

**立法會**  
**Legislative Council**

LC Paper No. CB(1)297/15-16  
(These minutes have been seen  
by the Administration)

Ref : CB1/SS/2/15/1

**Subcommittee on Census and Statistics (2016 Population Census) Order**

**Minutes of first meeting held on  
Monday, 9 November 2015, at 9:00 am  
in Conference Room 2B of the Legislative Council Complex**

- Members present** : Hon Cyd HO Sau-lan, JP (Chairman)  
Hon CHAN Kam-lam, SBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Alan LEONG Kah-kit, SC  
Hon Steven HO Chun-yin, BBS  
Hon CHAN Chi-chuen  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon CHIANG Lai-wan, JP
- Members absent** : Hon Charles Peter MOK, JP  
Hon SIN Chung-kai, SBS, JP
- Public Officers attending** : Mr Leslie TANG Wai-kong, JP  
Commissioner for Census and Statistics
- Mr Stephen LEUNG Kwan-chi  
Deputy Commissioner for Census and Statistics
- Ms Marion CHAN Shui-yu  
Assistant Commissioner for Census and Statistics  
(Social)

Ms Wendy CHUNG  
Principal Assistant Secretary for Financial Services  
and the Treasury (Financial Services)<sup>3</sup>

Mr Jonathan LUK King-hang  
Government Counsel  
Department of Justice

**Clerk in attendance :** Ms Connie SZETO  
Chief Council Secretary (1)<sup>4</sup>

**Staff in attendance :** Miss Winnie LO  
Assistant Legal Adviser 7

Miss Sharon LO  
Senior Council Secretary (1)<sup>9</sup>

Ms Sharon CHAN  
Legislative Assistant (1)<sup>4</sup>

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## **I Election of Chairman**

1. Ms Emily LAU, the member with the highest precedence among those who were present at the meeting, presided over the election of the Chairman of the Subcommittee. She invited nominations for the chairmanship of the Subcommittee.
2. Ms Cyd HO was nominated by Mr Alan LEONG and the nomination was seconded by Ms Emily LAU. Ms Cyd HO accepted the nomination. Ms Emily LAU called for other nominations.
3. Dr CHIANG Lai-wan was nominated by Mr Steven HO and the nomination was seconded by Mr CHAN Kam-lam. Dr CHIANG accepted the nomination.
4. Ms Emily LAU announced a vote by secret ballot. After all members had cast their votes, Ms Emily LAU invited Mr Alan LEONG and Mr Steven HO who had nominated the two candidates to oversee the counting of votes. Of the members present for voting, three members voted for Ms Cyd HO and three voted for Dr CHIANG.

5. As both nominees received the same number of votes, Ms Emily LAU drew lots and gave the casting vote to Ms Cyd HO in accordance with the lot drawn. Ms Cyd HO was declared the Chairman of the Subcommittee. Ms Cyd HO then took over the chair.

## **II Meeting with the Administration**

- (File Ref: C&SD/1/11(2014)Pt.2 — Legislative Council Brief
- L.N. 208 of 2015 — Census and Statistics (2016 Population Census) Order
- LC Paper No. LS4/15-16 — Legal Service Division Report
- LC Paper No. CB(1)124/15-16(01) — Background brief on the Census and Statistics (2016 Population Census) Order prepared by the Legislative Council Secretariat
- LC Paper No. CB(1)124/15-16(02) — Letter dated 27 October 2015 from Legal Service Division to the Administration
- LC Paper Nos. CB(1)124/15-16(03) and (04) — Administration's responses dated 28 and 29 October 2015 to Assistant Legal Adviser's letter of 27 October 2015
- LC Paper No. CB(1)124/15-16(05) — Letter dated 30 October 2015 from Legal Service Division to the Administration
- LC Paper No. CB(1)124/15-16(06) — Administration's responses dated 6 November 2015 to Assistant Legal Adviser's letter of 30 October 2015
- LC Paper No. CB(1)124/15-16(07) — Administration's paper on supplementary information regarding the statistical information on sexual minorities for the 2016 Population By-census)

Discussion

6. The Subcommittee deliberated (index of proceedings in the **Appendix**).

Admin Follow-up actions to be taken by the Administration

*Statistical information on sexual minorities*

7. Noting that some jurisdictions (e.g. the United Kingdom, the United States and Canada) had included survey questions on sexual minorities when conducting population censuses/topical surveys while some others had not, the Administration was requested to provide information on other jurisdictions in collecting information on sensitive topics such as sexual orientation, gender identity and same sex marriage, and provide samples of the relevant questionnaires used by the jurisdictions.

*Respondents' legal liability*

8. The Administration was requested to provide information on respondents' legal liability in responding to the 2016 Population By-census ("16BC"), including the obligations and relevant sections of the Census and Statistics Ordinance (Cap. 316) which the respondents were required to comply with and the penalty for non-compliance.

*Data to be collected and questions to be asked in 16BC*

9. To better understand the data to be collected in 16BC and whether further refinement was required, the Administration was requested to provide a sample of the questionnaire to be used in 16BC.

10. The Administration was requested to provide written response to members' views that a further classification on "same-sex partnership" or "same-sex co-habitation" should be added under the data topic of "marital status" in 16BC. The refined classification would provide information on the relationship of same-sex co-habitants, including whether the respondents had registered their same sex marriages under the relevant legislation of other jurisdictions.

11. The Administration was requested to provide an analysis on the breakdown of some 7,000 households in the 2011 Population Census in which all household members were of the same sex and unrelated to the household heads.

*Data security*

12. To ensure that the respondents would understand the operation of the multi-modal, paperless data collection system of 16BC, and that all information collected would be handled in strict confidence, the Administration was requested to provide supplementary information on:

- (a) measures to enhance the respondents' understanding of the process for submitting the e-questionnaires online and available assistance/support to the respondents, in particular the means for the respondents to correct submitted data;
- (b) the arrangements and procedures on the collection of data by census officers using mobile tablets, including the technologies adopted for data encryption, transmission and disposal;
- (c) the arrangements and procedures to wipe out collected data from the mobile tablets when the relevant tablets were lost; and
- (d) the arrangements and procedures for the disposal of the completed questionnaires.

*Statistical reports published by the Census and Statistics Department ("C&SD")*

13. It was noted that C&SD had conducted thematic surveys/topical studies on topics such as elderly people living in the Mainland, people with disabilities, new arrivals and people taking full-time care of family members. The Administration was requested to provide the relevant reports for members' reference.

*(Post-meeting note: The Administration's written response was issued to members vide LC Paper No. CB(1)156/15-16(02) on 16 November 2015.)*

Legislative timetable

14. The Chairman suggested that the scrutiny period of the Census and Statistics (2016 Population Census) Order ("the Order") be extended such that members would have sufficient time to scrutinize the Order and study the supplementary information to be provided by the Administration as requested in paragraphs 7 to 13 above. The Subcommittee agreed that the Chairman would move at the Council meeting of 18 November 2015 a proposed resolution to

extend the scrutiny period of the Order to the Council meeting of 16 December 2015.

*(Post-meeting note: The motion to extend the scrutiny period of the Order to the Council meeting of 16 December 2015 was passed at the Council meeting of 18 November 2015.)*

### **III Any other business**

#### Invitation of views

15. Members decided that the Subcommittee would meet with deputations to receive views on the Order at the second meeting. Members also agreed to post a notice on the website of the Legislative Council and write to the 18 District Councils ("DCs") to invite views from the public and DCs.

#### Date of next meeting

16. The Chairman said that she would work out the date of the second meeting for meeting with deputations with the Clerk and inform members in due course.

*(Post-meeting note: The second meeting was scheduled for Tuesday, 17 November 2015, from 4:30 pm to 6:30 pm.)*

17. There being no other business, the meeting ended at 10:48 am.

Council Business Division 1  
Legislative Council Secretariat  
14 December 2015

**Proceedings of first meeting of the  
Subcommittee on Census and Statistics (2016 Population Census) Order  
on Monday, 9 November 2015, at 9:00 am  
in Conference Room 2B of the Legislative Council Complex**

Time Marker	Speaker	Subject(s)	Action Required
000149 – 000711	Ms Emily LAU Mr Alan LEONG Ms Cyd HO Mr Steven HO Mr CHAN Kam-lam Dr CHIANG Lai-wan	Election of Chairman	
000712 – 000914	Chairman	Introductory remarks	
<b>Agenda Item II – Meeting with the Administration</b>			
000915 – 001021	Chairman Administration	Briefing by the Administration on the objective, sample size, data collection period and data collection approach of the 2016 Population By-census ("16BC") in relation to the Census and Statistics (2016 Population Census) Order ("the Order") [Legislative Council Brief (File Ref: C&SD/1/11(2014) Pt.2)]	
001022 – 001721	Chairman Assistant Legal Adviser 7 ("ALA7") Administration	Briefing by ALA7 and the Administration's responses regarding the determination of the age of an occupant for the purpose of 16BC. [LC Paper Nos. CB(1)124/14-15(02) to CB(1)124/14-15(06)]  The Administration pointed out that the "census reference moment" served mainly as a point of reference and did not affect the method for calculating the age of a person pursuant to section 3 of the Interpretation and General Clauses Ordinance (Cap. 1) ("IGCO"), i.e. the age was determined from the date of birth, and not the specific hours or minutes of birth.  ALA7 remarked that as provided in section 2(1) of IGCO, IGCO applied to any other Ordinances in force "save where the contrary intention appears". As "occupant" was defined under section 6(2)(a) of the Order as a "person who has reached 15 years of age at the census reference moment" (i.e. 3a.m. on 30 June 2016), it was not clear if the meaning of "year of age" under section 3 of IGCO was still applicable to section	

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		<p>6 of the Order, or its application was displaced by section 2(1). Given that section 6(1) seemed to impose an obligation on an occupant to provide certain information, it would be essential to provide a clear definition of "occupant".</p>	
<p>001722 – 002342</p>	<p>Chairman Mr CHAN Kam-lam Administration</p>	<p>Mr CHAN enquired about details of the sampling method adopted for 16BC and the assistance provided to occupants (e.g. elderly people) for completing and submitting the e-questionnaires. He also enquired about possible implications on the result of the censuses/by-censuses if the same household was repeatedly selected for enumeration.</p> <p>The Administration advised that –</p> <p>(a) the sampling frame for 16BC would cover the full list of addresses of quarters in Hong Kong (including various types of accommodation viz. public rental housing and private residential housing), and about one-tenth of quarters (i.e. about 300,000 households) would be randomly selected for enumeration;</p> <p>(b) census officers would visit the selected households that had not submitted the e-questionnaires and would use mobile tablets to collect the requested information during face-to-face interview with the households; and</p> <p>(c) the chances where the same household was repeatedly selected in censuses/by-censuses was low, and the effect on the credibility of the statistics would be insignificant.</p>	
<p>002343 – 003055</p>	<p>Dr CHIANG Lai-wan Administration Chairman</p>	<p>In response to Dr CHIANG's enquiry regarding the objective, coverage and overall design of 16BC, the Administration advised that –</p> <p>(a) the objective of 16BC was to obtain up-to-date benchmark information on the demographic, social and economic characteristics of the population of Hong Kong;</p> <p>(b) the occupants and households in the selected quarters (premises or vessels) were obliged to</p>	



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		<p>provide the requested information for 16BC, including persons below age 15 whose particulars would be provided by the occupants;</p> <p>(c) hypothetical and sensitive questions would not be included in 16BC;</p> <p>(d) in addition to the data topics covered in the 2011 Population Census, four new topics had been added, namely "ability to read/write languages", "hours of work", "whether sub-divided units" and "saleable area of accommodation"; and</p> <p>(e) the data topic on "ability to read/write languages" aimed to collect information concerning the English and Chinese reading and writing abilities of the population, especially the ethnic minorities in Hong Kong, and such information would assist the Government in formulating policies for the ethnic minorities (e.g. training and employment supports).</p>	
003056 – 003318	Chairman Administration	<p>The Chairman enquired whether sub-divided units ("SDUs") in industrial buildings would be included in the sampling frame, and whether such information would be used for enforcement actions against SDUs.</p> <p>The Administration responded that the Census and Statistics Department ("C&amp;SD") would include quarters of all building types, including SDUs in industrial buildings, in the sampling frame. C&amp;SD and its enumerators were prohibited by law from disclosing any information obtained in the course of 16BC. C&amp;SD would not pass any information regarding SDUs to other agencies for taking enforcement actions.</p>	
003319 – 004542	Ms Emily LAU Administration Chairman	<p>Ms LAU enquired about the reasons for not including information on sexual minorities in 16BC. She further suggested that the Administration should collect information on the following topics to assist the Government in formulating various policies concerning the population –</p>	

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		<p>(a) people with different sexual orientations;</p> <p>(b) people taking full-time care of family members;</p> <p>(c) elderly people living in the Mainland;</p> <p>(d) new arrivals; and</p> <p>(e) people with disabilities ("PwDs").</p> <p>The Administration responded that –</p> <p>(a) C&amp;SD had conducted studies on people taking full-time care of family members and new arrivals from the Mainland;</p> <p>(b) a census/by-census was not an appropriate channel for collecting information regarding elderly people living in the Mainland and C&amp;SD would consider other methods for collecting the relevant information;</p> <p>(c) after conducting further research, C&amp;SD had decided that the data topic of sexual minorities would not be included in 16BC as it was concerned that the figures on sexual minorities would be grossly under-estimated; and</p> <p>(d) jurisdictions with similar culture as Hong Kong (e.g. Taiwan, Singapore, Japan, Korea and the Mainland) did not include survey questions on sexual minorities in their population censuses, though some other jurisdictions like the United Kingdom and Canada had collected data on same-sex marriages.</p> <p>The Chairman remarked that the suggestion for collecting data about sexual minorities in 16BC was first raised by C&amp;SD during the briefing to the Panel on Financial Affairs held in December 2013. She requested the Administration to provide information on other jurisdictions in collecting information on sensitive topics such as sexual orientation, gender identity and same sex marriage, and provide samples of the relevant questionnaires used by the jurisdictions.</p>	<p>The Administration to take action as paragraph 7 of the minutes</p>

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004543 – 010101	Mr CHAN Chi-chuen Administration Chairman	<p>Mr CHAN enquired about the details on the sampling method and data collection procedures for SDUs.</p> <p>The Administration advised that C&amp;SD had conducted studies to identify districts (e.g. old urban districts) and quarters where SDUs were likely to be found. Separate strata would be developed in the sampling frame for districts with a vast number of SDUs. All SDUs inside a selected quarter would be covered in 16BC. In addition to the number of SDUs, C&amp;SD would collect data relating to the social and economic characteristics of the population living in SDUs.</p> <p>Mr CHAN sought clarification on whether a third option on "sex" besides male and female would be provided in 16BC, or C&amp;SD had other plans to collect such information. While he noted the Administration's views that the data topic of sexual minorities was too sensitive to be included in 16BC, he considered that the Administration should work out the appropriate method and timing for collecting such information for Hong Kong.</p> <p>C&amp;SD re-iterated that–</p> <ul style="list-style-type: none"> <li>(a) many overseas jurisdictions had not included in their population censuses any questions on sexual orientation, nor provided a third option on the data topic of "sex";</li> <li>(b) a few jurisdictions, like the United Kingdom and Canada, had provided classifications like "same sex married spouse"/"same sex common law partner"/"same sex civil partnership" under the data topic of "marital status" or "relationship to household head";</li> <li>(c) 16BC was a mandatory, large-scale survey, and normally consisted of relatively simple questions. It was necessary to keep the interviewing time within a reasonable length;</li> <li>(d) there were concerns that the respondents might be unwilling to provide information on their sexual orientation, and hence the figures on sexual minorities would be grossly under-estimated and unreliable.</li> </ul>	

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		<p>Regarding the legal liability of selected households in responding to 16BC, the Administration advised that it was a criminal offence if the respondents refused to answer any questions or provide false answers knowingly.</p> <p>The Chairman requested the Administration to provide supplementary information on the respondents' legal liability in responding to 16BC, including the obligations and relevant sections of the Census and Statistics Ordinance (Cap. 316) ("CSO") which the respondents were required to comply with and the penalty for non-compliance.</p>	<p>The Administration to take action as paragraph 8 of the minutes</p>
010102 – 011106	Chairman Administration	<p>The Chairman requested the Administration to provide the following information –</p> <ul style="list-style-type: none"> <li>(a) a sample of the questionnaire to be used in 16BC;</li> <li>(b) written response to members' views that a further classification on "same-sex partnership" or "same-sex co-habitation" should be added under the data topic of "marital status" in 16BC;</li> <li>(c) information on measures to enhance the respondents' understanding of the process for submitting the e-questionnaires online and available assistance/support to the respondents, in particular the means for the respondents to correct submitted data;</li> <li>(d) information on the arrangements and procedures on the collection of data by census officers using mobile tablets, including the technologies adopted for data encryption, transmission and disposal;</li> <li>(e) information on the arrangements and procedures to wipe out collected data from the mobile tablets when the relevant tablets were lost; and</li> <li>(f) information on the arrangements and procedures for the disposal of the completed questionnaires.</li> </ul>	<p>The Administration to take action as paragraphs 9, 10 and 12 of the minutes</p>

Time Marker	Speaker	Subject(s)	Action Required
		<p>The Administration responded that all information collected during 16BC would be handled in strict confidence and it was a criminal offence if any person disclosed the information otherwise than in the performance of any function under CSO. The enumerators recruited for the population censuses/by-censuses were temporary staff and mostly students without practical experience in conducting surveys. Even with training, they might have difficulty in mastering the necessary interviewing skills for collecting information on sensitive topics like sexual minorities and PwDs. It was considered more appropriate to conduct thematic surveys for collecting information on sensitive topics.</p>	
011107 – 012140	Dr CHIANG Lai-wan Administration Chairman	<p>Dr CHIANG opined that if a household consisted of members of the same sex, the question on the relationship among these members or their relationship with the household head might shed light on the sexual orientation of household members.</p> <p>The Administration advised that there were some 7,000 households in which all members were of the same sex and unrelated to the household heads in the 2011 Population Census where they could be friends or same-sex partners. The Administration could provide an analysis on the breakdown of these household members.</p> <p>Dr CHIANG was of the view that the data obtained from 16BC were vital to the Government in formulating various policies (e.g. policies to cope with aging problem). She enquired about C&amp;SD's consultation with relevant stakeholders in working out the data topics and finalizing the survey questions for 16BC.</p> <p>The Administration responded that C&amp;SD had consulted relevant government bureaux/departments, the Panel on Financial Affairs, the Steering Committee on Population Policy, and over 100 non-Government organizations before finalizing the survey questions. A total of 45 data topics were included in 16BC.</p>	The Administration to take action as paragraphs 11 of the minutes

Time Marker	Speaker	Subject(s)	Action Required
012141 – 012716	Ms Emily LAU Administration Chairman	<p>Ms LAU noted that C&amp;SD had conducted thematic surveys/topical studies on topics such as elderly people living in the Mainland, PwDs, new arrivals and people taking full-time care of family members. She requested the Administration to provide the relevant reports for members' reference. She further suggested that C&amp;SD should consider conducting thematic survey on sexual minorities.</p> <p>C&amp;SD explained that currently the thematic surveys on PwDs were conducted by C&amp;SD using its own resources. The relevant Government bureaux/departments had to propose the subject areas and provide the necessary resources for C&amp;SD to conduct thematic surveys for collecting information required under their respective purviews. C&amp;SD clarified that it had considered in 2013 the feasibility of including the relevant data topics on sexual minorities in 16BC. However, after further research and studies, including consulting the relevant professionals and organizations providing assistance and support to sexual minorities, the Administration had decided not to include those topics in 16BC.</p>	The Administration to take action as paragraphs 13 of the minutes
012717 – 013105	Dr CHIANG Lai-wan Chairman Mr CHAN Chi-chuen	<p>Dr CHIANG re-iterated that collecting information on the data topic "same-sex living together" instead of "sexual orientation" might give more accurate and reliable information on sexual minorities.</p> <p>Mr CHAN re-iterated his views that the Administration should decide on the appropriate channel, such as thematic survey, for collecting the demographic data of sexual minorities in the population.</p>	
013106 – 014815	Mr CHAN Chi-chuen Chairman Mr CHAN Kam-lam Ms Emily LAU Dr CHIANG Lai-wan Dr Fernando CHEUNG	<p>Meeting with the deputations</p> <p>Mr CHAN Chi-chuen asked whether the Subcommittee would invite public views on 16BC.</p> <p>The Chairman opined that the Subcommittee should consider inviting public views on various issues relating to 16BC, such as the information technologies adopted for 16BC, measures to ensure data privacy and enhance data security.</p>	

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		<p>Mr CHAN Kam-lam considered it unnecessary for the Subcommittee to conduct a public hearing on the Order as C&amp;SD had been conducting population censuses/by-censuses following past practices and the established procedures. He was concerned that the public hearing might arouse political arguments.</p> <p>Dr CHIANG expressed concern that the public hearing might delay the implementation of 16BC. She considered that the Subcommittee should invite experts and academia to give views on 16BC.</p> <p>Ms LAU and the Chairman pointed out that it was a common practice for the Legislative Council ("LegCo") to invite public views on Government proposals and policies.</p> <p>The Chairman said that the Order was subject to the negative vetting procedure of LegCo and would come into operation on 17 December 2015.</p> <p>Mr CHAN Chi-chuen and the Chairman said that a notice would be posted on the LegCo's website informing the public about the public hearing, and Subcommittee members could suggest organizations to be invited.</p> <p>Dr CHEUNG supported holding a public hearing as it would provide an opportunity for the Administration to listen to public views on 16BC, in particular those from PwDs and the ethnic minorities.</p>	
014816 – 014840	Chairman	Extension of the scrutiny period and date of next meeting	