting buildings at particular points	Government and property developers	EOC's site visit identified alternate routings and crossings. No further action required.
52	Jun 10	Blockage of route outside a government building	Architectural Services Department / Government Property Agency	Department explained that temporary blockage was due to improvement work for accessibility. Work completed when site visit was conducted by EOC.
53	Jun 10	Emergency access for fire vehicle not opened for use of agencies in a social service complex	Incorporated owners of estate and property management company	Incorporated owners explained that it decided to stop a previous practice of allowing the use of emergency access for loading and unloading for safety reason. No further action required.
54	Jun 10	No lift service for 2 <sup>nd</sup> and 3 <sup>rd</sup> floors in a public housing building	Housing Authority/ Department	Department explained that there was technical limitation in improving the accessibility. Written advice issued. Department advised to render possible assistance or relocate housing unit for the needy.

	<b>Start date of the case</b>	<b>Nature</b>	<b>Organisations and departments concerned</b>	<b>Findings and follow up actions</b>
55	Jun 10	No lift service at a particular exit of a transport station	A public transport company	A lift already installed at one of the exits on the same side of the road. No further action required.
56	Jun 10	No low-platform buses serving a particular route	A public bus company	Company explained that it would replace the entire fleet with low-platform buses by stages but priority was given to routes with high demand / heavy traffic at this stage. Written advice issued.
57	Jun 10	Accessible passage to car park blocked	A property management company	EOC's site visit found that proper route was available to wheelchair users while bollard was used to block illegal parking. No further action required.
58	Jun 10	Level difference at the front entrance of a commercial centre	A property management company	Accessible route found in site visit of EOC. No further action required.
59	Jun 10	No drop kerb on certain section of a main road outside a public housing estate	Highways Department/ Housing Authority	Department explained that the relevant point was not a suitable place for road crossing due to heavy traffic and high gradient. No further action required.
60	May 10	Persons with disability not allowed to use a certain lift	A property management company	EOC's site visit found that the lift concerned was a cargo lift and a proper passenger lift was located 50 meters away. No further action required.
61	May 10	Steps at front entrance of a commercial centre	A property management company	Company explained that ramp built to standard could not be installed due to physical limitation and agreed to render assistance where necessary. Written advice issued.
62	May 10	No lift installed in a building	A property management company	EOC's site visit found that the building was a 50-year old one that did not include lift service in its design. Company agreed to render assistance where possible. Written advice issued.

	<b>Start date of the case</b>	<b>Nature</b>	<b>Organisations and departments concerned</b>	<b>Findings and follow up actions</b>
63	April 10	No drop kerb at one section of a road	Lands Department	Department explained that it already had an improvement plan and would give priority to the section concerned. Written advice issued.
64	Mar 10	Toilet doors too narrow for wheelchair to pass	A property management company	Company improved the facilities after EOC's intervention. Written advice issued.
65	Mar 10	Passages at some express e-channel at control points too narrow for wheelchair users	Immigration Department	EOC's site visit found that some passages were too narrow for wide-body wheelchairs. Department agreed to render assistance where necessary. Written advice issued.
66	Mar 10	No ramp at entrance of a residential building	A property management company	Company explained that structural difficulty limited the building of ramp, and would provide necessary assistance to residents. Written advice issued.
67	Feb 10	Blockage of guide paths in food market	Food and Environmental Hygiene Department	Department explained that passages were blocked by vendors and agreed to tighten monitoring work. Written advice issued.
68	Jan 10	Flight of stairs at front entrance of a restaurant	A restaurant	Restaurant explained that it had unjustifiable hardship in building a ramp, but agreed to render assistance where possible. Written advice issued.
69	Jan 10	Possibility of installing passenger lift at one end of a footbridge connecting a bank building to another commercial building	A bank	EOC's site visit found that passengers had to walk up a flight of stairs to access the footbridge while stair climber was already provided by the bank. The bank has sought expert advice and found that there was no space for building an internal lift, while building an external lift would involve technical and land rights difficulties. No further actions required.
<b>FSDO ( 3 )</b>		<b>Provision of goods and services ( 3 )</b>		



	<b>Start date of the case</b>	<b>Nature</b>	<b>Organisations and departments concerned</b>	<b>Findings and follow up actions</b>
1	Oct 10	Restaurant imposed conditions on diners with children	A restaurant operator	Operator explained that it had to ensure a quiet dining atmosphere for other diners. Explanation conveyed to aggrieved person, who had not pursued with a formal complaint. Written advice issued.
2	Apr 10	A canteen refused to serve customers with children	A canteen operator	Operator explained that the issue was due to misunderstanding and no such restriction was imposed. Written advice issued.
3	Feb 10	Restaurant refused to serve children under 3	A restaurant operator	Operator explained that it targeted business clients and children might spoil the atmosphere. Explanation conveyed to aggrieved person, who had not pursued with a formal complaint. Written advice issued.
<b>RDO ( 11 )</b>		<b>Employment (1)</b>		
1	Apr 10	Specifying employment of native speaking English person	A tutoring school	School explained that all native English applicants, regardless of race, were welcome. Written advice issued.
		<b>Provision of goods and services (6)</b>		
2	Dec 10	Menu in Chinese not available	A restaurant	Restaurant explained that all waiters spoke Chinese and could offer assistance. Written advice issued.
3	Nov 10	Security check alleged to be conducted selectively and targeted at Chinese	A bar operator	Operator explained that security check at entrance was conducted on all customers carrying large bags. Written advice issued.
4	Jun 10	Alleged different treatments for audience of different races	Leisure and Cultural Services Department	Department explained that due to shortage of time in the intermission period, ushers could not entertain all requests from viewers to change seats. Written advice issued drawing attention to sensitivity in service delivery.

	<b>Start date of the case</b>	<b>Nature</b>	<b>Organisations and departments concerned</b>	<b>Findings and follow up actions</b>
5	Jun 10	Some ethnic minority visitors not allowed entrance into a factory building	A property management company	A direct sale company held Sunday meetings with its agents, who are mainly ethnic minorities, in its office located in a factory building. Management company explained that prior notice and registration was required for entrance into the building during the time, and in the absence of advance notice, visitors regardless of race were barred from entry. Problem resolved after advance notice was tendered. No action was required.
6	May 10	Vilifying remarks against Nepalese on website	A web master	Remarks removed by web master. Written advice issued.
7	Feb 10	Conditions imposed by Pre-primary Education Voucher Scheme might be detrimental to ethnic minority groups	Education Bureau	Initial analysis conducted did not suggest any breach of law. EOC formed a working group on education for ethnic minorities and would follow up all aspects of the subject, including this issue, in that context.
<b>Harassment/ Vilification (4)</b>				
8	Oct 10	Vilifying remarks on Chinese race in a discussion forum	A forum master	Remarks removed by the forum master. The person making vilifying remarks could not be identified. Written advice issued.
9	Sept 10	Inappropriate remarks made by a broadcaster on Philippine nationals	A host of radio programme	Written advice issued to the radio host.
10	Aug 10	Vilifying remarks on Chinese race in a discussion forum	A forum master	Remarks removed by the forum master. Written advice issued.
11	Aug 10	Vilifying remarks on different races in a discussion forum	A forum master	Remarks removed by the forum master. Written advice issued.

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB123**

Question Serial No.

2783

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 : What is the number of research studies conducted by the Equal Opportunities Commission on subjects relating to discrimination and equal opportunities in 2010-11? Please list out the research studies, the start date and completion date, the expenditure and the staffing of the Commission responsible for the studies.

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The research studies commissioned by the Equal Opportunities Commission (EOC) in 2010-11 and the relevant details are listed at the Annex.

2. Research organisations have been commissioned by the EOC to conduct the studies, while the Policy and Research Unit of the EOC is responsible for conducting policy reviews, liaisons and advocacies to combat systemic discrimination and facilitate mainstreaming of equal opportunities in society, co-ordination and supervision of commissioned empirical studies or surveys, and other policy and research-related work. Currently, there are 5 staff in the Unit.

Signature \_\_\_\_\_

Name in block letters **JOSHUA LAW** \_\_\_\_\_

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs \_\_\_\_\_

Date 17 March 2011 \_\_\_\_\_

**Research studies conducted by the Equal Opportunities Commission  
in 2010-11**

<b>Research Studies</b>	<b>Start date</b>	<b>Completion Date / Expected Completion Date</b>	<b>Expenditure**</b>
In-depth Study on Racial Encounters and Experience in Discrimination	March 2010	August 2011	\$ 157,300
Study on Equal Opportunities for Students with Disabilities under the Integrated Education System in Hong Kong	October 2009	October 2011	\$ 494,500
Exploratory Study on Gender Stereotyping and Its Impact on Male Gender	January 2011	February 2012	\$ 389,201
Second Baseline Survey on Public Attitudes Towards Persons with a Disability	October 2009	August 2011	\$ 200,000
Students' Sexual Attitudes and Views on Sexual Harassment	December 2010	February 2012	\$ 379,361

\*\* The expenditure excludes staff costs as this cannot be attributed to individual studies, and represents EOC's payment to external parties in respect of the research studies, which may spread over different years.

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB124**

Question Serial No.

2784

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 : Please list out the respective expenditure and staff establishment of the Equal Opportunities Commission for handling complaints, legal matters, promotional work and research studies in 2009-10 and 2010-11. Regarding the Administration's decision to create the position of the Chief Operations Officer in 2010-11, what progress has been made so far? How much resources have been set aside in 2010-11 to meet the expenditure on the creation of the post and how has the provision for the expenditure been used?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The respective number of staff of the Equal Opportunities Commission (EOC) responsible for complaints handling, legal services, publicity and public education, and research, as at 28 February 2010 and 28 February 2011 are listed as follows:

	<b>Number of staff</b> (as at 28 February 2010)	<b>Number of staff</b> (as at 28 February 2011)
Complaints handling	25	24*
Legal service	8	8
Publicity and public education	13	13
Research	5	5

\* A staff member left the EOC during the year and the vacancy was not filled as at 28 February 2011.

2. The total subvention to the EOC will be increased from \$80.2 million (actual expenditure) in 2009-10 and \$83.1 million (original estimate) in 2010-11 to an estimated \$84.7 million in 2011-12. The expenditure and estimated expenditure on handling complaints, legal services, publicity and public education, and research in 2009-10 and 2010-11 are listed below. The amount does not include administrative expenditure.

	<b>2009-10 expenditure (actual)</b>	<b>2010-11 expenditure (estimated)</b>
	<b>(\$ million)</b>	<b>(\$ million)</b>
Handling complaints	16.9	16.4**
Legal services	7.7	7.8
Publicity and public education	18.3	17.8**
Research	4.8	5.1

\*\* The drop in expenditure is due to (i) a slight reduction in staff costs due to short-term vacancies during the year; and (ii) a slight drop in the actual amount of funding granted in the Community Participation Funding Programme in 2010-11 compared with 2009-10 after assessing the actual proposals submitted, although the same amount of funding has been earmarked in both years.

3. As regards the creation of a new Chief Operating Officer (COO) post, the action has been deferred by the EOC to allow time to evaluate the follow-up actions arising from a compliance and management study conducted by an external auditor commissioned by the EOC on the EOC's implementation of the recommendations made earlier by the Public Accounts Committee of the Legislative Council and the Audit Commission. That would shed light on the delineation of the roles and responsibilities between the Chairperson and the COO, and between the COO and other functional Division Heads. The key consideration is how the addition of this post may indeed achieve the desired result of having an appropriate check and balance at the most senior echelon of the Commission without hampering management efficiency.

4. The EOC has set aside an amount of \$2.4 million for the COO post in 2010-11. The amount has been redeployed for other operational expenses of the EOC, including promotion and public education.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB125**

Question Serial No.

2785

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 : Please provide a summary of the self-initiated investigations undertaken by the Office of the Privacy Commissioner for Personal Data in 2010. Please also list out the targets concerned, findings of the investigations as well as the expenditure and manpower involved.

Asked by : Hon. LAU Wai-hing, Emily

Reply :

Information on the eight self-initiated investigations undertaken by the Office of the Privacy Commissioner for Personal Data ("PCPD") in 2010 is provided at **Annex**.

2. The eight self-initiated investigation were/are being handled by 11 officers (two Chief Personal Data Officers, four Senior Personal Data Officers, two Legal Counsels, two Personal Data Officers and one Assistant Personal Data Officer) of the PCPD. Since the investigation work is part of the duties of the 11 officers concerned, there is no separate breakdown on the actual expenditure incurred.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

**Self-initiated Investigations Conducted in 2010**

<b>Case</b>	<b>Commencement Date of Investigation</b>	<b>Data User</b>	<b>Details of the Incident</b>	<b>Progress/Findings</b>
1	2 June 2010	A Telecommunications Company	Suspected leakage of personal data of a subscriber from the data user's database.	Investigation is continuing.
2	23 June 2010	A Telecommunications Company	The personal information collection statement of the data user did not spell out whether the classes of transferees of customers' data included debt collection agency.	Investigation is continuing.
3	7 July 2010	A Beauty Centre	Excessive collection of customers' personal data for on-line booking service.	Investigation is continuing.
4	7 July 2010	A Beauty Centre	Excessive collection of customers' personal data for on-line booking service.	Investigation is continuing.
5	22 July 2010	Octopus Holdings Limited ("OHL")	Collection and use of personal data of members under the Octopus Rewards Programme run by ORL, a subsidiary of OHL.	Case completed on 30 September 2010. Contravention of Data Protection Principle ("DPP") 1(1), DPP1(3) and DPP3.
6	22 July 2010	Octopus Rewards Limited ("ORL")	Collection and use of personal data of members under the Octopus Rewards Programme run by ORL, a subsidiary of OHL.	Case completed on 30 September 2010. Contravention of DPP1(1), DPP1(3) and DPP3.
7	17 August 2010	A Bank	Collection of customers' personal data and disclosure of the same to unconnected insurance companies for direct marketing.	Investigation is continuing.
8	7 December 2010	A Travel Agent	Excessive retention of customers' personal data by the data user.	Investigation is continuing.



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB126**

Question Serial No.

2786

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 : Regarding the cases handled by the Office of the Privacy Commissioner for Personal Data in 2010, by whom or which institutions were these cases mainly raised? Which trades were mainly involved in these complaint cases? What is the number of cases where government departments were involved? Please list out the government departments/public bodies involved.

Asked by : Hon. LAU Wai-hing, Emily

Reply :

Of the 1 438 complaint cases handled by the Office of the Privacy Commissioner for Personal Data ("PCPD") in 2010:

- (a) 1 105 (77%) cases were against private sector organisations;
- (b) 199 (14%) cases were against public sector organisations (of which 135 cases were related to government departments and 64 cases related to other public bodies); and
- (c) 134 (9%) cases were against individuals.

2. The majority of complaints against private sector organisations were related to the banking and finance industry (266 cases), telecommunications industry (141 cases) and property management industry (130 cases).

3. The complainants are all data subjects. As staff of the PCPD are bound by the secrecy provision of the Personal Data (Privacy) Ordinance, the PCPD cannot provide the names of the government departments or other public bodies being complained against.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB127**

Question Serial No.

2787

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 : Please list out the respective number of staff in the Office of the Privacy Commissioner for Personal Data and their rank responsible for promotion and education, conducting investigations and carrying out inspections, as well as the average number of simple and complex cases handled by each investigator each year and the number of investigators responsible for conducting self-initiated investigations in 2010-11 and 2011-12 separately. Please also list out the amount of provisions and the number of staff increased and their ranks in 2010-11 and 2011-12.

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The numbers of staff in the Office of the Privacy Commissioner for Personal Data ("PCPD") responsible for promotion and education, complaints handling, investigation and enforcement are as follows:

	<b>2010-11 (Actual numbers as at 31 December 2010)</b>	<b>2011-12 (planned)</b>
Promotion and education	1 Corporate Communications Manager, 2 Corporate Communications Officers, 1 Assistant Officer, supported by 2 clerical staff.	1 Corporate Communications Manager, 2 Corporate Communications Officers, 1 Assistant Officer, supported by 2 clerical staff.
Complaints handling, investigation and enforcement	3 Chief Personal Data Officers, 7 Senior Personal Data Officers, 9 Personal Data Officers, 9 Assistant Personal Data Officers, supported by 4.5 headcount of clerical staff.	4 Chief Personal Data Officers, 9 Senior Personal Data Officers, 11 Personal Data Officers, 9 Assistant Personal Data Officers, supported by 4.5 headcount of clerical staff.

2. In 2010, the PCPD completed investigation into 1 076 complaints, of which 759 (71%) were simple cases and 317 (29%) were complicated cases. During the same year, the PCPD also conducted 8 self-initiated investigations. The PCPD estimates that in 2011, it will complete investigation into 1 250 complaint cases (with simple and complicated cases remaining at about the same percentage as in 2010) and 11 self-initiated investigations. The investigation work is undertaken by the officers in the last row of the table in paragraph 1 above. Since some of the officers have to undertake compliance checks in addition to investigation work, there is no separate breakdown on the average number of simple and complicated cases handled by each investigator each year.

3. Compared with the actual provision for 2009-10, the revised provision for the PCPD in 2010-11 increased by \$4.8 million. This included additional provision for the PCPD to create one Chief Personal Data Officer, one Senior Personal Data Officer, one Personal Data Officer, one Legal Counsel and one Corporate Communications Officer posts to step up enforcement and promotion work and provide the necessary legal support.

4. Compared with 2010-11, the provision for the PCPD in 2011-12 increased by \$2.78 million. After adjusting for a one-off provision of \$1.02 million to the PCPD for enhancing its information technology system, this reflects an additional recurrent provision of \$3.8 million which will enable the PCPD to create two Senior Personal Data Officer and two Personal Data Officer posts to strengthen the implementation of the Personal Data (Privacy) Ordinance, including stepping up enforcement and compliance-checking work.

Signature	_____
Name in block letters	JOSHUA LAW
Post Title	Permanent Secretary for Constitutional and Mainland Affairs
Date	17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB128**

Question Serial No.

2788

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 2010-11, the Office of the Privacy Commissioner for Personal Data received a subvention of \$1,020,000 for non-recurrent expenditure. What will be the primary use of the expenditure?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

A capital item of \$1.02 million was created in 2010-11 for enhancing the computer systems of the Office of the Privacy Commissioner for Personal Data ("PCPD"). The enhancement includes replacing aging computers and printers and upgrading website infrastructure, Lotus Notes system and office automation software. Details of the work involved are as follows:

- (a) upgrading the current PCPD website infrastructure (server, operating system and web server) to ensure stability and security;
- (b) upgrading the current office automation software to the more up-to-date version (Microsoft Office 2010), as well as to update the operating system of Windows 7;
- (c) building a virtual server with an identical warm stand-by system to host the aging file server, domain controller, intranet, print server, accounting and daily backup servers;
- (d) replacing old personal computers (PCs), liquid crystal display monitors and personal/network printers; and

- (e) upgrading the current deployment of the email system IBM Notes R5 to the latest stable version, and enhancing the performance and security of PCs to meet the needs of the new email system.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB129**

Question Serial No.

2847

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 : It is mentioned in Matter Requiring Special Attention in 2011-12 that the Bureau will continue to oversee compliance with the reporting requirements under the 5 human rights treaties which apply to the HKSAR. With respect to those 5 human rights treaties which apply to the HKSAR, please tabulate, by treaty, the recommendations put forward by the United Nation Human Right Treaty Bodies after considering the reports by the HKSAR, the recommendations not accepted by the Administration, the improvement measures undertaken by the Administration in light of the aforementioned recommendations over the past 5 years (2006-07 to 2010-11), the implementation time of those measure and the expenditure involved.

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The Constitutional and Mainland Affairs Bureau oversees compliance with the reporting requirements to the United Nations (UN) under five human rights treaties which apply to the Hong Kong Special Administrative Region (HKSAR), including the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Elimination of All Forms of Racial Discrimination. The reports of the HKSAR in respect of these treaties are considered on a periodic basis by the relevant treaty monitoring bodies of the UN. A summary of the recommendations of the recent Concluding Observations issued by the respective bodies of the above treaties is at the Annex.

2. The Government takes the recommendations of the treaty bodies very seriously. In drafting the reports under the human rights treaties, relevant bureaux and departments would provide responses to the concerns and recommendations raised in the Concluding Observations in respect of the previous report, and explain and update the progress of implementation of the recommendations and the relevant considerations and circumstances where applicable.

3. The responses and measures in relation to the recommendations of the treaty monitoring bodies cover a wide range of areas and are included in the reports of the HKSAR in respect of these human rights treaties, which are available to the public. The relevant measures concerned are an integral part of the work of respective bureaux and departments and a separate breakdown of the expenditure involved for these measures is not readily available.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011



**Summary of the recommendations in the recent Concluding Observations  
issued by the United Nations treaty monitoring bodies on five international human rights treaties which apply to the HKSAR**

Committee	Recommendations
<p>Committee on Economic, Social and Cultural Rights (in respect of the International Covenant on Economic, Social and Cultural Rights)</p> <p>Date of issue: 13 May 2005</p>	<ul style="list-style-type: none"> <li>- The Committee urges the HKSAR to extend the protection afforded by the proposed racial discrimination law to internal migrants from the Mainland, and to put a stop to the widespread discriminatory practices against them on the basis of their origin. The Committee further recommends that the relevant provisions of the existing immigration legislation governing entry into, period of stay, and departure from, the HKSAR are amended to ensure full conformity and consistency with the new racial discrimination legislation.</li> <li>- The Committee recommends that HKSAR reconsider its position regarding the extension of the Convention relating to the Status of Refugees and its Protocol to its territorial jurisdiction, and that it strengthens its cooperation with UNHCR, in particular in the formulation of a clear and coherent asylum policy based on the principle of non-discrimination.</li> <li>- The Committee requests that HKSAR provide, in its next periodic report, the results of the Equal Opportunities Commission Study on Gender-based Pay Inequalities and the measures to follow up the findings of the study.</li> <li>- The Committee recommends that HKSAR consider extending its social security system to cover unemployed workers through the payment of an unemployment benefit based on contributions from employers and employees.</li> <li>- The Committee urges the HKSAR to review the existing “two-week rule”, with a view to eliminating discriminatory practices and abuse arising from it, and to improving the legal protection and benefits for foreign domestic workers so that they are in line with those afforded to local workers, particularly with regard to wages and retirement benefits. The Committee recommends that HKSAR enable domestic helpers to acquire pension rights through their inclusion in the Mandatory Provident Fund.</li> <li>- The Committee urges the HKSAR to review the eligibility criteria for the Comprehensive Social Security Assistance so as to ensure that all those in need, including low-income persons and families, older persons and new migrants are adequately covered by the scheme to enable them to enjoy a decent standard of living.</li> <li>- The Committee requests that the HKSAR provide, in its next periodic report, detailed information on the</li> </ul>

Committee	Recommendations
	<p>problem of trafficking and commercial sexual exploitation of persons in China and on measures taken to effectively address these problems. The Committee urges the HKSAR to ensure respect for the necessary procedural safeguards when deporting victims of trafficking in persons, particularly when such victims are minors, and to provide them with the necessary medical, psychological and legal support. The Committee requests HKSAR to report back to the Committee in its next periodic report on the result of the study by the Commission on Women on domestic violence.</p> <ul style="list-style-type: none"> <li>- The Committee urges the HKSAR to strengthen its efforts to combat poverty and social exclusion, in particular with regard to disadvantaged and marginalized groups and older persons. The Committee also recommends the HKSAR adopt an official poverty line, which would enable the State party to define the extent of poverty and to monitor and evaluate progress in alleviating poverty. The Committee requests that the HKSAR provide, in its next periodic report, disaggregated and comparative annually collected data on the number of people living in poverty, on the progress made in reducing the incidence of poverty, and on the impact, if any, that the newly-established Commission on Poverty has had on the issue of poverty in HKSAR.</li> <li>- The Committee urges the HKSAR to continue its efforts to improve its health services, inter alia, through the allocation of adequate and increased resources. The Committee recommends the HKSAR to consider revising the current list of subsidized drugs to meet the needs of the chronically and mentally ill. The Committee encourages the HKSAR to submit in its next periodic report annually collected comparative data, disaggregated by sex, age and urban/rural residence, paying particular attention to disadvantaged and marginalized groups.</li> <li>- The Committee recommends the HKSAR to develop a comprehensive sexual and reproductive health programme, including a public awareness-raising campaign about safe contraceptive methods. The Committee also calls upon the HKSAR to introduce education on sexual and reproductive health in the school curriculum.</li> <li>- The Committee urges the HKSAR to amend its legislation to provide for the right to education of all school-age children in its jurisdiction, including children of migrants without the legal right to remain in HKSAR.</li> <li>- The Committee encourages the HKSAR to ensure that human rights education is provided in schools at all levels and to raise awareness of human rights, in particular economic, social and cultural rights, among State officials and the judiciary.</li> </ul>

Committee	Recommendations
<p data-bbox="125 260 461 459">Committee on the Rights of the Child (in respect of the Convention on the Rights of the Child)</p> <p data-bbox="125 507 461 579">Date of issue: 30 September 2005</p>	<ul style="list-style-type: none"> <li data-bbox="483 260 2089 419">- The Committee recommends the establishment in the HKSAR a human rights institution which includes a clear mandate for the monitoring of children's rights and the implementation of the Convention in accordance with the Principles relating to the Status of National Institutions (The Paris Principles) contained in General Assembly resolution 48/134 of 20 December 1993.</li> <li data-bbox="483 427 2089 579">- The Committee recommends that in the HKSAR, budget allocations are targeted towards reducing income disparities, including through increased funding for social safety nets. It also recommends that an adequate monitoring system be established in order to ensure that budgetary allocations benefit the most vulnerable populations.</li> <li data-bbox="483 587 2089 707">- The Committee recommends that the development of central databanks on children's statistics be explored in the HKSAR so as to ensure that statistical data is used for the development, implementation and monitoring of appropriate policies and programmes for children.</li> <li data-bbox="483 715 2089 946">- The Committee recommends that the HKSAR: <ul style="list-style-type: none"> <li data-bbox="539 754 2089 826">a) further strengthen its efforts to disseminate the Convention in all languages, and also through the use of child-friendly materials and school curricula;</li> <li data-bbox="539 834 2089 874">b) expand its programmes to sensitize parents and children about the Convention; and</li> <li data-bbox="539 882 2089 946">c) increase its efforts to provide adequate and systematic training on children's rights for professional groups working with and for children.</li> </ul> </li> <li data-bbox="483 954 2089 1026">- The Committee recommends that the HKSAR expedite its efforts to draft and adopt legislation prohibiting discrimination on the basis of race or sexual orientation.</li> <li data-bbox="483 1034 2089 1153">- The Committee recommends the HKSAR to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and taking account of the Committee's general comment No. 1 (2001) on the aims of education.</li> <li data-bbox="483 1161 2089 1281">- The Committee recommends the HKSAR to include in its next periodic report more detailed information on the implementation of Article 3 and on how it ensured that the best interests of the child was a primary consideration in all actions concerning children.</li> <li data-bbox="483 1289 2089 1351">- The Committee recommends that the HKSAR ensure that children have the right to express their views freely in all matters affecting them and have those views be given due weight in policy-making, administrative</li> </ul>

Committee	Recommendations
	<p>proceedings, schools and the home.</p> <ul style="list-style-type: none"> <li>- The Committee recommends that the HKSAR systematically ensure active participation of children's organizations when developing policies or programmes affecting them, such as the current education reform. It further encourages the HKSAR to consider establishing a standing body to represent children's views in the political process.</li> <li>- The Committee urges the HKSAR to: <ul style="list-style-type: none"> <li>a) explicitly prohibit by law corporal punishment in the family, schools, institutions and all other settings, including penal institutions; and</li> <li>b) expand public education and awareness-raising campaigns with the involvement of children on alternative non-violent forms of discipline in order to change public attitudes about corporal punishment.</li> </ul> </li> <li>- The Committee recommends that the HKSAR: <ul style="list-style-type: none"> <li>a) extend the application of the 1993 Hague Convention No. 33 to the HKSAR as soon as possible;</li> <li>b) ensure incorporation of the legal provisions of the 1993 Hague Convention into domestic legislation in the HKSAR;</li> <li>c) further strengthen the monitoring of agencies facilitating international adoptions, in particular with regard to possible trafficking of children and the use of fees and donations paid by adopting parents,</li> <li>d) enact legislative and administrative measures to guarantee that all children without birth certificates are guaranteed their right to identity throughout the adoption process; and</li> <li>e) educate government officials and other professionals working with children without parental care that adoptions, in particular international adoptions are an exceptional option for alternative care, and that the principles of non-discrimination and the best interests of the child must be taken into account when making such decisions.</li> </ul> </li> <li>- The Committee recommends that efforts to combat abuse, neglect, violence and maltreatment be strengthened, including through mandatory reporting requirements for staff working with children, such as doctors, teachers and social workers, and the establishment of specific helplines accessible and available to children.</li> <li>- The Committee recommends that the HKSAR: <ul style="list-style-type: none"> <li>a) define in a more explicit manner the forms of sexual abuse and increase education and training for</li> </ul> </li> </ul>

Committee	Recommendations
	<p>professionals working with and for children on the identification, handling and prevention of all forms of abuse;</p> <p>b) strengthen coordination and follow-up of individual cases of abuse, neglect and maltreatment and ensure that all victims of any form of abuse, and their families, have access to social services and assistance; and</p> <p>c) ensure handling investigations without any discrimination as to whether the alleged perpetrators are from within or outside the family.</p> <ul style="list-style-type: none"> <li>- The Committee recommends that the HKSAR pay close attention to adolescent health and the provision of appropriate adolescent health services, taking into account its General Comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, and strengthen its efforts to promote adolescent health, including sexual and reproductive health education in schools, and to introduce school health services, including youth-sensitive and confidential counseling and care.</li> <li>- The Committee recommends that the HKSAR expand preventive and therapeutic mental health services for adolescents and develop programmes to decrease tobacco smoking, alcohol consumption and drug abuse among adolescents, in particular through the development of campaigns specifically designed for adolescents on health-behavioral choices and life skills. It further recommends that the HKSAR continue to strengthen its efforts to prevent youth suicide.</li> <li>- The Committee recommends that the HKSAR establish a poverty line and develop appropriate policies to combat child poverty which addresses widening income disparities while expanding access to social welfare benefits to all vulnerable populations including new immigrants.</li> <li>- The Committee recommends that the HKSAR: <ul style="list-style-type: none"> <li>a) develop programmes aimed at addressing the drop out rates in secondary education;</li> <li>b) further strengthen existing programmes aimed at addressing violence in schools, including with the participation of students themselves; and</li> <li>c) enhance the quality of education in a manner that seeks to reduce the competitiveness of the education system and promotes active learning capacities and the right of a child to play and leisure.</li> </ul> </li> <li>- The Committee recommends that China extend all human rights guarantees in its Constitution and in the Convention, with respect to both the mainland and Special Administrative Regions, to all children within its</li> </ul>

Committee	Recommendations
	<p>jurisdiction, including refugees and asylum-seekers and other undocumented migrants. In particular, the Committee recommends that China amend legislation and regulations to ensure that all refugee, asylum-seeking or undocumented migrant children in the HKSAR are able to attend school without undue delays.</p> <ul style="list-style-type: none"> <li>- In order to prevent and combat trafficking in children for sexual and other exploitative purposes, the Committee recommends the HKSAR: <ul style="list-style-type: none"> <li>a) further develop and enhance systems of early-prevention of sexual exploitation and trafficking;</li> <li>b) further strengthen its efforts to identify and investigate trafficking cases, to improve understanding of the issues of trafficking and ensure that perpetrators are prosecuted;</li> <li>c) develop and adopt a comprehensive policy to prevent and combat sexual exploitation and trafficking in children, including the root causes and factors that place children at risk of such exploitation;</li> <li>d) provide adequate programmes of assistance and reintegration for sexually exploited and/or trafficked children in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children; and</li> <li>e) ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000).</li> </ul> </li> <li>- The Committee recommends that the HKSAR ensure the full implementation of juvenile justice standards in particular articles 37, 40 and 39 of the Convention, and other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, and the Vienna Guidelines for Action on Children in the Criminal Justice System. It further recommends that the HKSAR provide training on relevant international standards to those responsible for administering juvenile justice.</li> <li>- The Committee recommends that the HKSAR: <ul style="list-style-type: none"> <li>a) raise the minimum age of criminal responsibility to an internationally acceptable level;</li> <li>b) abolish life sentences for persons who have committed offences while under the age of 18;</li> <li>c) ensure that all children under the age of 18 are consistently accorded special protection when coming into conflict with the law, and that their cases are heard in specialized juvenile courts by appropriately trained</li> </ul> </li> </ul>

Committee	Recommendations
	<p>magistrates; and</p> <p>d) ensure that deprivation of liberty is always used as a last resort, and strengthen and expand possibilities for alternative sentencing, such as such as mediation, probation, community service or suspended sentences.</p>
<p>Human Rights Committee (in respect of the International Covenant on Civil and Political Rights)</p> <p>Date of issue : 21 April 2006</p>	<ul style="list-style-type: none"> <li>- The Committee recommends that the HKSAR should consider the establishment of an independent human rights institution compliant with the Paris Principles.</li> <li>- The Committee recommends that the HKSAR should ensure that the investigation of complaints against the police is carried out by an independent body, the decisions of which are binding on relevant authorities.</li> <li>- The Committee recommends that the HKSAR should establish an appropriate mechanism to assess the risk faced by individuals expressing fears of being victims of grave human rights violations in the locations to which they may be returned.</li> <li>- The Committee recommends that the HKSAR should take measures to ensure that the notification system between the Regional and Mainland authorities is complied with and that cases of detention are notified promptly to the relatives in the Region.</li> <li>- The Committee recommends that the HKSAR should enact legislation on the capacity of law enforcement agencies to intercept communications and carry out covert surveillance which is in full conformity with article 17 of the Covenant and provide a mechanism of protection and redress to individuals claiming interference with their privacy or correspondence.</li> <li>- The Committee recommends that the HKSAR should take vigorous measures to prevent and prosecute harassment of media personnel, and ensure that the media can operate independently and free from government intervention.</li> <li>- The Committee recommends that the HKSAR should amend its legislation regarding the offences of treason and sedition to bring it into full conformity with the Covenant.</li> <li>- The Committee recommends that the HKSAR should ensure that its policies and practices regarding the right of abode fully take into consideration its obligations regarding the right of families and children to protection enshrined in articles 23 and 24 of the Covenant.</li> <li>- The Committee recommends that the HKSAR should make sure that police officers receive proper training to</li> </ul>

Committee	Recommendations
	<p>deal with cases of domestic violence and ensure adequate allocation of resources for protection and provision of assistance to the victims.</p> <ul style="list-style-type: none"> <li>- The Committee recommends that the HKSAR should investigate allegations of harassment of legislators, ensure that they do not recur and take the necessary steps for full compliance with articles 19 and 25.</li> <li>- The Committee recommends that all necessary measures should be taken whereby the Legislative Council is elected by universal and equal suffrage. It should be ensured that all interpretations of the Basic Law, including on electoral and public affairs issues, are in compliance with the Covenant.</li> <li>- The Committee urges the HKSAR to adopt the necessary legislation in order to ensure full compliance with article 26 of the Covenant.</li> </ul>
<p>Committee against Torture (in respect of the Convention against Torture and Other Cruel, Inhuman, Degrading Treatment of Punishment)</p> <p>Date of issue: 21 November 2008</p>	<ul style="list-style-type: none"> <li>- The Committee recommends that the HKSAR should consider adopting a more inclusive definition of the term “public official” in the definition of torture as to clearly include all acts inflicted by or at the instigation of or with the consent or acquiescence of all public officials or other persons acting in an official capacity. The Committee further recommends that HKSAR ensures that the definition comprises all the elements contained in article 1, including discrimination of any kind.</li> <li>- The Committee recommends that the HKSAR should consider abolishing the defense contained in section 3 (4) of the Crimes (Torture) Ordinance; to this end, it could, for instance, incorporate article 1 of the Convention into its Basic Law, as it has done with article 7 of the International Covenant on Civil and Political Rights.</li> <li>- On refugees and non-return to torture, the Committee recommends that the HKSAR should: <ul style="list-style-type: none"> <li>a) incorporate the provisions contained in article 3 of the Convention under the Crimes (Torture) Ordinance;</li> <li>b) consider adopting a legal regime on asylum establishing a comprehensive and effective procedure to examine thoroughly, when determining the applicability of its obligations under article 3 of the Convention, the merits of each individual case;</li> <li>c) ensure that adequate mechanisms for the review of the decision are in place for each person subject to removal, expulsion or extradition;</li> <li>d) increase protection, including recovery and reintegration, to trafficked persons, especially women and children, who should be treated as victims and not criminalized;</li> </ul> </li> </ul>



Committee	Recommendations
	<p>e) ensure effective post-return monitoring arrangements; and</p> <p>f) consider the extension of the 1951 Refugee Convention and 1967 Protocol to the HKSAR.</p> <ul style="list-style-type: none"> <li>- If resorting to the use of “death penalty safeguards” in the surrender of fugitive offenders/sentenced persons, the Committee recommends that the HKSAR should provide the Committee, in its next report, with information on number of cases where “surrender” or removals subject to safeguards or guarantees have occurred in the reporting period; with information on the HKSAR’s minimum requirements for these safeguards; the measures of subsequent monitoring undertaken by the HKSAR in such cases as well as the legal enforceability of these safeguards.</li> <li>- The Committee recommends that the HKSAR should ensure that health care professionals are equipped with the necessary training and information to recognize and detect signs and features that may suggest the occurrence of torture, as well as to provide gender sensitive treatment in legal and medical institutions.</li> <li>- On strip search and body cavity search, the Committee recommends that the HKSAR should: <ul style="list-style-type: none"> <li>a) ensure that strip searches for persons in police custody are limited to cases where there is a reasonable and clear justification; if carried out, the search has to be conducted with the least intrusive means and in full conformity with article 16 of the Convention; an independent mechanism to monitor those searches, upon request of the detainee, should also be provided;</li> <li>b) establish precise and strict guidelines regulating the strip searches conducted by all law-enforcement officials, including those from the Immigration and Correctional Services Department; if these guidelines are already in place, they should be strictly abided by and their observance consistently monitored; records of searches should be made and all abuses committed should be thoroughly investigated and, if substantiated, punished; and</li> <li>c) seek alternate methods to body cavity search for routine screening of prisoners; if such search has to be conducted, it must be only as a last resort and should be performed by trained health personnel and with due regard for the individual’s privacy and dignity.</li> </ul> </li> <li>- The Committee recommends that the HKSAR authorities should thoroughly investigate all allegations of abuses committed during police operations in the context of prostitution-related offences which, if substantiated, should be appropriately prosecuted and punished. The HKSAR should also tackle, including through training and</li> </ul>

Committee	Recommendations
	<p>awareness-raising activities, all existing attitudes suggesting that such abuses may be condoned.</p> <ul style="list-style-type: none"> <li>- The Committee recommends that the HKSAR should continue to take steps to establish a fully independent mechanism mandated to receive and investigate complaints on police misconduct. This body should be equipped with the necessary human and financial resources and have the executive authority to formulate binding recommendations in respect of investigations conducted and findings regarding such complaints, in line with the requirements of Article 12 of the Convention.</li> <li>- On domestic violence, the Committee recommends that the HKSAR should: <ul style="list-style-type: none"> <li>a) thoroughly investigate all allegations of domestic violence which, if substantiated, should be appropriately prosecuted and punished;</li> <li>b) strengthen its efforts to address domestic violence through legislative, policy and social measures;</li> <li>c) develop national public information and awareness-raising campaigns and stimulate broader public discussions in order to address attitudes and stereotypes that may lead to violence against women; and</li> <li>d) provide further information on this issue in its next periodic report, including on the progress obtained through the forthcoming Enhanced Central Domestic Violence Database.</li> </ul> </li> </ul>
<p>Committee on the Elimination of Racial Discrimination (in respect of the International Convention on the Elimination of All Forms of Racial Discrimination)</p> <p>Date of issue: 15 September 2009</p>	<ul style="list-style-type: none"> <li>- The Committee recommends that indirect discrimination with regard to language, immigration status and nationality be included among the prohibited grounds of discrimination in the Race Discrimination Ordinance.</li> <li>- The Committee recommends that all Government functions and powers be brought within the scope of the Race Discrimination Ordinance. It also recommends the adoption of an equality plan with a view to ensuring the effective implementation of the law and that the Equal Opportunities Commission be strengthened.</li> <li>- The Committee recommends the adoption of a law on refugees, with a view to establishing a comprehensive procedure for the screening of individual asylum claims. It furthermore recommends that the rights of asylum-seekers to information, interpretation, legal assistance and judicial remedies be guaranteed. The Committee also encourages the renewed consideration of the ratification of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.</li> <li>- The Committee recommends that effective measures be taken to ensure that domestic migrant workers are not discriminated against. It calls upon repealing of the “two-week rule” as well as the live-in requirement and that</li> </ul>

<b>Committee</b>	<b>Recommendations</b>
	<p>the HKSAR adopt a more flexible approach to domestic migrant workers in relation to their working conditions and work requirements, including employment rules and practices with discriminatory purposes or effects.</p> <ul style="list-style-type: none"><li data-bbox="483 343 2089 459">- The Committee recommends that a policy on Chinese teaching for non-Chinese speaking students from immigrant background be developed in consultation with teachers as well as the communities concerned. Efforts to improve the quality of Chinese language education for immigrant children should be intensified.</li></ul>

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB130**

Question Serial No.

2848

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 Equal Opportunities Commission (EOC) has put forward a number of recommendations in respect of the 4 pieces of legislation against discrimination. Please list out the recommendations not accepted by the Administration, the follow-up initiatives undertaken by the Administration in light of the recommendations of the EOC over the past 5 years (2006-07 to 2010-11) and the expenditure involved for each follow-up initiative.

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The Equal Opportunities Commission (EOC) has made a number of proposals to amend the anti-discrimination ordinances. Some of these proposals, such as the extension of the application of sexual harassment, has already been incorporated into the relevant anti-discrimination ordinances during the legislative exercise of enacting the Race Discrimination Ordinance in 2008.

2. The Administration is examining the other proposals raised by the EOC, taking into consideration recent developments and new amendments proposed by the EOC in 2010. Once we have completed our examination, we will consult the Legislative Council and relevant parties at the appropriate time.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB131**

Question Serial No.

2853

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 : How much were / will be spent on enhancing public awareness and respect for rights of the individual in the past 3 years (i.e. 2008-09 to 2010-11) and in 2011-12? Has the Government assessed whether the estimated amount is sufficient and whether the promotional activities are effective? What research projects have been conducted and what was the expenditure involved ?

Asked by : Hon. HO Chun-yan, Albert

Reply :

The Constitutional and Mainland Affairs Bureau (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".

2. The expenditure / estimated expenditure of the CMAB under these two programmes from 2008-09 to 2011-12 are as follows -

	2008-09 (Actual expenditure)	2009-10 (Actual expenditure)	2010-11 (Revised estimates)	2011-12 (Estimates)
Total	\$144.5 m	\$167.3 m	\$178.6 m	\$153.2 m (see paragraph 3 below)

3. To step-up and coordinate efforts in the provision of support services to ethnic minorities, the responsibility of providing support services to ethnic minorities will be transferred to the Home Affairs Department (HAD) starting from 2011-12. This involves the transfer of \$26.3 million from the CMAB to the accounts of the HAD. Together with the resources to be transferred to the HAD for the support services for ethnic minorities currently under the CMAB, the total estimated expenditure will be \$179.5 million. Thus, there is still an increase in overall allocation of funds for protection of human rights. 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. 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; while the Equal Opportunities Commission (EOC) and the Privacy Commissioner for Personal Data (PCPD) carry out their publicity, promotion and education programmes and enforcement work for areas within their statutory framework. The effectiveness of these programmes is monitored through such means as feedback questionnaires from participants in the programmes and community feedback as appropriate. From the feedback obtained, the promotional activities are generally effective in achieving the objectives.

5. No allocation has been specifically earmarked for research projects by the CMAB. However, subventions to the EOC and the PCPD include provisions for them to conduct research on matters relating to equal opportunities and protection of personal data privacy respectively.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB132**

Question Serial No.

2854

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 : How much provision has been set aside by the Government for the review and amendment of the Personal Data (Privacy) Ordinance? What is the timetable for the review?

Asked by : Hon. HO Chun-yan, Albert

Reply :

The Government launched further public discussions in October 2010 on legislative proposals to strengthen personal data privacy protection under the Personal Data (Privacy) Ordinance ("PDPO"). The further public discussions ended in December 2010. We are now analysing and consolidating the views received and finalising the legislative proposals. We plan to introduce an amendment bill into the Legislative Council in July 2011 to implement the proposals.

2. The above work is undertaken by existing staff of the Constitutional and Mainland Affairs Bureau. In 2011-12, the Government has set aside \$0.38 million in connection with the review of the PDPO for activities such as printing of reports.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB133**

Question Serial No.

2855

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 : How much provision has been set aside by the Government to issue and implement administrative guidelines to facilitate relevant bureaux and departments (B/Ds) to promote racial equality in formulating policies and measures ? Have the B/Ds fully consulted the local organisations, the service users and other stakeholders during the development of the administrative guidelines and after their issue? Does the Government have any plan to extend the coverage of the administrative guidelines to all Government B/Ds?

Asked by : Hon. HO Chun-yan, Albert

Reply :

The Constitutional and Mainland Affairs Bureau (CMAB) issued in April 2010 the Administrative Guidelines on Promotion of Racial Harmony (the Guidelines) to provide general guidance to relevant Government bureaux and departments and public authorities to promote racial equality and ensure equal access by ethnic minorities to public services in key areas concerned, and to take this into account in their formulation, implementation and review of relevant policies and measures.

2. In drawing up the Guidelines, the CMAB had consulted the Panel on Constitutional Affairs of the Legislative Council as well as ethnic minority groups and other stakeholders through channels such as the Committee on the Promotion of Racial Harmony and Ethnic Minorities Forum. We will keep the implementation of the Guidelines under review and continue to listen to feedback from stakeholders.



3. The Guidelines are implemented by relevant authorities with their own resources. On the part of the CMAB, efforts in relation to the Guidelines (including translation of the Guidelines into ethnic minorities languages and organising seminars to promote its awareness among officers of public authorities) are an integral part of the work of the Bureau and a separate breakdown of the related expenses is not available.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB134**

Question Serial No.

2856

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 : Has the government earmarked any provision to celebrate the 20th anniversary of the enactment of Hong Kong Bill of Rights and the centenary of the 1911 Revolution? What is the work involved and what is the timetable for the commemorative activities?

Asked by : Hon. HO Chun-yan, Albert

Reply :

The Government is committed to the promotion of human rights as guaranteed under the Basic Law, the Hong Kong Bill of Rights Ordinance (HKBORO) and relevant international human rights treaties as applied to Hong Kong. Promotion work has been carried out through various channels, including sponsorship for non-governmental organisations to organise promotional activities, educational programmes at schools, roving exhibitions, media campaigns in the form of television and radio announcement in the public interest, publication and distribution of bilingual booklets on the text of the human rights treaties applied to HKSAR, and training of Government officials on the HKBORO. 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. These promotional efforts will continue in 2011-12, and there is no provision specifically related to the 20th anniversary of the HKBORO.

2. The Government has also redeployed resources to organise a wide range of activities together with various sectors of the community to commemorate the centenary of the 1911 Revolution. According to information from the Home Affairs Bureau, these activities include large-scale exhibitions, talks and seminars, cultural performances, creative competitions, heritage tours and issuance of commemorative stamps. A series of activities was launched in September 2010 and will last until early 2012.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB135**

Question Serial No.

2857

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 : Why support services for ethnic minorities are transferred to the Home Affairs Department? What is the financial provision involved? Has the government assessed the impact of the transfer on the provision of the support services?

Asked by : Hon. HO Chun-yan, Albert

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 closely monitor the difficulties faced by ethnic minorities in daily life so as to ensure that the support services can meet their needs. It will help mobilize 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 mainstream 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. This involves the transfer of \$26.3 million from the CMAB to the accounts of the HAD.

3. As announced by the Financial Secretary in his Budget, in 2011-12, the HAD will be given more resources and set up a dedicated team to strengthen and integrate the support services for ethnic minorities. The HAD will introduce two major initiatives, launching district-based integration programmes; and introducing services to ethnic minorities by arranging for those with similar background and experience to reach out to them, and to make referrals to Government departments where necessary.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB136**

Question Serial No.

2858

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 : What are the amounts of provision earmarked by the government for the promotion of equal opportunities for people of different sexual orientations in the past 3 years (i.e. 2008-09, 2009-10, 2010-11) and 2011-12? What are the initiatives involved and how effective are they?

Asked by : Hon. HO Chun-yan, Albert

Reply :

The Government promotes equal opportunities for people of different sexual orientation and transgendered persons through the work of the Gender Identity and Sexual Orientation Unit (“the Unit”) to foster a culture of mutual understanding and respect within the community. The work includes:

- (a) sponsoring worthwhile community projects through the Equal Opportunities (Sexual Orientation) Funding Scheme;
- (b) maintaining a hotline for enquiries and complaints on issues relating to sexual orientation and gender identity; and
- (c) organising publicity and education programmes such as poster campaigns and design competitions.

These measures have helped promote the message of non-discrimination on grounds of sexual orientation and gender identity.

2. The provisions for these activities (including the staff cost of the Unit) in the past three years and 2011-12 are as follows –

2008-09 (Actual)	2009-10 (Actual)	2010-11 (Revised Estimate)	2011-12 (Estimate)
\$1.38 million	\$1.42 million	\$1.54 million	\$1.64 million

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB137**

Question Serial No.

2859

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 : In the past 3 years (2008-09, 2009-10 and 2010-11) and 2011-12 how many requests for information made under the Code on Access to Information were received? How many were refused? What were the reasons for the refusal? How much money was collected as charges for the service? Will the government waive the service charges in respect of information demanded for non-profit-making purposes or by non-profit-making institutions?

Asked by : Hon. HO Chun-yan, Albert

Reply :

In 2008-09, 2009-10 and 2010-11 (up to 31.12.2010), bureaux/departments received a total of 5 728 requests for information under the Code on Access to Information (the Code). Of these, 517 requests were subsequently withdrawn by the requestors, 365 requests covered cases in which the bureaux/departments concerned did not hold the requested information while 52 requests are still being processed by bureaux/departments. Of the remaining 4 794 requests, 4 645 (97%) were met, either in full (4 504) or in part (141), and 149 (3%) were refused. Refusal of requests for information in whole or in part were based on reasons specified in the Code, the major ones being :

- (a) the requested information was related to the privacy of an individual (in 89 cases);
- (b) the requested information was held for, or provided by a third party on the understanding that it would not be further disclosed (in 85 cases); and
- (c) the disclosure of information would harm or prejudice the management and operation of the public service (in 37 cases).

In the past three years, bureaux/departments collected a total of about \$73,000 in connection with requests for copies of documents.



2. Any person who requests for access to information is not obliged to disclose the purpose for which the information is to be used or the organisation to which he/she belongs. At present, there is no provision under the Code for waiving the charges in respect of requests for information. We have no current plan to amend the Code in this regard.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB138**

Question Serial No.

2860

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 : What is the total number of employees under the establishment of the Equal Opportunities Commission (EOC)? How are they remunerated? Of the provision earmarked for the EOC, how much of it is used for public education purposes? What are the items involved? Is the funding to the EOC adequate? In the past three years (i.e., 2008-09, 2009-10 and 2010-11) has the EOC ever declined to assign speakers to speak at education and training forums including weekly assemblies, seminars or workshops organised by private or public organisations such as schools, or to provide any other forms of assistance to such organisations on grounds of shortage of resources? Has the EOC ever declined to provide assistance to public or private organisations in their formulation of equal opportunities policies on grounds of shortage of resources? Please provide the relevant figures.

Asked by : Hon. HO Chun-yan, Albert

Reply :

As at end February 2011, there were 83 staff in the Equal Opportunities Commission (EOC). The EOC's expenditure on salary in 2010-11 is estimated to be \$40.62 million.

2. The EOC plans to set aside about \$21.01 million (including manpower expenditure) for promotion, publicity and education activities in 2011-12. Major ones include:

- (a) thematic campaigns on accessibility and other 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 Career Challenge, Uniquely Me, photo competition and video competition;
- (e) public campaigns: TV and radio Announcements in the Public Interest (APIs), advertisements on MTRs and buses, roving exhibitions;
- (f) community programmes: Community Participation Funding Programme and collaborative partnership projects;
- (g) publications & 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.

3. 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.

4. With the availability of resources, the EOC has offered the above services to clients on mutually convenient arrangements, without declining any of their requests on grounds of shortage of resources.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB139**

Question Serial No.

3015

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : Many people in the community have expressed the need for specific legislation regulating political parties in Hong Kong. With the increasing number of political bodies and political parties formed in recent years, and given that Hong Kong will implement universal suffrage in the near future, will the Administration consider allocating resources in 2011-12 for studying the introduction of a political party law? If it will, what are the work plan and estimated expenditure? If not, what are the reasons?

Asked by : Hon. CHAN Tanya

Reply :

Political parties in Hong Kong are still at a developmental stage. Sufficient room should be allowed for political parties to grow. Imposing statutory control on the operation of political parties at this stage may hinder their development. We do not consider it appropriate to introduce a political party law at this stage.

2. Whilst we have not enacted a political party law, the Government has implemented a series of measures to provide an environment conducive to the growth and development of political parties:

- (a) increasing the number of seats for election, so as to enhance the opportunity for people with different political backgrounds and independent candidates to participate in politics. For example, in 2011, the number of elected District Council ("DC") seats would be increased from 405 to 412. As for LegCo, the number of seats would be increased from 60 to 70 in 2012;

- (b) providing financial assistance for candidates, with a view to encouraging more aspiring candidates (including members of political parties) to participate in elections. For example, the subsidy rate for LegCo candidates would be increased from \$11 to \$12 for the fifth-term LegCo election to be held in September 2012. Separately, we also propose that the subsidy rate for candidates of the fourth-term DC election to be held in November 2011 should be increased from \$10 per vote to \$12 per vote; and
- (c) the political appointment system has been further developed to attract talents with different backgrounds, including those with political affiliation, to join the Government. This can create more room for political party members to participate in politics.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB140**

Question Serial No.

3016

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : In respect of the publicity and promotion of the Basic Law, will the Administration advise this Committee of:

- (a) the Bureau's expenditure in this regard in 2010-11, the programmes undertaken, the details and nature of these programmes?
- (b) the Administration's detailed work plan and a breakdown of the estimated expenditure for the programmes?
- (c) whether the Administration has assessed the cost-effectiveness and quality of the programmes. If it has, what are the findings of the assessment? If not, what are the reasons?

Asked by : Hon. CHAN Tanya

Reply :

In 2010-11, the Constitutional and Mainland Affairs Bureau set aside \$16 million for promoting the Basic Law and conducting publicity to enhance public awareness and understanding of the Basic Law. We organised and sponsored over 20 Basic Law promotional activities by adopting the following three promotional strategies:

- (i) First, using the electronic media as our key publicity channel to introduce the more macro and concrete aspects of the Basic Law to the general public, as well as the principle of "One Country, Two Systems". Some \$8.4 million was provided for the production of TV drama, documentary, game shows, Announcements in the Public Interest, online games and radio quiz shows.
- (ii) Secondly, enhancing public awareness and understanding of the Basic Law in a lively and interactive manner through promotional activities at

district levels, such as roving shows and carnivals. About \$4.9 million was provided for this purpose.

(iii) Thirdly, strengthening the co-operation with community organisations in staging promotional activities, such as seminars and competitions, in order to reach a wider audience through their extensive community networks. Some \$1.1 million was used in this area.

2. In addition, we provided about \$1.5 million for other publicity materials and necessary administrative support for the promotion of the Basic Law.

3. In 2011-12, this bureau has set aside \$16 million for organising various promotional activities. We will 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 "One Country, Two Systems", "Hong Kong People administering Hong Kong" and high degree of autonomy principles. We will continue to allocate similar amount of resources to the above three promotional strategies in delivering the messages. We will continue to take into account the public feedback and level of participation in the activities organised in mapping out the Basic Law promotion and publicity plan. Our latest assessment shows that vast majority of the general public are aware of the Basic Law at various degrees. Most of them have learnt about the content of the Basic Law through news and publicity programmes, as well as Government Announcements in the Public Interest on television and radio. We will continue to strengthen our promotional efforts to enhance the public's understanding of the Basic Law.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Reply Serial No.

**CMAB141**

Question Serial No.

3095

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

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 : Using the table below, please provide information on the complaints in  
relation to the Sex Discrimination Ordinance in the past 5 years:

Year	Number of Complaints received under the Sex Discrimination Ordinance	Number of withdrawn complaint cases	Number of conciliated cases	Number of applications for legal assistance	Number of applications not granted legal assistance	Number of applications granted legal assistance	Number of legal action commenced in court	Expenditure involved

Asked by : Hon. CHEUNG Kwok-che

Reply :

Statistics on complaints in relation to the Sex Discrimination Ordinance (SDO) handled by the Equal Opportunities Commission (EOC) from 2006-07 to 2010-11 are listed as follows.

Year	Number of complaints received	Number of cases withdrawn	Number of successfully conciliated cases	Number of applications for legal assistance	Number of applications not granted legal assistance	Number of applications granted legal assistance	Number of cases with legal action commenced in court	Expenditure involved in granting legal assistance**
2006-07	240	32	67	11	5	6	2	\$81,032
2007-08	348	59	68	11	3	7	0	\$30
2008-09	317	56	88	14	11	5	1	\$729
2009-10	309	48	64	16	3	12	4	\$248,013
2010-11	255	48	63	19	15	4	3	\$120,542

\* up to end of Feb 2011



\*\* The expenditure involved does not include manpower expenditure for EOC officers (including legal officers) and administrative costs of the EOC. The expenditure therefore varies from case to case, depending on whether legal assistance was provided by legal counsels of EOC or external counsel was engaged. As a result, in 2007-08 and 2008-09, where no external counsel was involved, only minor expenditures such as court filing fees, medical report charges and photocopying fees paid to external parties are reflected.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB142**

Question Serial No.

3096

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 : Using the table below, please provide information on the complaints received by the Equal Opportunities Commission in the past 5 years:

Year	Complaints received under the Sex Discrimination Ordinance	Complaints received under the Disability Discrimination Ordinance	Complaints received under the Family Status Discrimination Ordinance	Complaints received under the Race Discrimination Ordinance	Expenditure involved in handling the complaints (excluding administrative expenses) HK\$'M

Asked by : Hon. CHEUNG Kwok-che

Reply :

The number of complaints received by the Equal Opportunities Commission during 2006-07 to 2010-11 under the anti-discrimination ordinances, and the corresponding expenditure involved, are listed as follows -

Year	Complaints received under the Sex Discrimination Ordinance	Complaints received under the Disability Discrimination Ordinance	Complaints received under the Family Status Discrimination Ordinance	Complaints received under the Race Discrimination Ordinance	Expenditure involved in handling the complaints (excluding administrative expenses) (\$m)
2006-07	240	391	24	N/A **	12.0
2007-08	348	460	39	N/A **	14.4

<b>Year</b>	<b>Complaints received under the Sex Discrimination Ordinance</b>	<b>Complaints received under the Disability Discrimination Ordinance</b>	<b>Complaints received under the Family Status Discrimination Ordinance</b>	<b>Complaints received under the Race Discrimination Ordinance</b>	<b>Expenditure involved in handling the complaints (excluding administrative expenses) (\$m)</b>
2008-09	317	436	25	N/A **	15.9
2009-10	309	458	20	39	16.9
2010-11*	255	425	38	52	16.4

\* Case figures for 2010-11 are counted up to end of February 2011 while the expenditure is an estimate for the full year of 2010-11.

\*\* The Race Discrimination Ordinance came into full operation in 2009-10.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB143**

Question Serial No.

3097

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 : Using the table below, please provide information on the policy studies  
conducted by the Equal Opportunities Commission in the past five years:

Year	Titles of policy studies conducted under the Sex Discrimination Ordinance	Titles of policy studies conducted under the Disability Discrimination Ordinance	Titles of policy studies conducted under the Family Status Discrimination Ordinance	Titles of policy studies conducted under the Race Discrimination Ordinance	Expenditure involved
2010-11					
2009-10					
2008-09					
2007-08					
2006-07					

Asked by : Hon. CHEUNG Kwok-che

Reply :

Some research studies of the Equal Opportunities Commission straddled different financial years and legislation. Studies conducted in the past 5 years under the various legislation concerned and the corresponding expenditure involved are detailed in the table below:

	<b>Period of study</b>	<b>Research</b>	<b>Total Expenditure since start</b>
<b>Research related to Sex Discrimination Ordinance</b>	2007-08 to 2009-10	Study on Public Perception of Portrayal of Female Gender in the Hong Kong Media	\$ 941,647
	2010-11 (ongoing)	Exploratory Study on Gender Stereotyping and Its Impact on Male Gender	\$ 389,201
		Students' Sexual Attitudes and Views on Sexual Harassment	\$ 379,361
<b>Research related to Disability Discrimination Ordinance</b>	2009-10 to 2011-12	Study on Equal Opportunities for Students with Disabilities under the Integrated Education System in Hong Kong	\$ 494,500
		Second Baseline Survey on Public Attitudes Towards Persons with a Disability	\$ 200,000
<b>Research related to Family Status Discrimination Ordinance</b>	2006-07	Research on Family-friendly Employment Policies and Practices in Hong Kong	\$ 484,970
<b>Research related to Race Discrimination Ordinance</b>	2008-09 to 2009-10	Thematic Household Survey on Racial Acceptance	\$ 813,750
	2010-11 (ongoing)	In-depth Study on Racial Encounters and Experience in Discrimination	\$ 157,300
<b>Research related to Equal Opportunities</b>	2007-08	Equal Opportunities Awareness Survey 2007	\$ 192,971

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB144**

Question Serial No.

3237

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 : Please provide information of the number of cases received by the Equal Opportunities Commission (EOC) in the past 5 years, categorised by enquiries received, complaints received, cases settled by conciliation, legal assistance offered and referral to the Judiciary in respect of each of the four anti-discrimination ordinances. Will the Government adjust the subvention to the EOC and its establishment in view of the changes in the above data and the higher public expectation to ensure equal opportunities? If yes, please give details. If no, please give reasons.

Asked by : Hon. CHAN Tanya

Reply :

The relevant statistics on the number of enquiries and complaints received, cases conciliated, legal assistance granted and legal action taken by the Equal Opportunities Commission (EOC), by ordinance from 2006 to 2010, are provided below:

<b>Enquiries</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Sex Discrimination Ordinance	1 302	1 016	1 018	926	822
Disability Discrimination Ordinance	2 883	2 362	2 362	2 361	1 920
Family Status Discrimination Ordinance	176	147	164	179	153
Race Discrimination Ordinance	N/A*			265	353

<b>Complaints received</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Sex Discrimination Ordinance	251	311	318	334	284
Disability Discrimination Ordinance	383	466	420	484	447
Family Status Discrimination Ordinance	24	34	29	22	34
Race Discrimination Ordinance	N/A*			20	64

<b>Cases successfully conciliated</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Sex Discrimination Ordinance	62	62	89	72	62
Disability Discrimination Ordinance	89	127	92	100	105
Family Status Discrimination Ordinance	6	6	12	1	9
Race Discrimination Ordinance	N/A*			0	16

<b>Legal assistance granted</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Sex Discrimination Ordinance	5	8	4	10	6
Disability Discrimination Ordinance	10	4	9	20	5
Family Status Discrimination Ordinance	1	1	0	1	0
Race Discrimination Ordinance	N/A*			0	2

<b>Legal action commenced</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Sex Discrimination Ordinance	2	0	1	4	3
Disability Discrimination Ordinance	6	4	2	6	3
Family Status Discrimination Ordinance	0	0	0	0	0
Race Discrimination Ordinance	N/A*			0	0

\*The Race Discrimination Ordinance came into full operation in July 2009.

2. The Administration provides sufficient subvention to the EOC to ensure that it is able to carry out its statutory functions. The level of the Government's annual subvention to the EOC is determined having regard to a number of factors, including the operating expenditure of the EOC and funding required for new and improved services. We will consider the provision of additional resources in case of need.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB145**

Question Serial No.

3238

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 : Earlier, the Equal Opportunities Commission (EOC) completed a survey on the provision of facilities for the handicapped in government buildings and public institution premises, which has aroused extensive public and government concerns. In 2011-12, in the Government subvention to the EOC, will the resources for survey work be adjusted to allow the EOC to better identify more situations in society involving breaches of the principles of equal opportunities? If yes, please give details. If no, please give reasons.

Asked by : Hon. CHAN Tanya

Reply :

The internal resources allocation of the Equal Opportunity Commission (EOC) is determined by the Commission, which could redeploy its recurrent resources under Government subvention to carry out its statutory functions, including the conduct of surveys and studies, as it considers appropriate.

2. In 2011-12, the estimate for the subvention of the EOC has been increased by \$1.6 million compared with the original estimate of 2010-11. The increase includes mainly the provision of additional resources for the EOC to strengthen its manpower to enhance its policy research work. The EOC will create a Senior Equal Opportunities Officer post in the Policy and Research Unit in 2011-12. Part of the core duties of the new post is to identify and ascertain systemic discrimination issues, including accessibility issues, by way of research and studies, and to explore and propose improvement measures and solutions.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB146**

Question Serial No.

3239

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 : Please advise on the respective numbers of enquiry and complaint cases received, cases where investigation has been initiated and enforcement actions have been taken by the Office of the Privacy Commissioner for Personal Data ("PCPD") in each of the past 5 years. Will the Administration review the resource allocation and establishment of the PCPD in the light of the above figures? If it will, what are the work plan and timetable for the review? If not, what are the reasons?

Asked by : Hon. CHAN Tanya

Reply :

Figures on enquiries received, complaints received and handled, and enforcement actions carried out by the Office of the Privacy Commissioner for Personal Data ("PCPD") are as follow:

	2006	2007	2008	2009	2010
<b>Public enquiries</b>					
public enquiries received	14 614	13 170	13 112	18 760	18 000
<b>Complaints</b>					
complaints received	1 025	937	793	1 001	1 179
complaints brought forward	183	137	153	150	259
cases of complaints for disposal (Note: including cases brought forward from the previous year)	1 208	1 074	946	1 151	1 438
investigations completed	1 071	921	796	892	1 076
<b>Enforcement actions</b>					
warning notices issued	5	7	9	12	18
enforcement notices issued	66	14	7	25	10
undertakings received after investigation	2	1	0	3	2
referral to prosecution	8	8	5	8	12

2. The Government is firmly committed to the protection of personal data privacy and will provide resources at an appropriate level to support the PCPD for effective enforcement of the Personal Data (Privacy) Ordinance and keep in view PCPD's resource requirements. As a matter of fact, there has been a steady increase in the amount of resources allocated to PCPD - from \$36.2 million (actual) in 2007-08 to \$42.9 million (actual) in 2008-09, \$45.1 million (actual) in 2009-10, \$49.9 million (revised estimate) in 2010-11, and further to \$52.7 million (estimate) in 2011-12.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB147**

Question Serial No.

3240

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 : In respect of the 4 current anti-discrimination ordinances, will the Government consider setting aside resources to review these ordinances in 2011-12? If yes, what will be the plan for the related work and the estimated expenditure? Will public consultation be conducted in this regard? If there is no plan to review the ordinances, what are the reasons?

Asked by : Hon. CHAN Tanya

Reply :

The Administration is monitoring the operation of the anti-discrimination ordinances. This effort is part of the work of the bureaux concerned, and there is no separate breakdown of the expenditure involved.

2. In addition, the Administration is examining a number of legislative proposals raised earlier by the Equal Opportunities Commission (EOC), taking into consideration recent developments and new amendments recently proposed by the EOC. Once we have completed our examination, we will consult the Legislative Council and relevant parties at the appropriate time.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ **JOSHUA LAW**

Post Title \_\_\_\_\_ Permanent Secretary for  
Constitutional and Mainland Affairs

Date \_\_\_\_\_ 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB148**

Question Serial No.

3241

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 : How much was spent on promoting public awareness on the protection of rights of the individual in 2010-11? What were the details of the projects involved? What will be the work plan, the details of each programme and the estimated expenditure in 2011-12?

Asked by : Hon. CHAN Tanya

Reply :

The Constitutional and Mainland Affairs Bureau (CMAB) has been promoting awareness of, respect for and protection of human rights through allocations to the programmes "Rights of the Individual" and "Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data". The revised estimated expenditure under these programmes in 2010-11 is \$178.6 million.

2. The expenditure items, organisers and target groups of the programmes and events for promoting awareness of and respect for human rights in 2010-11 under the CMAB, excluding those carried out by the Equal Opportunities Commission (EOC) and the Office of the Privacy Commissioner for Personal Data (PCPD), are listed at the Annex.

3. In 2011-12, the CMAB will continue its work on 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; while support services for ethnic minorities currently under the CMAB will be transferred to the Home Affairs Department. The EOC and the PCPD will continue to carry out their publicity, promotion and education programmes and enforcement work for areas within their statutory framework.

4. In 2011-12, the estimated expenditure of the CMAB under the programmes “Rights of the Individual” and “Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data” is \$153.2 million. Together with the resources to be transferred to the Home Affairs Department for the support services for ethnic minorities currently under the CMAB as explained in paragraph 3 above, the total estimated expenditure will be \$179.5 million.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

**Activities on promoting rights of the individual in 2010-11 under CMAB**

<b>Activities</b>	<b>Responsible organisation</b>	<b>Target</b>
Publication of United Nations Human Rights reports	CMAB	Members of the public
Forums	CMAB	Members of the public, in particular interested NGOs
Equal Opportunities (Sexual Orientation) Slogan and Logo Design Competition	CMAB	Members of the public
Equal Opportunities (Sexual Orientation) Funding Scheme	Sponsored organisations	Members of the public
Support services centres for ethnic minorities	Sponsored NGOs	Members of the public, in particular ethnic minorities
Children's Rights Education Funding Scheme	Sponsored organisations	Members of the public, in particular children
Website for Children's Council	Sponsored organisation	Members of the public, in particular children
Announcement in the Public Interest (API) on children's rights on TV, Radio, MTR and Roadshow	CMAB	Members of the public, in particular children
Radio API and MTR advertisement on equal opportunities for sexual minorities	CMAB	Members of the public
Mobile information service at airport	Sponsored NGOs	Members of the public, in particular ethnic minorities
Cross-cultural youth programmes	Sponsored NGOs	Members of the public, in particular ethnic minorities
Community support teams	Sponsored NGOs	Members of the public, in particular ethnic minorities
Radio programmes in ethnic minority languages	RTHK	Members of the public, in particular ethnic minorities
Service Guidebooks	CMAB	Members of the public, in particular ethnic minorities

Harmony scholarships	CMAB	Primary and Secondary students, including ethnic minorities students
Reprinting of “Everyday Cantonese” speaking book	Sponsored NGOs	Members of the public, in particular ethnic minority children

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB149**

Question Serial No.

3243

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 Administration has recently conducted a consultation on the review of Personal Data (Privacy) Ordinance. Has the Administration drawn up any detailed work plan for the review or amendment of the Ordinance in 2011-12? If yes, what are the relevant details and estimated expenditure? If no, what are the reasons?

Asked by : Hon. CHAN Tanya

Reply :

The Government launched further public discussions in October 2010 on legislative proposals to strengthen personal data privacy protection under the Personal Data (Privacy) Ordinance ("PDPO"). The further public discussions ended in December 2010. We are now analysing and consolidating the views received and finalising the legislative proposals. We plan to introduce an amendment bill into the Legislative Council in July 2011 to implement the proposals.

2. The above work is undertaken by existing staff of the Constitutional and Mainland Affairs Bureau. In 2011-12, the Government has set aside \$0.38 million in connection with the review of the PDPO for activities such as printing of reports.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ JOSHUA LAW

Post Title \_\_\_\_\_ Permanent Secretary for  
Constitutional and Mainland Affairs

Date \_\_\_\_\_ 17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB150**

Question Serial No.

3244

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : At present, consulates established in Hong Kong by foreign governments and overseas organisations are eligible to be registered as electors of some functional constituencies. Will the Administration consider allocating resources in 2011-12 to examine and amend the poll registers for various elections, and to review the eligibility of the above bodies for registering as electors? If yes, what are the details? If no, what are the reasons?

Asked by : Hon. CHAN Tanya

Reply :

The Chief Executive Election (Amendment) Bill 2010 and the Legislative Council (Amendment) Bill 2010 were passed by the Legislative Council on 3 and 5 March 2011 respectively. The two Bills contain provisions which specify that the consular posts set out in the Consular Relations Ordinance (Cap. 557), and the international organizations set out in the International Organizations (Privileges and Immunities) Ordinance (Cap. 558) and International Organizations and Diplomatic Privileges Ordinance (Cap. 190) are disqualified from being registered as corporate voters or electors in any Election Committee subsector or functional constituency.

2. The Registration and Electoral Office (REO) is the executive arm of the Electoral Affairs Commission in the registration of voters/electors. REO will effect the above amendments with existing manpower and resources when compiling the next registers of voters/electors.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB151**

Question Serial No.

3245

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : In 2010 when the Legislative Council was reviewing the methods for the selection of the Chief Executive and the forming of the Legislative Council in 2012, the Government produced a series of TV and radio Announcements in the Public Interest (APIs) to promote the Government's constitutional development proposals. Could the Government advise this Committee the cost of production, the number of times the APIs were broadcast, the total broadcasting hours and the percentage with respect to the total APIs broadcast. In 2011-12 will the Government produce any new APIs on constitutional development? If yes, what is the estimated production cost? What will be the broadcasting arrangements?

Asked by : Hon. CHAN Tanya

Reply :

The Government published in April 2010 the "Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the Legislative Council (LegCo) in 2012" to summarise the views received during the three-month consultation exercise from November 2009 to February 2010, and to set out the Government's proposed package for the electoral methods for selecting the Chief Executive and for forming the LegCo in 2012.

2. To tie in with the release of the proposed package, the Government launched a publicity exercise as a promotion of the Government's policy to appeal to the public for their support of the 2012 constitutional package, and to facilitate the public to better understand the meaning and significance of rolling forward Hong Kong's constitutional development in 2012.

3. The package to produce the TV/radio Announcements in the Public Interest (APIs) also included the design of the relevant publicity materials (including posters, newspaper advertisements, giant wall banners, internet flash banners, bus/tram/taxi-body advertisements, MTR trackside banners). The total cost was about \$3.2 million.

4. The TV and radio APIs were carried by broadcasters free of charge (i.e. under Government API quota). The broadcast frequency of the TV APIs was 10 298 times totalling 5 632 minutes, which represented about 12% of the total amount of free Government airtime for airing APIs on TV channels. The broadcast frequency of the radio APIs was 2 227 times totalling 1 113.5 minutes, which represented about 5% of the total amount of free Government airtime for airing APIs on radio channels. We also broadcast the TV APIs on public transport carriers such as buses and the MTR for a total of 36 days at a cost of about \$0.23 million.

5. The Constitutional and Mainland Affairs Bureau has no plan to produce TV APIs on constitutional development in 2011-12.

Signature	_____
Name in block letters	<u>JOSHUA LAW</u>
Post Title	<u>Permanent Secretary for Constitutional and Mainland Affairs</u>
Date	<u>17 March 2011</u>

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB152**

Question Serial No.

3246

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : Hong Kong has limited participation in the National 12th Five-Year Plan as well as the Study on the Action Plan for the Bay Area of the Pearl River Estuary, public consultation of which has started recently. To better reflect Hong Kong people's views to the Mainland to preserve Hong Kong's unique position and comparative advantages, will the Administration take any special initiatives or conduct related work in 2011-12 to reflect to the Mainland Hong Kong's roles in the country? If yes, please give details. If no, please give reasons.

Asked by : Hon. CHAN Tanya

Reply :

Since 2008, the Administration has been actively complementing the preparation of the National 12<sup>th</sup> Five-Year Plan (the Plan) under the "One Country, Two Systems" principle by engaging the stakeholders to collect views on Hong Kong's functions and roles in enhancing the development of our country in the 12-5 period and establishing direct working relationship with the National Development and Reform Commission to reflect our views to the Mainland. The Constitutional and Mainland Affairs Bureau's roles and functions on the above include assisting in coordinating inter-bureau efforts and liaising with the relevant Mainland authorities.

2. Upon the endorsement of the Plan by the National People's Congress and its promulgation in March this year, the Constitutional and Mainland Affairs Bureau will continue to help coordinate the implementation of the Plan in the following areas:

- (a) assisting in coordination with the concerned bureaux and departments to map out their follow up action plans on the specific areas mentioned in the Plan. Views of the community, including the relevant business sectors and professional bodies will be taken into account during the process;

- (b) assisting in monitoring the progress and action plans mentioned in (a) above;
- (c) assisting in liaising with the relevant Mainland authorities, particularly the National Development and Reform Commission, on matters relating to the implementation of the Plan relevant to the HKSAR;
- (d) assisting in taking forward various regional cooperation initiatives, particularly the implementation of the Framework Agreement on Hong Kong/Guangdong Co-operation;
- (e) offering advice to the Shenzhen Municipal Government in promoting the development of modern service industries in Qianhai; and
- (f) assisting in coordinating with the relevant Mainland offices to conduct relevant research and studies on the related areas as necessary.

3. We understand Hong Kong's roles and positioning in the development of the country will be featured in the Plan. Upon the endorsement of the Plan by the National People's Congress and its promulgation in March this year, we will continue to liaise with the relevant Mainland authorities on related matters as necessary.

Signature	_____
Name in block letters	JOSHUA LAW
Post Title	Permanent Secretary for Constitutional and Mainland Affairs
Date	17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB153**

Question Serial No.

3310

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 : Please explain why there is an over 60% decrease in the estimated expenditure on Rights of Individual in 2011-12. Though the government states that the change is mainly due to the transfer of support services and relevant resources, including manpower for ethnic minorities to the Home Affairs Department starting from 2011-12, the decrease in the provision for Rights of Individual is still significant. What are the items or plans that will be terminated, abolished or scaled down due to the decrease in provision?

Asked by : Hon. HO Chun-yan, Albert

Reply :

The Constitutional and Mainland Affairs Bureau (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", which have been increasing in recent years.

2. The apparent reduction in the 2011-12 estimated expenditure under the programme "Rights of the Individual" in the 2011-12 draft Estimates is mainly due to the transfer of manpower and resources for support services for ethnic minorities, amounting to \$26.3 million, to the Home Affairs Department (HAD) starting from 2011-12. This is in line with the initiative to assist ethnic minorities as announced by the Chief Executive in his 2010-11 Policy Address, under which the Permanent Secretary for Home Affairs would lead a dedicated team to step up and co-ordinate efforts in facilitating the integration of new arrivals to Hong Kong and ethnic minorities into the community.

3. In 2011-12, the estimated expenditure of the CMAB on human rights promotion under the programmes “Rights of the Individual” and “Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data” is \$153.2 million. Together with the \$26.3 million to be transferred to the HAD as explained in paragraph 2 above, the total estimated expenditure in respect of the promotion of the rights of the individual will be \$179.5 million. This represents a further increase, rather than a decline, in the total expenditure on the work compared with the original estimates for 2010-11 (\$175.6 million) and the revised estimates for 2010-11 (\$178.6 million).

4. It should also be noted that in respect of the programme “Rights of the Individual”, some expenditure in 2010-11, such as sponsoring the relocation and refurbishment of a support service centre upon the expiry of its present lease, is one-off in nature and would not recur in 2011-12. We have earmarked appropriate resources for our on-going work on the promotion of human rights under that programme.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB154**

Question Serial No.

3311

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 : (a) Please list out the expenditure items, organisers and target groups of the events for the promotion of human rights in 2010-11 as well as the expenditure estimated for the promotion of human rights in 2011-12 and the main area of activities. Is there any dedicated staff under the Constitutional and Mainland Affairs Bureau to look into the work and budget of other government departments for the promotion of human rights through channels like school education, community activities and other publicity activities? If yes, what is the rank of the responsible officer? What is the total expenditure incurred by various government departments on the promotion of human rights in 2010-11?

(b) What is the expenditure estimated for conducting studies on the setting up of a statutory human rights commission or a statutory human rights resources centre?

Asked by : Hon. HO Chun-yan, Albert

Reply :

The Constitutional and Mainland Affairs Bureau (CMAB) has been promoting awareness of, respect for and protection of human rights through the allocation to the programmes "Rights of the Individual" and "Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data". In 2011-12, the estimated expenditure of the CMAB under these two programmes is \$153.2 million.

2. The expenditure items, organisers and target groups of the programmes and events for promoting awareness of and respect for human rights in 2010-11 under the CMAB, excluding those carried out by the Equal Opportunities Commission (EOC) and the Office of the Privacy Commissioner for Personal Data (PCPD), are listed at the Annex.



3. The CMAB will continue its work on 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; while support services for ethnic minorities currently under the CMAB will be transferred to the Home Affairs Department. The EOC and the PCPD will continue to carry out their publicity, promotion and education programmes and enforcement work for areas within their statutory framework.

4. The staff of the CMAB (including directorate and non-directorate staff and staff in the Gender Identity and Sexual Orientation Unit and Children's Rights Unit) work closely with other Government bureaux and departments for the promotion of human rights. For instance, the Education Bureau facilitates the promotion of human rights education in schools, through measures such as embedding related learning elements in the curriculum, organising teacher professional development programmes, developing learning and teaching resources. The Committee on the Promotion of Civic Education promotes human rights education in its publications and grants sponsorship under its Community Participation Scheme to community organisations to organise activities to promote civic values relating to human rights. The relevant expenditures such as staff costs are funded by the Education Bureau and Home Affairs Bureau.

5. Regarding the establishment of a statutory human rights institution or resource centre, the Administration is of the view that human rights are fully protected by law. The legislative safeguards are enshrined in the Basic Law, the Hong Kong Bill of Rights Ordinance and other relevant ordinances. These are buttressed by the rule of law and an independent judiciary. There is also an existing institutional framework of organisations which help promote and safeguard different rights, including the EOC, the PCPD, The Ombudsman, and the legal aid services. The Government's performance in promoting and safeguarding human rights is open to scrutiny through regular reports to the United Nations and is under the constant scrutiny of the Legislative Council, the media and various human rights NGOs. The Administration considers that the existing mechanism has worked well and that there is no obvious need for establishing another human rights institution or resource centre to duplicate the functions of or supersede the existing mechanism. No expenditure has been earmarked for conducting a study on this issue.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

**Activities on promoting rights of the individual in 2010-11 under CMAB**

<b>Activities</b>	<b>Responsible organisation</b>	<b>Target</b>
Publication of United Nations Human Rights reports	CMAB	Members of the public
Forums	CMAB	Members of the public, in particular interested NGOs
Equal Opportunities (Sexual Orientation) Slogan and Logo Design Competition	CMAB	Members of the public
Equal Opportunities (Sexual Orientation) Funding Scheme	Sponsored organisations	Members of the public
Support services centres for ethnic minorities	Sponsored NGOs	Members of the public, in particular ethnic minorities
Children's Rights Education Funding Scheme	Sponsored organisations	Members of the public, in particular children
Website for Children's Council	Sponsored organisation	Members of the public, in particular children
Announcement in the Public Interest (API) on children's rights on TV, Radio, MTR and Roadshow	CMAB	Members of the public, in particular children
Radio API and MTR advertisement on equal opportunities for sexual minorities	CMAB	Members of the public
Mobile information service at airport	Sponsored NGOs	Members of the public, in particular ethnic minorities
Cross-cultural youth programmes	Sponsored NGOs	Members of the public, in particular ethnic minorities
Community support teams	Sponsored NGOs	Members of the public, in particular ethnic minorities
Radio programmes in ethnic minority languages	RTHK	Members of the public, in particular ethnic minorities
Service Guidebooks	CMAB	Members of the public, in particular ethnic minorities

Harmony scholarships	CMAB	Primary and Secondary students, including ethnic minorities students
Reprinting of “Everyday Cantonese” speaking book	Sponsored NGOs	Members of the public, in particular ethnic minority children

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB155**

Question Serial No.

3312

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 : What is the total number of employees under the establishment of the Office of the Privacy Commissioner for Personal Data (PCPD)? How are they remunerated? Of the provision earmarked for the PCPD, how much of it is used for public education purposes? What are the items involved? Is the funding to the PCPD adequate? Has the PCPD ever declined to assign speakers to speak at education and training forums organised by private or public organisations, or to provide any other forms of assistance to such organisations on grounds of shortage of resources? Has the PCPD ever declined to provide assistance to public or private organisations in their formulation of privacy policies on grounds of shortage of resources? Please advise on the estimates, details and progress of the Data User Returns Scheme.

Asked by : Hon. HO Chun-yan, Albert

Reply :

As at end February 2011, there were 66 staff in the Office of the Privacy Commissioner for Personal Data ("PCPD"). Expenditure on salary and allowances for February 2011 amounted to \$2.8 million.

2. The PCPD plans to set aside about \$1.45 million for promotion, publicity and education activities in 2011-12. Major ones include:

- (a) two Announcements in the Public Interest, one targeted at data subjects and one targeted at data users featuring the application of the provisions of the Personal Data (Privacy) Ordinance, to be broadcast on television and through other channels;
- (b) student Ambassador programme - a learning process provided for secondary school students to foster a culture of respect for personal data privacy;

- (c) an industry-wide privacy campaign for a targeted industry;
- (d) privacy Awareness Week 2011 - an annual regional promotional event;
- (e) activities for Data Protection Officers' Club members, including regular meetings, introductory seminars, discussion sessions and visits;
- (f) participation in the Education & Careers Expo 2012;
- (g) production of publicity and educational materials such as Teaching Kit for Liberal Studies;
- (h) professional workshops on data protection - a series of professional workshops tailored for the needs of executives dealing with personal data; and
- (i) public seminars on topical issues, e.g. proper use of technology in daily life.

3. The PCPD strives to accommodate all requests for assistance from public and private sector organisations in their educational and training programmes as well as in formulating privacy policies. The extent of assistance depends on individual circumstances, having regard to factors such as timing of the events and modes of assistance. The PCPD also organises public seminars and makes available train-the-trainers training materials. In 2010, the PCPD organised 26 major promotional activities, one industry specific privacy campaign with the insurance industry and 124 talks and seminars.

4. The Administration and the PCPD are considering how to take forward the Data User Returns Scheme ("DURS"). As a start, the Administration has included in the provision for the PCPD in 2011-12 \$1.1 million to create one additional Senior Personal Data Officer post to study the implementation arrangements for the DURS.

Signature	_____
Name in block letters	JOSHUA LAW
Post Title	Permanent Secretary for Constitutional and Mainland Affairs
Date	17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB156**

Question Serial No.

3721

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 : The main responsibilities of the Mainland Offices include advising the Government of the HKSAR on policies and initiatives on fostering relations between Hong Kong and the provinces / municipalities concerned. Relevant tasks may include data collection, research, formulation of strategies, assessment of proposed initiatives, monitoring progress, etc. In this connection, please advise on the following:

- (a) For enhancing co-operation between Hong Kong and Guangdong, what are the actual researches conducted in 2010-11? What studies will be conducted in 2011-12?
- (b) For enhancing co-operation with the Economic Zone on the West Coast of the Strait, mainly Fujian, what are the actual researches conducted in 2010-11? What studies will be conducted in 2011-12?

Asked by : Hon. IP Kwok-him

Reply :

The HKSAR Government attaches great importance to enhancing co-operation between Hong Kong and the Mainland, including Guangdong, in particular the work relating to the Framework Agreement on Hong Kong / Guangdong Co-operation. While the Constitutional and Mainland Affairs Bureau is responsible for co-ordinating the efforts of the HKSAR Government in promoting co-operation with Guangdong, specific researches are initiated and taken forward by the relevant policy bureaux and departments.

2. The Economic Zone on the Western Coast of the Taiwan Strait (the Haixi Economic Zone) is an important economic zone in the eastern region of the Mainland, covering the entire Fujian Province and more than ten adjoining cities in the neighbouring provinces of Zhejiang, Jiangxi and Guangdong. In 2010-11, the Hong Kong Economic and Trade Office in Guangdong (GDETO) had been assisting in

enhancing co-operation and relationship with the Haixi Economic Zone through its regular liaison and promotion work. The GDETO also kept a close watch on the relevant issues including the related policies and regulations and kept the Hong Kong investors and relevant HKSAR Government Bureaux and departments informed through appropriate means, such as newsletters and its official website. The Office will continue with its existing work in 2011-12.

3. The Mainland Offices had conducted in-house researches and data collection in support of the relevant policy bureaux and departments in taking forward co-operation initiatives with Guangdong and the Haixi Economic Zone in 2010-11 and will continue to do so on a need basis in 2011-12.

Signature	_____
Name in block letters	<u>JOSHUA LAW</u>
Post Title	<u>Permanent Secretary for Constitutional and Mainland Affairs</u>
Date	<u>17 March 2011</u>

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB157**

Question Serial No.

3722

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  
Secretary for Commerce and Economic Development

Question : The main responsibilities of the Mainland Offices include promoting Hong Kong's professional services through local publicity. In this connection, please advise on the following:

- (a) In 2010-11, what publicity activities were organised to promote Hong Kong's professional services? Where were these activities held and how effective were these activities?
- (b) What were the measures taken specifically in 2010-11 to promote and implement CEPA, to solve the problem of "small doors not yet open" and to assist Hong Kong professionals to cope with the difficulties in the mutual recognition of professional qualifications, registration for practice and setting up a business in the Mainland? What is the work plan for this year?

Asked by : Hon. IP Kwok-him

Reply :

One of the functions of the Mainland Offices is to represent and promote Hong Kong's trade and commercial interests in the Mainland. The Mainland Offices adopt a multi-pronged approach in taking this forward. They do so by proactively approaching Hong Kong investors / practitioners in the places concerned and following up issues of common concern through appropriate channels; assisting Hong Kong investors / practitioners in obtaining information on business operation in the Mainland, particularly those relating to new laws and policies; and assisting in arranging trade delegations to the Mainland, etc.

2. As an integral part of the above work, the Mainland Offices incorporated the promotion of Hong Kong's services (including professional services) into the various activities launched in 2010-11, including seminars, exhibitions and visits. Opportunities were taken to promote Hong Kong's professional services, among



others, when participating in various major local events, such as the 11<sup>th</sup> Western China International Economy and Trade Fair held in Chengdu, the Zhejiang Investment and Trade Symposium in Ningbo, the 5<sup>th</sup> Central Expo China held in Nanchang.

3. The Guangdong Province in particular offers huge business opportunities for Hong Kong professional services sectors, brought about by the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA), the Framework Agreement on Hong Kong / Guangdong Co-operation (Framework Agreement) and the Overall Development Plan on Hong Kong / Shenzhen Co-operation on Modern Service Industries in Qianhai Area (Qianhai Development Plan). Under CEPA, some 41 measures have been announced since 2008 for early and pilot implementation in the Guangdong Province. These 41 measures encompass 21 sectors including legal, construction, medical, tourism, telecommunications, banking, securities and rail transport services. The Framework Agreement, signed in April 2010 in Beijing in the presence of national leaders including State Vice-President Mr Xi Jinping, provides strong policy support for Hong Kong-invested enterprises in opening up the Mainland domestic market and implementing CEPA, including in particular the Guangdong pilot measures for the service industries. The Qianhai Development Plan, approved by the State Council in August 2010, designates Qianhai in Shenzhen as a Hong Kong / Guangdong modern service industry innovation and co-operation exemplary zone with a view to playing a pilot role in promoting co-operation in service industries, including the financial industries and the professional service industries, between Hong Kong and the Mainland. The Hong Kong Economic and Trade Office in Guangdong, working together with the Constitutional and Mainland Affairs Bureau and other relevant bureaux of the HKSAR Government, plays an active role in facilitating the Hong Kong business sector to capitalise on these opportunities to further expand into the Mainland market.

4. During the World Exposition 2010 Shanghai China held from 1 May to 31 October 2010 in Shanghai, we also made use of the opportunity to promote Hong Kong, including our professional services, through the promotion activities organised both inside and outside the Expo Park during the period.

5. The Government attaches great importance to the effective implementation of CEPA. The relevant departments will continue to work closely with the relevant Mainland authorities to address the difficulties encountered by the Hong Kong enterprises (including the professionals) in utilising CEPA preferential treatments in the Mainland. Apart from providing free information and advisory services on CEPA, the Trade and Industry Department has established a notification mechanism with the Mainland authorities on promulgation of relevant regulations and implementation details and disseminates relevant information on its CEPA website for reference by the trade. Hong Kong enterprises may also approach the Hong Kong Trade Development Council China Business Advisory Unit, which comprises representatives from the Ministry of Commerce, Guangdong Province, Shanghai Municipality and Fujian Province, for advice on the regulatory regime and application details of the relevant service industries in the Mainland.

6. The Mainland Offices have assisted in the liaison between the Government and the Mainland authorities on CEPA matters. They also assisted in the dissemination of related information to Hong Kong businessmen in the areas under their coverage through seminars, websites and newsletters. In 2011-12, they will continue with the above efforts to further assist Hong Kong businessmen in exploring business opportunities in the Mainland.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB158**

Question Serial No.

3723

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  
Secretary for Commerce and Economic Development

Question : The main responsibilities of the Mainland Offices include enhancing trade relations between Hong Kong and the places concerned. In promoting Hong Kong brands and facilitating the opening up of the mainland domestic market to the products and services of Hong Kong, please advise on the following:

- (a) What are the major tasks undertaken by the Mainland Offices specifically in 2010-11?
- (b) What are the main tasks for this year?

Asked by : Hon. IP Kwok-him

Reply :

To tie in with the opening up of the Mainland domestic market to the products and services of Hong Kong, the HKSAR Government has been maintaining close liaison with the Mainland authorities and Hong Kong enterprises to assist the latter in tapping into the Mainland market. The Mainland Offices are also playing an active role in this process.

2. To enhance the trade's understanding of the Mainland's policies and measures related to domestic sales as well as latest economic developments, the Mainland Offices have been gathering and disseminating relevant information to the trade, and organising symposiums and seminars jointly with relevant Mainland authorities. The Mainland Offices have also gathered the trade's views related to domestic sales and conveyed them to the relevant Mainland authorities. They have also assisted in liaising with the Mainland provinces and cities to facilitate Hong Kong enterprises' participation in business matching events and trade fairs. Close liaison is maintained between the Mainland Offices and relevant bureaux and departments in the HKSAR Government to ensure that concerted efforts are made to assist Hong Kong enterprises in opening up the Mainland domestic market.

3. The Mainland Offices will continue with the above efforts in the coming year.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB159**

Question Serial No.

3724

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 : It is mentioned in Matters Requiring Special Attention in 2011-12 that the Bureau will continue to provide guidance to bureaux and departments relating to the compliance with the provision of the Personal Data (Privacy) Ordinance (PDPO), and consolidate views received during the further public discussion on the review of the PDPO and introduce an amendment bill to effect the proposals to be taken forward. Will the Administration advise on:

- (a) this year's work plan for reviewing and amending the PDPO, and the expenditure and manpower involved?
- (b) this year's work arrangements for raising the awareness of government departments and the public on the PDPO and its amendments?

Asked by : Hon. IP Kwok-him

Reply :

(a) The Government launched further public discussions in October 2010 on legislative proposals to strengthen personal data privacy protection under the Personal Data (Privacy) Ordinance ("PDPO"). The further public discussions ended in December 2010. We are now analysing and consolidating the views received and finalising the legislative proposals. We plan to introduce an amendment bill into the Legislative Council in July 2011 to take forward the proposals.

2. The above work is undertaken by existing staff of the Constitutional and Mainland Affairs Bureau. In 2011-12, the Government has set aside \$0.38 million in connection with the PDPO review for activities such as printing of reports.

(b) The Administration will continue to promote public awareness and understanding of the PDPO by providing an appropriate level of resources to the Office of the Privacy Commissioner for Personal Data (“PCPD”) in carrying out various promotional programmes. In 2011-12, major promotional and education activities to be conducted by PCPD include:

- (i) two Announcements in the Public Interest, one targeted at data subjects and one targeted at data users featuring the application of the provisions of the PDPO, to be broadcast on television and through other channels;
- (ii) Student Ambassador programme – a learning process provided for secondary school students to foster a culture of respect for personal data privacy;
- (iii) an industry-wide privacy campaign for a targeted industry;
- (iv) Privacy Awareness Week 2011 – an annual regional promotional event;
- (v) activities for Data Protection Officers’ Club members, including regular meetings, introductory seminars, discussion sessions and visits;
- (vi) participation in the Education & Careers Expo 2012;
- (vii) production of publicity and educational materials such as Teaching Kit for Liberal Studies;
- (viii) professional workshops on data protection – a series of professional workshops tailored for the needs of executives dealing with personal data; and
- (ix) public seminars on topical issues, e.g. proper use of technology in daily life.

2. To facilitate the public’s understanding of the new requirements under the PDPO after the enactment of proposed legislative amendments, the PCPD will step up promotion and education and prepare guidelines or codes of practice to provide practical guidance on compliance with the new requirements.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB160**

Question Serial No.

3725

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 : It is mentioned in Matters Requiring Special Attention in 2011-12 that the Bureau will continue to promote the right of children. What is the specific work arrangements in this regard for this year? What are the expenditure and manpower involved?

Asked by : Hon. IP Kwok-him

Reply :

In 2011-12, the Government will continue efforts in promoting the rights of the children. We will continue to organise the Children's Rights Education Funding Scheme and the Children's Rights Forum, and continue sponsorship for non government organisations to organise specific programmes, such as the work of the Children's Council. The total estimated expenditure in the area, excluding manpower costs, is \$1.03 million. We will consider the need for other expenditure in the light of the progress of the work.

2. The promotion of the rights of the children is an integral part of the efforts of the bureau and there is no specific breakdown of expenditure and manpower involved in this regard.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB161**

Question Serial No.

3726

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

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 : It is reported in paragraph 42 of the Estimates that the number of projects approved under the Children's Rights Education Funding Scheme this year is estimated to be 25. Please advise on the specific details and expenses of these projects.

Asked by : Hon. IP Kwok-him

Reply :

The Children's Rights Education Funding Scheme aims to provide funding for educational projects in promotion of children's rights. It encourages and enables community organisations to take up educational projects in an effort to raise public awareness and understanding of children's rights. For the 2011 funding scheme, 23 applications have been approved after careful consideration of the proposals submitted by organisations. Of these, two withdrew after the approval was given. Twenty-one projects were eventually sponsored under the Scheme.

2. The sponsored organisations, project names and brief contents of the approved projects, as well as the amount of funding sponsored, are at the Annex.

Signature \_\_\_\_\_

Name in block letters **JOSHUA LAW**

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011



**Children's Rights Education Funding Scheme  
List of approved projects in 2011**

No	Sponsored Organisation	Project Name	Contents	Amount (\$)
1.	HHCKLA Buddhist Wisdom Primary School	Same world, same children's rights	Children's rights (CR) ambassadors training; interactive drama; CR education programme; information gallery; CR learning week; and CR character design	19,800
2.	HHCKLA Buddhist Chan Shi Wan Primary School	「童享權利」兒童權利教育計劃*	Activity week; reading competition; wall painting design competition; talks; visits to LegCo; short video competition; and colouring competition	6,050
3.	The Boys' and Girls' Clubs Association of Hong Kong	Show we show right	Project promotion; CR training day; arts workshops; and CR performance day	36,940
4.	The Boys' and Girls' Clubs Association of Hong Kong Jockey Club Sau Mau Ping Youth and Children Integrated Services Centre	Children's rights leadership training	CR ambassadors training workshops; community photo workshops; and little district councillors	1,310
5.	Chinese YMCA of Hong Kong Shek Kip Mei Centre	“We do our best” children's rights education project	CR ambassadors training workshops; schools promotion day; comic drawing competition; slogan design competition; teachers workshops; CR promotion leaflets; and integrated children day camp	36,100

No	Sponsored Organisation	Project Name	Contents	Amount (\$)
6.	The Hong Kong Federation of Youth Groups Jockey Club Tin Yuet Youth S.P.O.T.	Children's world 2011	CR tutors project; CR school talks; CR ambassadors training; CR ambassadors training camp; CR roadshow; and CR promotion pack - computer games and children's views publication	21,750
7.	H.K.S.K.H. Children and Youth Integrated Service Centre	議論 Fun Fun 兒童小議會訓練計劃*	Learning groups; visits to LegCo; and presentation on studies and discussions	23,530
8.	Chai Wan Kok Catholic Primary School	When Alice meets the little match girl	Drama performance and focus groups	24,400
9.	The Church of United Brethren in Christ Yuen Long Social Service	"Children" Building the Future: "Trend & Reflection" series	Recruitment and community education exhibition; publication workshops and presentation and public education activities	33,175
10.	ELCHK, Tai Wo Integrated Youth Service Centre	"Children Voice Forever" children's rights education project	CR ambassadors training; community education carnival; story telling competition and schools tour exhibitions	35,320
11.	ELCHK Central Youth Service – Uncle Long Leg's Letter Box Service	Children's rights and responsibilities education and promotion scheme	Education talks; comic drawing competition; prize presentation ceremony and exhibition	36,370
12.	The Salvation Army Tai Wo Hau Children and Youth Centre	"Children's Say" children's rights leader scheme	Project kick-off ceremony; CR ambassadors training programme; CR drama group; CR tutors training programme; parents' workshops; quiz competition; CR forum; CR community day; file design competition; and prize presentation ceremony	50,752

No	Sponsored Organisation	Project Name	Contents	Amount (\$)
13.	Yang Memorial Methodist Social Service Homantin Integrated Centre for Youth Development	Project CARGO: children, act rights out	Group training; CR games day; CR day camp; CR community booths; and CR project photo publication	21,275
14.	Jockey Club Wah Ming Lutheran Integrated Service Centre	Know children's rights community program	Community activities; interactive games; exhibition and leaflet	11,800
15.	The Neighbourhood Advice-Action Council Jockey Club Tai Po North Integrated Children and Youth Service Centre	Teen world	Kick-off ceremony; community visits; arts workshops; and CR camping	37,940
16.	Heavenly Path Hong Kong	"Beauties of Little Mind"	CR lessons; opening ceremony; art drawing competition; closing ceremony	14,436
17.	Hong Kong Nepali Sahitya Parishad	Saptah	Poems recital; short stories reading; drama performance on the theme of CR	11,370
18.	Magar Association Hong Kong	Children's rights education	Singing and dancing activities in different languages	18,430
19.	The Ethnic Nepalese Federation of Hong Kong	Children's rights education	Singing and dancing activities in different languages	18,430
20.	Chan's Creative School (Hong Kong Island)	Precious	Talks; group activities; drawing competition; and CR Carnival	16,480
21.	Victoria Nursery (Harbour Height)	My right, my dream, my play	CR musical and CD production	15,500
22.* *	Chinese YMCA of Hong Kong Hin Keng Centre	Children's rights stage	Survey on children's voices; children's rights stage workshop and presentation session	52,210
23.* *	The Salvation Army Chai Wan Integrated Service for Young People	Great DJ - radio station on children rights	Children's rights radio training workshop; children's radio and graduation ceremony	20,540
<b>Total</b>				<b>563,908</b>

\* The English version of the project names are not available.

\*\* Application withdrawn by relevant organisations.

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB162**

Question Serial No.

3727

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 : As mentioned in Matters Requiring Special Attention in 2011-12, during 2011-12, the Equal Opportunities Commission will pay special attention to, inter alia, advocating accessibility for all and following up on the recommendations of the formal investigation report released in 2010. Will the Administration advise on the specific work arrangements and the expenditure and manpower involved.

Asked by : Hon. IP Kwok-him

Reply :

To follow up on the formal investigation report on accessibility released in 2010, the Equal Opportunities Commission (EOC) would meet with senior Government officials as necessary to exchange views to improve the overall accessibility in our society. The EOC is working with the Civil Service Training and Development Institute to assist in the training of the access officers and facilities managers of the Government and the LINK, who are charged to co-ordinate and monitor the improvement programmes. It would also continue to monitor the implementation progress of the plan of the Government and the LINK to improve all inaccessible facilities, including those deficiencies identified in EOC's formal investigation report.

2. Besides following up on the formal investigation report to improve physical access, the EOC also plans to work with government bureaux on issues concerning enhancing accessibility of public transport, making information and communication technology accessible to all, and enhancing participation of persons with disabilities in economic, social, political and cultural life, in line with the spirit of the Convention on the Rights of Persons with Disabilities.

3. The above actions are to be taken by the EOC as part of its normal functions, and no specific breakdown of the manpower and expenditure involved is available.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB163**

Question Serial No.

3814

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : When the Legislative Council by-elections for 5 constituencies were held in May 2010, some political parties portrayed the by-elections as "referendum for 5 constituencies". In this connection, what were done by the Constitutional and Mainland Affairs Bureau last year to contradict such saying? How much has been spent in this regard?

Asked by : Hon. LEUNG Mei-fun, Priscilla

Reply :

The HKSAR Government have, through press statements and on various occasions including the meetings of the Legislative Council ("LegCo"), made its position clear that the Basic Law does not provide for any referendum mechanism and that conducting any form of so-called "referendum" in Hong Kong would have no legal basis or effect under the Basic Law and the legislation of Hong Kong, and would not be recognised by the Government. We also emphasised that the LegCo by-election for the five geographical constituencies held in May last year was aimed at filling the vacancies in the membership of the LegCo. The expenditure incurred was minimal.

Signature \_\_\_\_\_

Name in block letters **JOSHUA LAW** \_\_\_\_\_

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs \_\_\_\_\_

Date 17 March 2011 \_\_\_\_\_

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB164**

Question Serial No.

3815

Head : 144 GS: Constitutional and  
Mainland Affairs Bureau

Subhead (No. & title) : 000  
Operational  
expenses

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : Mr. Stephen Lam, Secretary for Constitutional and Mainland Affairs, remarked several times last year that an amendment bill will be introduced within this year to impose restriction on the resignation of legislators. Will the bill be put forward in the coming year?

Asked by : Hon. LEUNG Mei-fun, Priscilla

Reply :

The Administration will continue to examine the issue of resignation arrangements for Legislative Council ("LegCo") Members and will endeavour to put forth relevant proposals to the LegCo by mid-2011.

Signature \_\_\_\_\_

Name in block letters **JOSHUA LAW** \_\_\_\_\_

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs \_\_\_\_\_

Date 17 March 2011 \_\_\_\_\_

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB165**

Question Serial No.

3817

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : What will be the Constitutional and Mainland Affairs Bureau's provision for the planning work for the Mainland's 12th Five Year Plan? What expenditure items will be involved?

Asked by : Hon. LEUNG Mei-fun, Priscilla

Reply :

Since 2008, the Administration has been actively complementing the preparation of the National 12<sup>th</sup> Five-Year Plan (the Plan) under the "One Country, Two Systems" principle by establishing direct working relationship with the National Development and Reform Commission and engaging the stakeholders to collect views on Hong Kong's functions and roles in enhancing the development of our country in the 12-5 period. The Constitution and Mainland Affairs Bureau (CMAB) is responsible for coordinating inter-bureau efforts on the above and liaising with the relevant Mainland authorities.

2. Upon the endorsement of the Plan by the National People's Congress and its promulgation in March this year, CMAB will continue to help coordinate the implementation of the Plan in the following areas:

- (a) assisting in coordination with the concerned bureaux and departments to map out their follow up action plans on the specific areas mentioned in the Plan. Views of the community, including the relevant business sectors and professional bodies will be taken into account during the process;
- (b) assisting in monitoring the progress and action plans mentioned in (a) above;
- (c) assisting in liaising with the relevant Mainland authorities, particularly the National Development and Reform Commission, on matters relating to the implementation of the Plan relevant to the HKSAR;



- (d) assisting in taking forward various regional cooperation initiatives, particularly the implementation of the Framework Agreement on Hong Kong/Guangdong Co-operation;
- (e) offering advice to the Shenzhen Municipal Government in promoting the development of modern service industries in Qianhai; and
- (f) assisting in coordinating with the relevant Mainland offices to conduct relevant research and studies on the related areas as necessary.

3. In 2011-12, about \$5 million has been earmarked for CMAB and the Mainland Offices to promote co-operation between Hong Kong and the Mainland, including the implementation of the Plan, Pan-Pearl River Delta co-operation, the Framework Agreement on Hong Kong/Guangdong Co-operation and Qianhai development.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB166**

Question Serial No.

3818

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : When will the Administration start working on the planning for the National 13th Five-Year Plan ?

Asked by : Hon. LEUNG Mei-fun, Priscilla

Reply :

The Administration has been actively pursuing the complementary work relating to the preparation of the National 12<sup>th</sup> Five-Year Plan since 2008. The Plan has been endorsed by the National People's Congress and promulgated in March this year. The Constitutional and Mainland Affairs Bureau will continue to help coordinate the implementation of the Plan in the following areas:

- (a) assisting in coordination with the concerned bureaux and departments to map out their follow up action plans on the specific areas mentioned in the Plan. Views of the community, including the relevant business sectors and professional bodies will be taken into account during the process;
- (b) assisting in monitoring the progress and action plans mentioned in (a) above;
- (c) assisting in liaising with the relevant Mainland authorities, particularly the National Development and Reform Commission, on matters relating to the implementation of the Plan relevant to the HKSAR;
- (d) assisting in taking forward various regional cooperation initiatives, particularly the implementation of the Framework Agreement on Hong Kong/Guangdong Co-operation;
- (e) offering advice to the Shenzhen Municipal Government in promoting the development of modern service industries in Qianhai; and

- (f) assisting in coordinating with the relevant Mainland offices to conduct relevant research and studies on the related areas as necessary.

2. The existing work will form the basis of the HKSAR's work to complement the preparation of the National 13<sup>th</sup> Five-Year Plan. We will continue to maintain close contact with the relevant Mainland authorities and commence the preparatory work in good time.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB167**

Question Serial No.

3831

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 promoting public awareness and understanding of the Personal Data (Privacy) Ordinance and the functions of the Office of the Privacy Commissioner for Personal Data, what methods and activities are planned to be adopted and held to raise privacy awareness? What will be the expenditure and manpower involved?

Asked by : Hon. WONG Kwok-hing

Reply :

The Administration will continue to promote public awareness and understanding of the Personal Data (Privacy) Ordinance ("PDPO") and the functions of the Office of the Privacy Commissioner for Personal Data ("PCPD") by providing an appropriate level of resources to the PCPD in carrying out various promotional programmes.

2. The PCPD plans to set aside about \$1.45 million for promotion, publicity and education activities in 2011-12. Major ones include:

- (a) two Announcements in the Public Interest, one targeted at data subjects and one targeted at data users featuring the application of the provisions of the PDPO, to be broadcast on television and through other channels;
- (b) Student Ambassador programme – a learning process provided for secondary school students to foster a culture of respect for personal data privacy;
- (c) an industry-wide privacy campaign for a targeted industry;
- (d) Privacy Awareness Week 2011 – an annual regional promotional event;
- (e) activities for Data Protection Officers' Club members, including regular meetings, introductory seminars, discussion sessions and visits;

- (f) participation in the Education & Careers Expo 2012;
- (g) production of publicity and educational materials such as Teaching Kit for Liberal Studies;
- (h) professional workshops on data protection – a series of professional workshops tailored for the needs of executives dealing with personal data; and
- (i) public seminars on topical issues, e.g. proper use of technology in daily life.

3. Promotional, publicity and education activities of the PCPD are carried out by its Corporate Communications Division which comprises one Corporate Communications Manager, two Corporate Communications Officers, one Assistant Officer and two clerical staff.

Signature	_____
Name in block letters	JOSHUA LAW
Post Title	Permanent Secretary for Constitutional and Mainland Affairs
Date	17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB168**

Question Serial No.

3393

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

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : With the announcement of new initiatives for the regulation of travel industry by the Commerce and Economic Development Bureau, the requirement of any agency intending to carry on business as a travel agent should be a member of the Trade Industry Council of Hong Kong in order to obtain a licence may also be changed. Have manpower and provisions been reserved by the Administration in the new financial year (2011-12) to study the need for broadening the electorate base for the tourism functional constituency in the light of the above changes. If yes, what is the specific plan? If no, can manpower and provisions be reserved to carry out the study?

Asked by : Hon. TSE Wai-chun, Paul

Reply :

In December 2010, the Administration introduced the Legislative Council (Amendment) Bill 2010 into the Legislative Council ("LegCo"). This was passed by LegCo on 5 March 2011. According to the newly enacted legislation, the five seats in the new District Council functional constituency ("FC") would be returned by around 3.2 million registered electors on a one-person-one-vote basis. This would greatly enhance the democratic elements of the LegCo election. Regarding the traditional FCs, our general policy position is that there should be no substantial changes. However, as a regular exercise, we had proposed adjustments to the electorate of a number of functional constituencies to reflect their latest developments.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ JOSHUA LAW

Post Title \_\_\_\_\_ Permanent Secretary for  
Constitutional and Mainland Affairs

Date \_\_\_\_\_ 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB169**

Question Serial No.

3242

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 : Civic education and human rights education are important for driving the development of Hong Kong as a civic society, and are as significant as national education. Will the Administration advise on the work plan, specific projects, details of projects and estimated expenditure for promoting civic and human rights education in 2011-12? What is the percentage of expenditure on civic and human rights education represented in the government's resource input for national education?

Asked by : Hon. CHAN Tanya

Reply :

The Government's work on civic education and 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 civic and human rights education as part and parcel of the subjects at school, while the HAB has been promoting civic education, including human rights and national education, in collaboration with the Committee on the Promotion of Civic Education (CPCE), the Commission on Youth and other community organisations. The CMAB has been focusing on the promotion of awareness of, respect for and protection of human rights.

3. In particular, under the funding of the HAB, the estimated provision for the CPCE in 2011-12 is about \$20.3 million. CPCE will continue to promote civic education, including human rights and national education, through sponsoring community organisations to organise activities (including conducting study and exchange tours to the Mainland, and organising activities in the community to promote core values), publications, promotional programmes, production of TV programmes, thematic workshops and exhibitions. The promotion of civic values will include promotion of values and concepts such as human rights, equality and righteousness.

4. In general, a breakdown of HAB's expenditure on its activities mentioned in paragraph 3 above by the promotion of specific values or civic concepts, including civic or human rights, is not available.

5. Civic education is an integral part of the new subject of Moral and National Education, and the relevant curriculum framework is being deliberated by the Curriculum Development Council. Nevertheless, civic and national education and human rights education are also incorporated in relevant topics of other 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 civic and national as well as 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 governmental/non-governmental organisations constitute an integral part of EDB's expenditures. A separate breakdown of the expenditures for civic or human rights education is not available from the EDB.

6. 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". In 2011-12, the estimated expenditure of the CMAB under these two programmes is \$153.2 million.

7. The CMAB will continue its work on 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 will continue to carry out their publicity, promotion and education programmes and enforcement work for areas within their statutory framework.

8. As regards the expenditure on national education, so far as the EDB is concerned, in 2011-12, it will further enhance national education through running professional development programmes for teachers, developing learning and teaching resources and materials, and organising students' and teachers' exchange activities on the Mainland. The estimated expenditure of the EDB on the promotion of national education in 2011-12 is \$95.7 million. As regards the HAB, the estimated expenditure in 2011-12 on national education is about \$33 million.

Signature \_\_\_\_\_

Name in block letters JOSHUA LAW

Post Title Permanent Secretary for  
Constitutional and Mainland Affairs

Date 17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB170**

Question Serial No.

3816

Head : 144 GS: Constitutional and  
Mainland Affairs Bureau

Subhead (No. & title) : 000  
Operational  
expenses

Programme : (2) Constitutional and Mainland Affairs

Controlling Officer : Permanent Secretary for Constitutional and Mainland Affairs

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Question : Five new “super District Council Function Constituency” seats will be created for the 2012 Legislative Council Election. As the five members returned will have to serve Hong Kong’s 7 million population, which is far more than the number of people served by the other 65 members, has the Administration earmarked resources for providing special assistance and financial subsidies to these five Members?

Asked by : Hon. LEUNG Mei-fun, Priscilla

Reply :

The remuneration for Legislative Council (“LegCo”) Members is under Head 112: Legislative Council Commission. The Independent Commission on Remuneration for Members of the Executive Council and the Legislature, and Officials under the Political Appointment System of the HKSAR (the Independent Commission) will carry out periodic reviews of the remuneration package for LegCo Members, normally about a year before the start of a new LegCo term. We understand that the Independent Commission will start the review for the Fifth-Term LegCo this year.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ **JOSHUA LAW**

Post Title \_\_\_\_\_  
Permanent Secretary for  
Constitutional and Mainland Affairs

Date \_\_\_\_\_ 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB171**

Question Serial No.

0216

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 provision of \$411.9 million has been earmarked in 2011-12 for the Registration and Electoral Office (REO) to conduct and supervise three major elections to be held in the financial year, namely, the 2011 District Council election, the 2011 Election Committee subsector elections and the 2012 Chief Executive election. Please advise this Committee on:

- (a) the respective estimated expenses in relation to the above three elections;
- (b) the respective resources and manpower to be allocated for each of the three elections; and
- (c) the progress update on the preparation of the three elections.

Asked by : Hon. LAM Kin-fung, Jeffrey

Reply :

(a) In 2011-12, the provisions earmarked for the 2011 District Council election, the 2011 Election Committee subsector elections and the 2012 Chief Executive election are \$195 million, \$93 million and \$20 million respectively.

(b) The Registration and Electoral Office (REO) plans to create 62 civil service time-limited posts and to engage around 700 non-civil service contract staff to assist in the preparation and conduct of the aforesaid elections.

(c) REO has commenced preparation work such as recruitment of non-civil service contract staff, acquisition of temporary office and stores, review of polling stations and procurement of election items etc., for the elections.

Signature \_\_\_\_\_

Name in block letters TING TSUI WAI MING VIVIAN

Post Title Chief Electoral Officer

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB172**

Question Serial No.

0676

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 : What are the specific plans on the promotion and conduct of a voter registration exercise for 2011-12? What is the expenditure involved? What is the new higher number of registered electors expected to be?

Asked by : Hon. IP Kwok-him

Reply :

The 2011 Voter Registration (VR) Campaign will last for around 6 weeks from early June until 16 July 2011. An inter-departmental working group has been set up to draw up details for the VR campaign. The VR Campaign aims at appealing to eligible persons to register as electors/voters for geographical constituencies (GCs), functional constituencies (FCs) and Election Committee subsectors (ECSSs), and at reminding registered electors/voters who have changed their registration particulars to update their records with the Registration and Electoral Office (REO). The REO will implement, with the assistance of other Government departments as necessary, the following measures -

- (a) to launch a series of publicity measures, including television and radio Announcements in the Public Interests, mini-concerts, radio programmes, placement of advertisements in newspapers, at major MTR stations and on public transport vehicle bodies, display of posters, lamppost buntings and banners, placement of advertisements through new media such as Facebook and YouTube, as well as setting up a dedicated website for VR;
- (b) to set up registration counters at the five Registration of Persons Offices of the Immigration Department, higher education institutions and locations with heavy pedestrian flow to appeal to eligible persons to register as electors/voters and registered electors to update their registration particulars with REO;

- (c) to send voter registration forms to various institutions and organisations, including government departments, banks, universities, higher education institutions, youth and elderly centres to facilitate interested and eligible persons to register;
- (d) to send appeal letters and notification letters to encourage and facilitate eligible persons to register as electors/voters in functional constituencies (FCs)/Election Committee subsectors (ECSSs);
- (e) to appeal to umbrella organisations to encourage their members who are eligible electors/voters in FCs/ECSSs to register; and
- (f) to send appeal letters to households which have recently moved into new private residential buildings to remind them to report changes in address to REO.

2. A total amount of \$27 million has been earmarked for the 2011 VR Campaign, including publicity and other operating expenses for processing the registration forms received and for compiling and publishing the provisional and final registers.

3. As stated in the Draft Estimates, we aim to register 184 000 new electors and update 226 000 elector records.

Signature \_\_\_\_\_

Name in block letters TING TSUI Wai-ming, Vivian

Post Title Chief Electoral Officer

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB173**

Question Serial No.

0725

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 : The Registration and Electoral Office will conduct the District Council election, the Election Committee subsector elections and the Chief Executive election during 2011-12. What is the estimated number of polling stations that will be made available for voters to cast their votes during the first two elections? Of these polling stations, how many of them are expected to provide barrier-free facilities.

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The Registration and Electoral Office planned to set up around 560 and 110 ordinary polling stations for the 2011 District Council election and the 2011 Election Committee subsector elections respectively, and around 25 dedicated polling stations at penal institutions and police stations for these elections. As we are now identifying suitable venues as polling stations, the number of polling stations with barrier-free facilities is not available at this stage.

Signature \_\_\_\_\_

Name in block letters TING TSUI WAI MING VIVIAN

Post Title Chief Electoral Officer

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB174**

Question Serial No.

0726

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 : Regarding the barrier-free polling stations under plan, how many of them will require temporary works to bring the facilities up to standard? What is the estimated expenditure for carrying out the works?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The Registration and Electoral Office is now identifying suitable venues as polling stations for the 2011 District Council election and the 2011 Election Committee subsector elections. The number of barrier-free polling stations and the estimated expenditure for carrying out temporary works on barrier-free facilities are not available at this stage.

Signature \_\_\_\_\_

Name in block letters TING TSUI WAI MING VIVIAN

Post Title Chief Electoral Officer

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB175**

Question Serial No.

0898

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 : The financial provision for the Registration and Electoral Office will increase 99.4% in 2011-12 for meeting the requirements for the conduct of a number of elections in the coming two years. What are the expenditure items?

Asked by : Hon. CHAN Mo-po, Paul

Reply :

The increased provision in 2011-12 is for the preparation and conduct of the 2011 District Council election (\$195 million), 2011 Election Committee subsector elections (\$93 million), 2012 Chief Executive election (\$20 million) and for the preparation of the 2012 Legislative Council election (\$31 million).

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ TING TSUI WAI MING VIVIAN \_\_\_\_\_

Post Title \_\_\_\_\_ Chief Electoral Officer \_\_\_\_\_

Date \_\_\_\_\_ 17 March 2011 \_\_\_\_\_

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB176**

Question Serial No.

0928

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 : One of the matters requiring the special attention of the Registration and Electoral Office in 2011-12 is "the promotion and conduct of a voter registration exercise to prepare for the 2011 District Council election and the 2011 Election Committee subsector elections". In this connection, what are the specific details with respect to the promotion and conduct of the voter registration exercise for the 2011 Election Committee subsector elections? What are the work plans, the estimated expenditures and the implementation timetable concerned?

Asked by : Hon. NG Margaret

Reply :

The 2011 Voter Registration (VR) Campaign will last for around 6 weeks from early June until 16 July 2011. An inter-departmental working group has been set up to draw up details for the VR campaign. The VR Campaign aims at appealing to eligible persons to register as electors/voters for geographical constituencies (GCs), functional constituencies (FCs) and Election Committee subsectors (ECSSs), and at reminding registered electors/voters who have changed their registration particulars to update their records with the Registration and Electoral Office (REO). The REO will implement, with the assistance of other Government departments as necessary, the following measures -

- (a) to launch a series of publicity measures, including television and radio Announcements in the Public Interests, mini-concerts, radio programmes, placement of advertisements in newspapers, at major MTR stations and on public transport vehicle bodies, display of posters, lamppost buntings and banners, placement of advertisements through new media such as Facebook and YouTube, as well as setting up a dedicated website for VR;



- (b) to set up registration counters at the five Registration of Persons Offices of the Immigration Department, higher education institutions and locations with heavy pedestrian flow to appeal to eligible persons to register as electors/voters and registered electors to update their registration particulars with REO;
- (c) to send voter registration forms to various institutions and organisations, including government departments, banks, universities, higher education institutions, youth and elderly centres to facilitate interested and eligible persons to register;
- (d) to send appeal letters and notification letters to encourage and facilitate eligible persons to register as electors/voters in functional constituencies (FCs)/Election Committee subsectors (ECSSs);
- (e) to appeal to umbrella organisations to encourage their members who are eligible electors/voters in FCs/ECSSs to register; and
- (d) to send appeal letters to households which have recently moved into new private residential buildings to remind them to report changes in address to REO.

2. A total amount of \$27 million has been earmarked for the 2011 VR Campaign, including publicity and other operating expenses for processing the registration forms received and for compiling and publishing the provisional and final registers.

Signature \_\_\_\_\_

Name in block letters TING TSUI Wai-ming, Vivian

Post Title Chief Electoral Officer

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB177**

Question Serial No.

2176

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 : What are the specific plans on the promotion and conduct of voter registration campaign for 2011-12? What is the estimated expenditure involved?

Asked by : Hon. TAM Yiu-chung

Reply :

The 2011 Voter Registration (VR) Campaign will last for around 6 weeks from early June until 16 July 2011. An inter-departmental working group has been set up to draw up details for the VR campaign. The VR Campaign aims at appealing to eligible persons to register as electors/voters for geographical constituencies (GCs), functional constituencies (FCs) and Election Committee subsectors (ECSSs), and at reminding registered electors/voters who have changed their registration particulars to update their records with the Registration and Electoral Office (REO). The REO will implement, with the assistance of other Government departments as necessary, the following measures -

- (a) to launch a series of publicity measures, including television and radio Announcements in the Public Interests, mini-concerts, radio programmes, placement of advertisements in newspapers, at major MTR stations and on public transport vehicle bodies, display of posters, lamppost buntings and banners, placement of advertisements through new media such as Facebook and YouTube, as well as setting up a dedicated website for VR;
- (b) to set up registration counters at the five Registration of Persons Offices of the Immigration Department, higher education institutions and locations with heavy pedestrian flow to appeal to eligible persons to register as electors/voters and registered electors to update their registration particulars with REO;

- (c) to send voter registration forms to various institutions and organizations, including government departments, banks, universities, higher education institutions, youth and elderly centres to facilitate interested and eligible persons to register;
- (d) to send appeal letters and notification letters to encourage and facilitate eligible persons to register as electors/voters in functional constituencies (FCs)/Election Committee subsectors (ECSSs);
- (e) to appeal to umbrella organizations to encourage their members who are eligible electors/voters in FCs/ECSSs to register; and
- (f) to send appeal letters to households which have recently moved into new private residential buildings to remind them to report changes in address to REO.

2. A total amount of \$27 million has been earmarked for the 2011 VR Campaign, including publicity and other operating expenses for processing the registration forms received and for compiling and publishing the provisional and final registers.

Signature \_\_\_\_\_

Name in block letters TING TSUI Wai-ming, Vivian

Post Title Chief Electoral Officer

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB178**

Question Serial No.

2177

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 : The estimated provision for the Registration and Electoral Office (REO) for 2011-12 is \$205.3 million (99.4%) more than the revised estimate for 2010-11. Of this provision, how much will be spent on the preparation and conduct of the 2011 District Council election, the 2011 Election Committee subsector elections and the 2012 Chief Executive election

Asked by : Hon. TAM Yiu-chung

Reply :

In 2011-12, the provisions earmarked for the 2011 District Council election, the 2011 Election Committee subsector elections and the 2012 Chief Executive election are \$195 million, \$93 million and \$20 million respectively.

Signature \_\_\_\_\_

Name in block letters TING TSUI WAI MING VIVIAN

Post Title Chief Electoral Officer

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB179**

Question Serial No.

2245

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 : In 2011-12, the Registration and Electoral Office (REO) will conduct and supervise the 2011 District Council election, the 2011 Election Committee subsector elections and the 2012 Chief Executive election. Please provide a breakdown of expenditure to be incurred and the manpower arrangement for the conduct of the above three elections.

Asked by : Hon. IP Kwok-him

Reply :

The Registration and Electoral Office plans to create 62 civil service time-limited posts and engage around 700 non-civil service contract staff to assist in the preparation and conduct of the 2011 District Council ("DC") election, the 2011 Election Committee subsector ("ECSS") elections and the 2012 Chief Executive ("CE") election.

2 A sum of \$308 million has been included in the 2011-12 Draft Estimates for the three elections with the breakdown below-

<b>For preparation and conduct of the 2011 DC election</b>	<b>\$ Million</b>
(a) Staff Cost	45
(b) Publicity	17
(c) Other Expenses (including the costs for conducting public consultation, electoral arrangements such as hire of venue, honorarium for polling and counting staff, Financial Assistance Scheme, transportation, postage, free mailing and printing, etc.)	133
<hr/> Total	<hr/> 195

<b>For preparation and conduct of the 2011 ECSS elections</b>		<b>\$ Million</b>
(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
<hr/>		
	Total	93
<b>For preparation and conduct of the 2012 CE election</b>		<b>\$ Million</b>
(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
<hr/>		
	Total	20

Signature \_\_\_\_\_

Name in block letters TING TSUI Wai-ming, Vivian

Post Title Chief Electoral Officer

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB180**

Question Serial No.

2246

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 : Please list out in detail the actual expenditure incurred for the conduct of Legislative Council by-election in 2010

Asked by : Hon. IP Kwok-him

Reply :

The actual expenditure for the 2010 Legislative Council by-election is \$126 million with breakdown as follows -

<b>For preparation and conduct of the 2010 LegCo by-election</b>	<b>\$ Million</b>
(a) Staff Cost	23
(b) Publicity	3
(c) Other Expenses (including the costs for electoral arrangements such as hire of venue, honorarium for polling and counting staff, Financial Assistance Scheme, transportation, postage, free mailing and printing, etc.)	100
<hr/> Total	<hr/> 126

Signature \_\_\_\_\_

Name in block letters TING TSUI WAI MING VIVIAN

Post Title Chief Electoral Officer

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB181**

Question Serial No.

3162

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 : Regarding the employment of non-civil service contract (NCSC) staff, please provide information in the following format:

	2011-12	2010-11	2009-10	2008-09
Number of NCSC staff	()	()	()	()
Particulars of NCSC staff posts				
Expenditure on the salaries of NCSC staff	()	()	()	()
Distribution of monthly salary level of NCSC staff	()	()	()	()
● \$30,001 or above	()	()	()	()
● \$16,001 - \$30,000	()	()	()	()
● \$8,001 - \$16,000	()	()	()	()
● \$6,501 - \$8,000	()	()	()	()
● \$5,001 - \$6,500	()	()	()	()
● \$5,000 or below	()	()	()	()
● Number of staff with monthly salary lower than \$5,824	()	()	()	()
● Number of staff with monthly salary between \$5,824 and \$6,500	()	()	()	()
Length of employment of NCSC staff				
● 5 years or above	()	()	()	()
● 3 - 5 years	()	()	()	()
● 1 - 3 years	()	()	()	()
● less than 1 year	()	()	()	()
Number of NCSC staff successfully turning into the civil servants	()	()	()	()
Number of NCSC staff failing to turn into the civil servants	()	()	()	()
NCSC staff as a percentage of the total number of staff in the	()	()	()	()



department				
Staff costs on NCSC staff as a percentage of the total staff costs in the department	( )	( )	( )	( )
Number of NCSC staff with remunerated meal break	( )	( )	( )	( )
Number of NCSC staff without remunerated meal break	( )	( )	( )	( )
Number of NCSC staff working 5 days a week	( )	( )	( )	( )
Number of NCSC staff working 6 days a week	( )	( )	( )	( )

*Figures in ( ) denote year-on-year changes*

Asked by : Hon. WONG Kwok-hing

Reply :

Information on the employment of non-civil service contract (NCSC) staff in the Registration and Electoral Office (REO) is provided below -

	2011-12 ( <i>Note 1</i> )	2010-11 (as at 31.12.2010)	2009-10 (as at 31.3.2010)	2008-09 (as at 31.3.2009)
Number of NCSC staff ( <i>Note 2</i> )		78	183	69
Particulars of NCSC staff posts				
● Information Technology Manager		2	2	2
● Systems Analyst		5	4	5
● Analyst / Programmer		4	5	6
● Assistant Publicity Officer		0	0	1
● Senior Project Officer		1	1	2
● Senior Logistics Officer		3	2	0
● Logistics Officer		0	0	1
● Voter Registration Assistant		8	9	10
● Electoral Assistant		37	76	14
● General Assistant		13	64	21
● Temporary Worker		5	20	7
Expenditure on the salaries of NCSC staff (in \$ million) ( <i>Note 3</i> )		\$20.7	\$13.9	\$52.6
Distribution of monthly salary level of NCSC staff				
● \$30,001 or above		8	7	9
● \$16,001 - \$30,000		17	16	15
● \$8,001 - \$16,000		32	87	14
● \$6,501 - \$8,000		21	73	31
● \$5,001 - \$6,500		0	0	0
● \$5,000 or below		0	0	0
● Number of staff with monthly salary lower than \$5,824		0	0	0
● Number of staff with monthly salary between \$5,824 and \$6,500		0	0	0

Length of employment of NCSC staff				
● 5 years or above		15	16	20
● 3 - 5 years		16	22	7
● 1 - 3 years		13	32	29
● less than 1 year		34	113	13
Number of NCSC staff successfully turning into the civil servants	<i>(Note 4)</i>			
Number of NCSC staff failing to turn into the civil servants	<i>(Note 4)</i>			
NCSC staff as a percentage of the total number of staff in the department		34.2%	60.2%	36.3%
Staff costs on NCSC staff as a percentage of the total staff costs in the department		35.8%	26.7%	51.9%
Number of NCSC staff with remunerated meal break		69	160	59
Number of NCSC staff without remunerated meal break		9	23	10
Number of NCSC staff working 5 days a week		78	183	69
Number of NCSC staff working 6 days a week		0	0	0

Note 1: Figures are not available as the number of NCSC staff will vary from time to time in the light of changing service requirements.

2: Figures only represent the number of NCSC staff in employment by the department taken at a specific date such as at 31 December 2010 in 2010-11.

3: Figures represent the accumulated total salaries paid to NCSC staff in the respective financial years. For example, the expenditure of \$52.6 million for 2008-09 includes the salaries paid to NCSC staff who assisted in the 2008 Legislative Council election but had left before 31 March 2009.

4: Such information is not available.

Signature \_\_\_\_\_

Name in block letters TING TSUI Wai-ming, Vivian

Post Title Chief Electoral Officer

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB182**

Question Serial No.

3163

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 : On engaging agency workers, please provide the following information:

	2011-12	2010-11	2009-10	2008-09
Number of contracts engaging employment agencies	()	()	()	()
Contract sum paid to each employment agency	()	()	()	()
Total amount of commission paid to each employment agency	()	()	()	()
Length of contract for each employment agency	()	()	()	()
Number of agency workers	()	()	()	()
Details of positions held by agency workers				
Monthly salary range of agency workers				
● \$30,001 or above	()	()	()	()
● \$16,001 - \$30,000	()	()	()	()
● \$8,001 - \$16,000	()	()	()	()
● \$6,501 - \$8,000	()	()	()	()
● \$5,001 - \$6,500	()	()	()	()
● \$5,000 or below	()	()	()	()
● number of workers with salary below \$5,824	()	()	()	()
● number of workers with salary between \$5,824 and \$6,500	()	()	()	()
Length of service of agency workers				
● 5 years or longer	()	()	()	()
● 3 - 5 years	()	()	()	()
● 1 - 3 years	()	()	()	()

● less than 1 year	( )	( )	( )	( )
Percentage of agency workers in the total number of staff in the department	( )	( )	( )	( )
Percentage of amount paid to employment agencies in the total departmental staff cost	( )	( )	( )	( )
Number of workers with paid meal break	( )	( )	( )	( )
Number of workers without paid meal break	( )	( )	( )	( )
Number of workers on five-day week	( )	( )	( )	( )
Number of workers on six-day week	( )	( )	( )	( )

Asked by : Hon. WONG Kwok-hing

Reply :

Information on the employment of agency service worker in the Registration and Electoral Office (REO) is provided below –

	2011-12 ( <i>Note 1</i> )	2010-11 (as at 28.2.2011 )	2009-10 (as at 31.3.2010 )	2008-09 (as at 31.3.2010 )
Number of contracts engaging employment agencies	-	( <i>Note 2</i> )	0	( <i>Note 3</i> )
Contract sum paid to each employment agency ( <i>Note 4</i> )		\$612,370	0	\$437,891
Total amount of commission paid to each employment agency ( <i>Note 5</i> )		0	0	0
Length of contract for each employment agency		( <i>Note 2</i> )	0	( <i>Note 3</i> )
Number of agency workers		( <i>Note 2</i> )	0	( <i>Note 3</i> )
Details of positions held by agency workers		( <i>Note 2</i> )	-	( <i>Note 3</i> )
Monthly salary range of agency workers		( <i>Note 6</i> )		( <i>Note 6</i> )
● \$30,001 or above		( )	( )	( )
● \$16,001 - \$30,000		( )	( )	( )
● \$8,001 - \$16,000		( )	( )	( )
● \$6,501 - \$8,000		( )	( )	( )
● \$5,001 - \$6,500		( )	( )	( )
● \$5,000 or below		( )	( )	( )
● number of workers with salary below \$5,824		( )	( )	( )
● number of workers with salary between \$5,824 and \$6,500		( )	( )	( )
Length of service of agency workers		( <i>Note 2</i> )		( <i>Note 3</i> )
● 5 years or longer		( )	( )	( )

● 3 - 5 years		( )	( )	( )
● 1 - 3 years		( )	( )	( )
● less than 1 year		( )	( )	( )
Percentage of agency workers in the total number of staff in the department		(Note 2)	( )	(Note 3)
Percentage of amount paid to employment agencies in the total departmental staff cost		0.9%	0	0.4%
Number of workers with paid meal break		(Note 7)	( )	(Note 7)
Number of workers without paid meal break			( )	
Number of workers on five-day week		(Note 8)	( )	(Note 8)
Number of workers on six-day week			( )	

Notes 1: Figures are not available as the number of agency workers, if engaged, will vary over time in accordance with changing service needs.

2: In 2010-11, we engaged an employment agency for provision of not more than 1,410 man-days and not more than 70 Junior Assistants (JAs) on any one day between April and May 2010.

3: In 2008-09, we engaged an employment agency for provision of not more than 40 Junior Clerks (JCs) between August and September 2008. The number of JCs and the service period required are subject to operational need.

4: The accumulated total expenditure for the short term contracts in respect of 2008-09 and 2010-11.

5: There is no such provision in the service contract.

6: The contract does not require the employment agency to provide such information.

7: The contract does not require the employment agency to provide such information.

8: The normal working days of agency workers specified in the contracts is from Monday to Friday.

Signature \_\_\_\_\_

Name in block letters TING TSUI WAI MING VIVIAN

Post Title Chief Electoral Officer

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB183**

Question Serial No.

3164

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 : On engaging "outsourced workers", please provide the following information:

	2011-12	2010-11	2009-10	2008-09
Number of outsourced service contracts	()	()	()	()
Total amount of paid to outsourced service providers	()	()	()	()
Length of contract for each outsourced service providers	()	()	()	()
Number of workers engaged through outsourced service providers	()	()	()	()
Details of positions by outsourced workers (e.g. customer service, property management, security, cleaning and information technology)				
Monthly salary range of outsourced workers				
● \$30,001 or above	()	()	()	()
● \$16,001 - \$30,000	()	()	()	()
● \$8,001 - \$16,000	()	()	()	()
● \$6,501 - \$8,000	()	()	()	()
● \$5,001 - \$6,500	()	()	()	()
● \$5,000 or below	()	()	()	()
● number of workers with salary below \$5,824	()	()	()	()
● number of workers with salary between \$5,824 and \$6,500	()	()	()	()
Length of service of outsourced workers				
● 5 years or longer	()	()	()	()
● 3 - 5 years	()	()	()	()
● 1 - 3 years	()	()	()	()

● less than 1 year	( )	( )	( )	( )
Percentage of outsourced workers in the total number of staff in the department	( )	( )	( )	( )
Percentage of amount paid to outsourced service providers in the total departmental staff cost	( )	( )	( )	( )
Number of workers with paid meal break	( )	( )	( )	( )
Number of workers without paid meal break	( )	( )	( )	( )
Number of workers on five-day week	( )	( )	( )	( )
Number of workers on six-day week	( )	( )	( )	( )

Asked by : Hon. WONG Kwok-hing

Reply :

The Registration and Electoral Office has no outsourced services.

Signature \_\_\_\_\_

Name in block letters TING TSUI WAI MING VIVIAN

Post Title Chief Electoral Officer

Date 17 March 2011



Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB184**

Question Serial No.

3225

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 : Regarding the estimates of expenditure of the information technology management unit of the department:

- (a) What is the estimated expenditure for 2011-12? What is the percentage change compared with the actual expenditure for 2010-11? What account for this percentage change in expenditure?
- (b) What specific initiatives are involved in the estimates of expenditure for 2011-12? Which of them are ongoing and new initiatives respectively? What are the staff number, cost and implementation timetable of each initiative? Among the staff involved, how many of them are civil servants, non-civil service contract staff and staff of outsourced services respectively?
- (c) Whether funds have been reserved for promoting electronic civic participation and public sector information access? If yes, what are the specific details, including the titles and particulars of the initiatives, the manpower and cost involved, and the implementation timetable? If not, what are the reasons and will consideration be given to introducing the initiatives in the future?
- (d) What are the permanent establishment and the number of existing staff and vacancies of the information technology unit? Is manpower expected to increase in the coming year? If yes, how many additional posts will be created? What ranks will be involved? Will they be permanent posts? Will they be appointed on civil service terms? If there will be no increase in manpower, what are the reasons?
- (e) Has there been any comprehensive review of the effectiveness of the information and technology unit? If yes, what are the results and the specific improvement measures involved? If not, what are the reasons and will a review be conducted in the future?

Asked by : Hon. TAM Wai-ho, Samson

Reply :

(a) In 2011-12, the Registration and Electoral Office has earmarked \$16 million for the Information Technology Management Unit (ITMU). The additional provision is 46%(\$5 million) more than the actual expenditure for 2010-11 and is mainly due to increased information technology support for the preparation and conduct of four elections in 2011 and 2012.

(b) In 2011-12, ITMU which will be supported by 8 civil servants and around 25 non-civil service contract staff would provide information technology support for the preparation and conduct of the 2011 District Council election, 2011 Election Committee subsector elections and 2012 Chief Executive election including the maintenance of the New Electoral and Registration System and the implementation of the Voting Validation and Counting Automation System.

(c) We will consider initiatives to support the promotion of electronic civic participation and public information access when the opportunity arises.

(d) There are 8 permanent civil service posts in the ITMU. Currently, there are 2 vacancies, but they are expected to be filled by the respective grade management soon. In view of the short-term operational need, non-civil service contract staff would be engaged as appropriate.

(e) We conducted a review of the ITMU in 2009 and re-organisation of the manpower on functional basis was made with the creation of 3 permanent civil service posts to improve operational efficiency and continuity.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ TING TSUI Wai-ming, Vivian \_\_\_\_\_

Post Title \_\_\_\_\_ Chief Electoral Officer \_\_\_\_\_

Date \_\_\_\_\_ 17 March 2011 \_\_\_\_\_

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB185**

Question Serial No.

3648

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 : Will the Administration consider allowing the disabled or the mobility-handicapped to vote by post? What are the estimated expenditures involved?

Asked by : Hon. CHAN Tanya

Reply :

Postal voting has been explored but is not considered further mainly due to preservation of voter secrecy. To ensure fairness and integrity of the election, electors have to cast their votes at the polling station in person.

2. To facilitate persons with disability to cast their votes at polling stations, it has been the objective of the Registration and Electoral Office (REO) to identify and use barrier-free venues as polling stations. Where situation permits, REO will arrange installation of temporary ramps at polling stations without barrier-free facilities for electors who are wheelchair users. Polling staff have been instructed to provide assistance to electors with disability at the polling stations. Electors with disability whose designated polling stations are not suitable for use by such persons can apply to REO five days before the polling day to vote at a barrier-free polling station close to their residence. Free Rehabus service would also be arranged if circumstances permit. Braille templates are available at the polling stations for electors who are visually impaired.

Signature \_\_\_\_\_

Name in block letters TING TSUI WAI MING VIVIAN

Post Title Chief Electoral Officer

Date 17 March 2011

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB186**

Question Serial No.

3649

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) Will the Administration allocate resources to review the existing voter registration system in order to allow residents without fixed residential addresses, such as street sleepers, to register as voters? What are the estimated expenditures?

(b) Will the Administration update the electoral roll more frequently? What are the expenditure involved?

Asked by : Hon. CHAN Tanya

Reply :

(a) According to existing legislation, the eligibility to be registered as an elector requires the provision of a residential address that is the applicant's only or principal residence in Hong Kong. The Registration and Electoral Office (REO) will keep in view the situation regarding the registration of street sleepers as electors.

(b) The procedures on updating the registers of electors are governed by the electoral legislation. They provide arrangements for the registers to be updated at an appropriate time before the elections. The REO will continue to update and publish the registers accordingly.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ TING TSUI WAI MING VIVIAN \_\_\_\_\_

Post Title \_\_\_\_\_ Chief Electoral Officer \_\_\_\_\_

Date \_\_\_\_\_ 17 March 2011 \_\_\_\_\_

Examination of Estimates of Expenditure 2011-12

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

**CMAB187**

Question Serial No.

3650

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 : Will the Administration utilise resources to review the election returns system in order to take some measures, such as introducing electronic means for the submission of returns, to streamline the procedures? What are the estimated expenditures?

Asked by : Hon. CHAN Tanya

Reply :

As a regular exercise before the major elections, the Registration and Electoral Office (REO) is reviewing the practical electoral arrangements so that they can be streamlined and improved in the light of past experience. The arrangements being reviewed include the use of electronic means for candidates to submit election advertisements. This task is met by the existing resources of the REO.

Signature \_\_\_\_\_

Name in block letters TING TSUI WAI MING VIVIAN

Post Title Chief Electoral Officer

Date 17 March 2011