

立法會
Legislative Council

LC Paper No. CB(1)421/15-16
(These minutes have been seen
by the Administration)

Ref : CB1/SS/2/15/2

Subcommittee on Census and Statistics (2016 Population Census) Order

**Minutes of third meeting held on
Tuesday, 24 November 2015, at 11:00 am
in Conference Room 3 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 Charles Peter MOK, JP
Hon CHAN Chi-chuen
Dr Hon Fernando CHEUNG Chiu-hung
Hon SIN Chung-kai, SBS, JP
Dr Hon CHIANG Lai-wan, JP

Member absent : Hon Steven HO Chun-yin, BBS

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 Sharon NG Pun-wai
Senior Statistician for Census and Statistics (Census &
Demographic Statistics)

Mr Leo YU Chun-keung
Senior Statistician for Census and Statistics (Census
Planning)¹

Ms Wendy CHUNG
Principal Assistant Secretary for Financial Services and
the Treasury (Financial Services)³

Mr Jonathan LUK King-hang
Government Counsel
Department of Justice

Clerk in attendance : Ms Connie SZETO
Chief Council Secretary (1)⁴

Staff in attendance : Miss Winnie LO
Assistant Legal Adviser ⁷

Miss Sharon LO
Senior Council Secretary (1)⁹

I Meeting with the Administration

Matters arising from previous meetings

(LC Paper No. CB(1)156/15-16(01) — List of follow-up actions arising
from the discussion at the
meeting on 9 November 2015

LC Paper No. CB(1)156/15-16(02) — Administration's response to
issues raised at the meeting on
9 November 2015

LC Paper No. CB(1)181/15-16(01) — List of follow-up actions arising
from the discussion at the
meeting on 17 November 2015

LC Paper No. CB(1)181/15-16(02) — Administration's response to
issues raised at the meeting on
17 November 2015)

Other relevant papers

- (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 response 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

The Subcommittee deliberated (Index of proceedings attached at **Appendix**).

Admin Follow-up actions to be taken by the Administration

Practices of the European Union countries in collecting statistical information on sexual minorities

2. The Administration was requested to provide information on whether member jurisdictions of the European Union ("EU") had included questions on sexual minorities (e.g. sexual orientation, gender identity and same sex marriage) in their population censuses, and whether EU had issued directives in this regard.

Answer options available for questions in 16BC

3. To better reflect the population size of people with disabilities and people coming from different countries in the Middle East, the Census and Statistics Department ("C&SD") was requested to consider:

- (a) including an option "Rehabus" in Annex 8 (i.e. mode of transport to place of study) and Annex 10 (mode of transport to place of work) to the 2016 Population By-census ("16BC") questionnaire; and
- (b) including a list of countries in the Middle East in Annex 3 (i.e. nationality) to the 16BC questionnaire in consultation with the Security Bureau and relevant parties.

Personal data privacy and data security

4. Given that no Privacy Impact Assessment had been conducted for 16BC, C&SD was requested to consult the Office of the Privacy Commissioner for Personal Data on the proposed measures for protecting privacy of personal data in 16BC, in particular, measures to address privacy concerns related to the use of e-questionnaire ("e-Q") and mobile tablets for collecting data from respondents.

5. While the Subcommittee supported promoting the use of the e-Q in 16BC, members had expressed concerns about risks that respondents' personal data might be compromised during the course of completing the e-Q. The Administration was requested to address the following concerns:

- (a) how C&SD would alert the respondents about risks of data breach at their systems when they used the e-Q through their own devices; and

- (b) respondents (e.g. elderly people) who were not familiar with information technologies might seek help from a third party to complete the e-Q on their behalf, thus obliging them to disclose their personal data to the third party.

Disposal of the mobile tablets after the completion of 16BC

6. The Administration was requested to report to the relevant Panel(s) of the Legislative Council soonest possible upon completion of 16BC on the disposal arrangement for the some 6 500 mobile tablets purchased for 16BC.

(Post-meeting note: The Administration's response was circulated to members vide LC Paper No. CB(1)225/15-16(02) on 30 November 2015.)

Legislative timetable

7. The Chairman concluded that the Subcommittee had completed the scrutiny of the Census and Statistics (2016 Population Census) Order ("the Order") and would not propose any amendment to the Order.

8. Members noted that the scrutiny period of the Order would expire at the Council meeting of 16 December 2015, and that the deadline for giving notice of motion to amend the Order was 9 December 2015. The Chairman would report the deliberations of the Subcommittee at the House Committee meeting on 4 December 2015.

II Any other business

9. There being no other business, the meeting ended at 12:58 pm.

**Proceedings of the third meeting of the
Subcommittee on Census and Statistics (2016 Population Census) Order
on Tuesday, 24 November 2015, at 11:00 am
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker	Subject(s)	Action Required
000052 – 000229	Chairman	Introductory remarks	
000230 – 000458	Administration	Briefing by the Administration on its response to the issues arising from the meeting held on 17 November 2015 [LC Paper No. CB(1)181/15-16(02)]	
000459 – 001326	Dr Fernando CHEUNG Administration Chairman	<p>Dr CHEUNG requested the Administration to consider providing an answer option "partners" under the data topic "relationship to the household head" for respondents to indicate their same sex relationship status. He stressed that such information could assist the Government in grasping the situations of sexual minorities in Hong Kong and help formulate relevant policies.</p> <p>The Administration advised that:</p> <p>(a) respondents who had registered their same sex marriage in other jurisdictions might choose the answer option "others (please specify)" under the data topic "relationship to the household head" and provide specifications as appropriate, e.g. same sex partners;</p> <p>(b) answer options such as "same-sex married spouse", "same-sex common-law partner" for questions on marital status and/or relationship to household head were available only in those jurisdictions where there were legal registrations for same sex marriage or partnership, like the United Kingdom ("UK") and Canada; and</p> <p>(c) the Census and Statistics Department ("C&SD") would provide necessary training to the enumerators to ensure that they would record the specifications as provided by the respondents.</p>	
001327 – 001726	Dr CHIANG Lai-wan Chairman Administration	Dr CHIANG was of the view that providing an answer option "partners" under the data topic "marital status" might not give a full picture of "same sex living together" as these people could	

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		<p>be friends. She was concerned that the respondents might be unwilling to disclose their same sex relationship status during the interview by census officers.</p> <p>The Administration explained that under the existing arrangement, the respondents, after indicating their relationship as "others (please specify)", could provide specifications according to their own circumstances, such as friends, co-tenants (合租租戶), or same sex partners.</p>	
001727 – 002154	Ms Emily LAU Administration Chairman	<p>Ms LAU questioned why answer options such as "partners" or "friends" were not provided for the question "relationship to the household head" to facilitate respondents to indicate their relationship.</p> <p>The Administration responded that figures on respondents with same sex relationship status would be grossly underestimated as it was anticipated that a considerable number of respondents would be unwilling to disclose such information. Respondents who had registered their same sex marriage in other jurisdictions might indicate their marital status as "never married".</p> <p>The Chairman pointed out that according to the information provided by C&SD, if respondents who had registered their same sex marriage in other jurisdictions chose the answer option for the data topic "marital status" they believed to be true, they would not be regarded as having contravened the Census and Statistics Ordinance (Cap. 316).</p>	
002155 – 002755	Mr SIN Chung-kai Administration Chairman	<p>In response to Mr SIN's enquiry about the reason for not collecting data on sexual minorities in the 2016 Population By-census ("16BC"), the Administration advised that –</p> <p>(a) C&SD had studied the practice of population censuses in jurisdictions with similar culture as Hong Kong (e.g. Taiwan, Singapore, Japan, Korea and the Mainland) and those with relatively close socio-economic ties with Hong Kong (e.g. Australia, Canada, New Zealand, the UK and the United States), and noted that there was no question about sexual orientation,</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>nor a third option regarding gender in the population censuses in all these economies; and</p> <p>(b) only a few jurisdictions where there were legal registrations for same sex marriages or partnership (e.g. the UK and Canada) had provided answer options like "same-sex married spouse", "same-sex common-law partner", "registered same-sex civil partnership", "same-sex civil partner" under the data topic of "marital status" or "relationship to household head" in their population censuses.</p> <p>Mr SIN requested the Administration to provide information on whether member jurisdictions of the European Union ("EU") had included questions on sexual minorities (e.g. sexual orientation, gender identity and same sex marriage) in their population censuses, and whether EU had issued directives in this regard.</p>	<p>The Administration to take action as paragraph 2 of the minutes</p>
<p>002756 – 003657</p>	<p>Chairman Dr Fernando CHEUNG Administration</p>	<p>In view of the ageing population, Dr CHEUNG suggested including data topics on people with disabilities ("PwDs") and chronic diseases in the 16BC questionnaire as 16BC would have a larger sample size and hence more accurate information could be collected on the subject.</p> <p>The Administration explained that information on PwDs and chronic diseases was collected through thematic household surveys because of the lower non-sampling errors involved as more skilful enumerators with full training would be assigned to collect the information. Moreover, the 16BC questionnaire already contained a total of 65 questions. C&SD estimated that it would take around an hour for a three-person or four-person household to complete the questionnaire. To strike a balance between including more data topics in 16BC and keeping the questionnaire at a reasonable length to avoid creating a burden on respondents, C&SD considered it more appropriate to collect information of PwDs and chronic diseases in thematic household surveys.</p> <p>At the request of Dr CHEUNG, the Administration agreed to explore the feasibility of including an answer option "Rehabus" in Annex 8</p>	<p>The Administration to take action as</p>

Time Marker	Speaker	Subject(s)	Action Required
		(i.e. mode of transport to place of study) and Annex 10 (mode of transport to place of work) in the 16BC questionnaire to better reflect the population size of PwDs.	paragraph 3(a) of the minutes
003658 – 004355	Mr CHAN Chi-chuen Chairman Administration	<p>Mr CHAN enquired how respondents who had registered their same sex marriage in other jurisdictions should choose the answer option under the data topic "marital status".</p> <p>The Administration explained that for the purpose of 16BC, "married" referred to persons married to the opposite sex, and hence these respondents should choose "never married" under the data topic "marital status". The definition of "married" for the purpose of 16BC would be clearly stated in the relevant guidance notes and the enumerators would also explain the same to respondents. The Administration further advised that these respondents could choose the answer option "others (please specify)" for the question "relationship to the household head" and specify their relationship as same sex partners.</p>	
004356 – 004810	Ms Emily LAU Administration Chairman	<p>Ms LAU considered it inappropriate to suggest respondents who had registered their same sex marriage in other jurisdictions to choose the answer option "never married" under the data topic "marital status" which was factually incorrect.</p> <p>The Chairman opined that C&SD should consider how to handle cases where the respondents, who had registered their same sex marriage in other jurisdictions, believed that they did not belong to the category "never married" even they were informed that the definition of "married" for the purpose of 16BC was marriage to the opposite sex.</p>	
004811 – 005218	Dr Fernando CHEUNG Administration Chairman	<p>Dr CHEUNG re-iterated his request for including the data topics on PwDs and chronic disease in 16BC.</p> <p>The Administration responded that the subject of disabilities involved complicated concepts. It would be more appropriate to deploy skilful enumerators to collect information on PwDs and chronic diseases through conducting thematic household surveys. The 2013 survey on PwDs</p>	

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		and chronic disease had a large sample size of around 100,000 households, and the survey had provided accurate and reliable information on the subject.	
005219 – 005706	Chairman Administration	<p>Regarding the data topic "nationality", the Chairman asked why there was no other answer option on nationalities for the Middle Eastern countries except "Turkish" and "Nationality of people in other Asian and Oceania countries".</p> <p>The Administration advised that data precision was a major factor of consideration when determining the list of answer options provided, and nationalities with small number of persons would not be listed individually but would be included in broader groups. The Administration took note of members' views and agreed to consider including a finer classification for countries in the Middle East for the question on nationality in consultation with the Security Bureau or relevant parties.</p>	The Administration to take action as paragraph 3(b) of the minutes
005707 – 010227	Administration	Briefing by the Administration on its response regarding data security for 16BC [Appendix 5 to LC Paper No. CB(1)156/15-16(02)]	
010228 – 011207	Ms Emily LAU Mr SIN Chung-kai Administration Chairman	<p>Ms LAU indicated support for adopting the e-questionnaire ("e-Q") System for respondents to fill in the 16BC questionnaire. She enquired about the Administration's measures to encourage the use of the e-Q.</p> <p>The Administration responded that:</p> <p>(a) during the first phase of data collection (i.e. from 30 June to 15 July 2016), a notification letter, attached with a procedural guide in using the e-Q System, would be issued to the sampled households requesting them to complete the e-Q online;</p> <p>(b) each sampled household would receive a unique e-Q account activation key to access the e-Q System. After the account was activated, the activation key would be invalidated and the households had to use the same account to complete the e-Q. C&SD would monitor the status of the e-Q accounts and ensure that the e-Q submitted would not</p>	

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		<p>be double counted;</p> <p>(c) a reminder message would be sent to those respondents who had activated their e-Q account but had not completed the e-Q before the end of the first phase. C&SD would launch an extensive publicity campaign for 16BC to inform the public about the e-Q System; and</p> <p>(d) the e-Q System was first adopted in the 2011 Population Census and the take-up rate was encouraging, with households in 32% of the quarters sampled for Long Form questionnaire using the e-Q. The manpower cost for 16BC would be significantly reduced with the adoption of the e-Q System. C&SD would endeavour to achieve a higher usage rate for the e-Q in 16BC.</p>	
011208 011824	– Chairman Administration Dr Fernando CHEUNG	<p>In reply to the Chairman's enquiry, the Administration said that about 6 500 mobile tablets would be purchased for use by census officers in 16BC, and the price per tablet was in the range of \$1,000 to \$2,000. The tablets would be disposed in accordance with established procedures, including redeployment within C&SD or to other Government departments, donating to non-governmental organizations, or through auction.</p> <p>The Chairman and Dr CHEUNG urged C&SD to arrange timely disposal of the tablets as they might become obsolete quickly with rapid development in information technologies. They suggested C&SD to liaise with relevant Government departments (e.g. the Social Welfare Department and the Education Bureau) to donate the tablets to parties in need, including children from low-income families and PwDs. The Administration took note of the suggestion.</p>	
011825 012842	– Mr Charles Peter MOK Administration Chairman	<p>Mr MOK expressed support for using the e-Q System and adoption of HTTP Secure encryption technology to protect data transmission. He sought details on how the data in the tablets could be protected.</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>The Administration explained that:</p> <p>(a) the mobile questionnaire application ("m-Q App") would be installed in the tablets. All enumerators had to login the central system each day. After a questionnaire was completed, the survey data would be automatically uploaded to the central system when wireless connection was available, and the data would be removed from the tablets after completion of this process. The data upload and removal process would be done after the whole questionnaire was completed because during the data input stage, validity checks among the answers provided would be performed simultaneously to ensure that all answers were logical and consistent;</p> <p>(b) at the end of each day when an enumerator logout the system, the system would upload all transient data remaining in the tablet, and then remove the data from the tablet. In case of loss of a tablet before all transient data had been uploaded to the central system, the data therein would be remotely wiped out once the tablet was connected to wireless network; and</p> <p>(c) all tablets would be connected to 4G network.</p> <p>Noting that no Privacy Impact Assessment had been conducted for 16BC, Mr MOK suggested that C&SD should consult the Office of the Privacy Commissioner for Personal Data on the proposed measures for protecting privacy of personal data in 16BC, in particular measures to address privacy concerns related to the use of e-Q and mobile tablets for collecting data from respondents. The Administration took note of Mr MOK's suggestion.</p>	<p>The Administration to take action as paragraph 4 of the minutes</p>
012843 – 013129	Ms Emily LAU Administration Chairman	<p>Ms LAU requested the Administration to provide an information paper after the completion of 16BC regarding the disposal arrangement for the mobile tablets.</p> <p>The Administration agreed to report to the relevant Panel(s) soonest possible upon completion of 16BC.</p>	<p>The Administration to take action as paragraph 6 of the minutes</p>

Time Marker	Speaker	Subject(s)	Action Required
013130 – 013642	Mr CHAN Chi-chuen Administration Chairman	<p>Mr CHAN expressed concern about measures to protect privacy of personal data of the respondents. He was concerned that respondents who were not familiar with information technologies (e.g. elderly people) might seek help from a third party to complete the e-Q on their behalf thus obliging them to disclose their personal data to the third party. He requested C&SD to alert the respondents in this regard.</p> <p>The Administration responded that C&SD would make reference to overseas experience in encouraging respondents to use the e-Q and at the same time avoid creating unnecessary burden on respondents who were not familiar with information technologies. C&SD would inform the selected households through the notification letter on the options for them to use the e-Q or face-to-face interviews in providing the requested information in 16BC. C&SD would also alert them on issues relating to protection of personal data.</p>	The Administration to take action as paragraph 5(b) of the minutes
013643 – 014427	Mr Charles Peter MOK Administration Chairman	<p>Mr MOK urged C&SD to make prior arrangement with relevant Government departments (e.g. the Social Welfare Department and the Education Bureau) to ensure timely disposal of the mobile tablets to parties in need, such as elderly people, PwDs and children from low-income families.</p> <p>Mr MOK also expressed concern about risks that respondents' personal data might be compromised during the course of completing the e-Q. For instance, respondents' computer systems might be attacked by hackers. He asked whether the central system and the survey results would be affected in such cases.</p> <p>The Administration said that firewalls, intrusion protection system and antivirus software would be installed in the central system to guard against malicious attacks. C&SD would assess the possible risks faced by respondents when they use the e-Q System and study ways to alert respondents in this regard.</p>	The Administration to take action as paragraph 5(a) of the minutes

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014428 – 015731	Administration Chairman Assistant Legal Adviser 7 ("ALA 7")	<p><u>Clause-by-clause examination of the Census and Statistics (2016 Population Census) Order</u></p> <p><i>Section 1 – Commencement</i></p> <p>In reply to the Chairman's enquiry, the Administration explained that the Census and Statistics (2016 Population Census) Order ("the Order") would come into operation on 17 December 2015 in order to allow time for C&SD to undertake the preparatory work for 16BC.</p> <p><i>Section 2 – Interpretation</i></p> <p>The Administration confirmed that street sleepers were included in the samples of 16BC and the Social Welfare Department would assist C&SD in collecting the requested data from street sleepers.</p> <p><i>Section 3 – Census to be taken</i></p> <p><i>Section 4 – Purpose of census</i></p> <p><i>Section 5 – Sampling methods may be used</i></p> <p>The Administration said that about one-tenth of quarters in Hong Kong would be randomly selected for enumeration, and a larger sample size would be applied for ethnic minorities.</p> <p><i>Section 6 – Occupants to give particulars of matters specified in Schedule</i></p> <p>ALA7 pointed out that:</p> <p>(a) section 6 of the Order imposed an obligation on an occupant to provide certain information for the purpose of 16BC. "Occupant" was defined to mean, among other things, "a person who has reached 15 years of age at the census reference moment". Under section 2 of the Order, "census reference moment" means "3 a.m. on 30 June 2016";</p> <p>(b) according to the Administration, in calculating the years of age of the respondents, the method of section 3 of the Interpretation and General Clauses Ordinance (Cap. 1) ("IGCO") would be adopted (i.e. from the date of birth, and not the specific hours or minutes of birth);</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>and</p> <p>(c) section 2(1) of IGCO provided that IGCO applied "save where the contrary intention appears". Given that the definition of "occupant", as presently drafted, was hinged on a particular time on a particular date (i.e. 3 a.m. on 30 June 2016), it was not clear as to whether section 3 of IGCO was still applicable to section 6 of the Order.</p> <p>The Chairman asked whether the Administration would consider amending the definition of "occupant" to "a person who has reached 15 years of age on 30 June 2016".</p> <p>The Administration explained that the term "census reference moment" was required for defining a number of matters in the Schedule to the Order. Despite that "3 a.m." was not relevant in the calculation of years of age of the respondents, it was still preferable to use "census reference moment" instead of "30 June 2016" in order to put emphasis on the fact that the census exercise was predicated on a common reference point in time.</p> <p>The Chairman remarked that it was up to individual members whether they would propose amendment to the definition of "occupant".</p> <p><i>Section 7 – Deadline for destroying completed schedules</i></p> <p><i>Schedule – Specified Matters</i></p> <p><i>Explanatory Note</i></p>	
015732 – 015810	Clerk Chairman	Legislative timetable	