

**立法會**  
**Legislative Council**

Ref : CB2/PL/CA

LC Paper No. CB(2)1407/11-12  
(These minutes have been seen  
by the Administration)

**Panel on Constitutional Affairs**

**Minutes of meeting**  
**held on Monday, 21 November 2011, at 2:30 pm**  
**in Conference Room 1 of the Legislative Council Complex**

**Members present** : Hon TAM Yiu-chung, GBS, JP (Chairman)  
Hon Albert HO Chun-yan  
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
Dr Hon Margaret NG  
Hon CHEUNG Man-kwong  
Dr Hon Philip WONG Yu-hong, GBS  
Hon WONG Yung-kan, SBS, JP  
Hon LAU Kong-wah, JP  
Hon Miriam LAU Kin-ye, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon WONG Kwok-hing, MH  
Hon LEE Wing-tat  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon CHEUNG Hok-ming, GBS, JP  
Hon WONG Ting-kwong, BBS, JP  
Hon Ronny TONG Ka-wah, SC  
Hon CHIM Pui-chung  
Dr Hon LAM Tai-fai, BBS, JP  
Hon CHAN Kin-por, JP  
Dr Hon Priscilla LEUNG Mei-fun, JP  
Hon WONG Kwok-kin, BBS  
Hon IP Kwok-him, GBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Dr Hon Samson TAM Wai-ho, JP  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon WONG Yuk-man

**Members absent** : Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP (Deputy Chairman)  
Hon LAU Wong-fat, GBM, GBS, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Cyd HO Sau-lan

**Public Officers attending** : Item IV

Mr Raymond TAM Chi-yuen  
Secretary for Constitutional and Mainland Affairs

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

Mr Freely CHENG Kei  
Principal Assistant Secretary (Constitutional and  
Mainland Affairs)

Mr LI Pak-hong  
Chief Electoral Officer  
Registration and Electoral Office

Mr Anthony CHAN Shiu-lun  
Principal Electoral Officer  
Registration and Electoral Office

Item V

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

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

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

Miss LEE Sau-kong  
Senior Assistant Solicitor General  
Department of Justice

Mrs NG KIANG Mei-nei, Millie  
Principal Assistant Secretary for Security

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

**Clerk in attendance** : Miss Flora TAI  
Chief Council Secretary (2)3

**Staff in attendance** : Mr Arthur CHEUNG  
Senior Assistant Legal Adviser 2

Miss Cindy HO  
Senior Council Secretary (2)3

Mrs Fanny TSANG  
Legislative Assistant (2)3

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**I. Confirmation of minutes of meeting**

[LC Paper No. CB(2)209/11-12]

The minutes of the meeting held on 13 October 2011 were confirmed.

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

[LC Paper Nos. CB(2)112/11-12, CB(2)214/11-12(01) and (02) and  
CB(2)239/11-12(01)]

2. Members noted that the following papers had been issued since the last meeting –

- (a) Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections [LC Paper No. CB(2)112/11-12];
- (b) List of refined recommendations by the Equal Opportunities Commission ("EOC") on the establishment of an Equal Opportunities Tribunal [LC Paper No. CB(2)214/11-12(01)];
- (c) Administration's response on EOC's refined recommendations [LC Paper No. CB(2)214/11-12(02)]; and

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- (d) Declarations made by the newly appointed Chief Secretary for Administration, Secretary for Constitutional and Mainland Affairs ("SCMA") and Director of the Chief Executive's Office [LC Paper No. CB(2)239/11-12(01)].

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

[LC Paper Nos. CB(2)308/11-12(01) and (02), CB(2)223/11-12(01) and CB(2)345/11-12(01)]

Management of public records

3. Referring to her letter of 28 October 2011 to the Panel Chairman [LC Paper No. CB(2)223/11-12(01)] on the issue of "Management of public records", Ms Emily LAU expressed concern over the destruction of a large number of public records by the Administration prior to the relocation of Central Government Offices to the new Central Government Complex at Tamar. She suggested that the Panel should follow up and seek public views on the issue.

4. The Chairman advised that a chapter of the Report No.57 published by the Director of Audit in October 2011 covered the topic of "records management work of the Government Records Service". Given that the report was under consideration of the Public Accounts Committee ("PAC"), the Chairman proposed that the Panel should further deliberate on the relevant issues after PAC had completed its consideration of the report. Members agreed.

Voter registration system

5. Referring to her letter of 17 November 2011 to the Panel Chairman [LC Paper No. CB(2)345/11-12(01)], Ms Emily LAU requested that the voter registration ("VR") system be reviewed and suggested that academics, professional bodies and political parties be invited to give views on the issue. Mr Ronny TONG echoed her view, adding that the Chairman of the Electoral Affairs Commission should also be invited.

6. Referring to the suggestion of producing documentary proof of residential addresses by the applicants for the purpose of VR and for subsequent change of their residential addresses, Mr LEE Wing-tat

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considered that there should not be any personal data privacy concern as the provisional voter register which already contained residential address information of registered voters was made available for public inspection and the information so furnished was for the sole purpose of verification and not subject to further disclosure.

7. The Chairman said that the staff of his office had collected and sent new applications for VR to the Registration and Electoral Office ("REO") by fax with the originals to the Home Affairs Department, but the names of some of these new applicants had not been included in the final register resulting in loss of their voting right in the following election. The Chairman further remarked that it was not uncommon to find outdated residential addresses records in the voter register whilst he as a candidate was conducting household visits in the past elections. He requested the Administration to look into the problems and identify ways for improvement.

8. Citing a case in Lee On constituency of Ma On Shan in which a registered elector whose name had been removed from the final register due to change of residential address but the removal was only known to the person on the polling day, Ms Emily LAU suggested that it would be conducive to ensuring data accuracy by early release of the provisional register to allow sufficient time for parties concerned to verify the electoral records. She also observed that some electors were registered with incomplete address information such as providing the district or street only, without specifying the exact address. Ms LAU urged that it should be rectified as soon as possible. Mr Ronny TONG remarked that furnishing false information including residential address should be investigated by law enforcement agencies.

9. Referring to the media report on voters with persons of different surnames being registered at the same residential address, Mr IP Kwok-him and Mr CHEUNG Man-kwong stressed that the Administration should put in place a mechanism to check against such irregularities and revert to the Panel. Mr IP further suggested that publicity should be enhanced to educate registered electors about the need to report to REO for change of residential addresses. Mr WONG Kwok-hing suggested that the Administration should also review the present arrangement of not requiring voters to bring along their polling cards for voting so as to address the problem of providing false addresses. Members in general expressed a strong view that given the urgency to address these issues, the Administration should revert to the Panel at the next meeting.

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10. SCMA made the following responses to the issues raised by members -
  - (a) REO had so far received about 60 000 undelivered poll cards. In the past district council elections in 2003 and 2007, about 100 000 to 110 000 poll cards had been returned. For the Legislative Council ("LegCo") by-election in 2010, of the 80 000 poll cards undelivered, some 20 000 voters were subsequently reinstated with voting rights after REO had contacted these voters to verify their residential addresses either through telephone enquiries or registered mails. The next VR campaign would commence in the first quarter of 2012 and electors who had changed their principal residential addresses would have the opportunity to update the particulars so that they would be able to vote in the coming LegCo election to be held in September 2012.
  - (b) As regards cases in which persons of different surnames being registered under the same residential address, each and every case received either through complaint channels or through other open channels such as news reporting, REO would follow up cautiously and in accordance with the law. If there was any slightest doubt about the integrity of an election being compromised, the cases would be referred to the Police for investigation. According to the law, furnishing any false information to REO, including the principal residential address, was a criminal offence.
  - (c) The Administration would welcome any suggestion for streamlining or improving the existing VR procedures and practices, including but not limited to, introducing measures to verify the electoral records and producing documentary proof of residential address upon registration and/or change of residential address.
11. SCMA added that to address members' concerns, the Administration would revert to the Panel on the issues relating to VR at the next regular meeting. SCMA further advised that the Administration would release a consultation paper on the Law Reform Commission's Report on Stalking on 19 December 2011 and would take the opportunity to brief the Panel on the consultation paper at that regular meeting.

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12. Members agreed that the following items be discussed at the next regular meeting scheduled for 19 December 2011 at 2:30 pm –

- (a) Review of the voter registration system; and
- (b) Consultation paper on stalking.

13. To allow sufficient time for discussion, members also agreed that the meeting should be extended to 5:30 pm. Members also agreed that discussion on the item of "Practical arrangements for the Chief Executive Election in 2012" as proposed by the Administration be deferred to the meeting on 16 January 2012.

**IV. Review of regulation on election advertisements**

[LC Paper Nos. CB(2)308/11-12(03) and (04)]

Briefing by the Administration

14. At the invitation of the Chairman, SCMA briefed members on the existing regulatory regime of election advertisements ("EAs") and the proposed amendments to the regulation as detailed in the Administration's paper [LC Paper No. CB(2)308/11-12(03)]. He recapitulated the background for initiating the changes consequent upon the concerns expressed by Members and political parties about the problems encountered in complying with the existing requirements regarding the submission of EAs, particularly the difficulties to meet the requirement of declaration and submission of electronic EAs to the Returning Officer ("RO"), either electronically or in hard copy, before the EAs were displayed, distributed or used and the need to obtain prior written consent of support from persons indicating support to a candidate on social networking and communication websites on the Internet given the spontaneous support received.

15. Chief Electoral Officer ("CEO") elaborated on the proposed amendments to the existing requirements relating to the declaration and submission of EAs, based on the following principles -

- (a) the proposal should facilitate public inspection, the checking of election returns and the investigation of complaints so as to ensure that the election can be conducted in a fair, just and open manner; and

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- (b) the proposal should also facilitate the electioneering activities of candidates, free flow of information and ideas and allow EAs to be submitted in a reasonable and practicable manner.

16. Members also noted the background brief entitled "Review of regulation on EAs" [LC Paper No. CB(2)308/11-12(04)] prepared by the LegCo Secretariat.

Issues raised by members

*Declaration and submission of EAs*

17. Mr WONG Yuk-man expressed concern about the possible financial burden on a candidate arising from the expenses to be spent in complying with the requirement of maintaining his election website for a 12-month period, and possible legal liability arising from any malicious act of computer hackers on the candidate's website. To simplify the arrangement, he proposed that a central portal should be maintained by REO whereby candidates would upload their individual EAs onto this common electronic platform in compliance with the declaration and submission requirement and for public inspection. He added that the proposed central portal maintained by REO should be made separate from the election websites of individual candidates. CEO clarified that expenses arising from maintenance of election website of the candidate would not be counted towards the election expenses. In addition, malicious act of computer hackers was a criminal offence and the candidate whilst so fulfilling the legal obligation of maintaining his election website in good faith should not be liable. CEO also undertook to consider Mr WONG's suggestion of providing a central portal maintained by REO for submission of electronic EAs by candidates.

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18. Mr WONG Yuk-man further questioned whether the smearing campaign lodged by some political parties/groups against another political party over the issue of right of abode for foreign domestic helpers near the time for holding the 2011 District Council elections would constitute a form of EA as defined in section 2 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) ("ECICO"); and whether and how any election complaint was being dealt with. CEO said that he would not comment on individual case but should there be any prima facie evidence to support that an offence under ECICO was committed, REO would consult the Department of Justice ("DoJ").



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19. Mr WONG Kwok-hing considered that the proposed amendments should apply to printed and electronic EAs. Ms Audrey EU, however, was of the view that it was well justified for the declaration and submission of printed and electronic EAs to be handled differently.

20. In response to Mr IP Kwok-him's enquiry, SCMA confirmed that an existing website maintained by a candidate could be used as his election website for posting EAs for public inspection instead of submitting copies to RO. Mr IP said that whilst so using his existing website for posting EA, a candidate might put a hyperlink to his performance report in that website. He enquired if the act would be subject to the regulation of ECICO as it might be regarded as election advertising. CEO advised that under the proposed arrangement, a candidate would only be required to post the hyperlink of his EA onto his election website for public inspection in order to comply with the declaration and submission requirements. He did not see much of a problem in the situation mentioned by Mr IP because people could gain access to his performance report through his existing website, not through an electronic EA.

21. Mrs Regina IP expressed concern about electronic EAs published by third parties (including fans of a candidate) onto a website, or canvassing messages sent through short message service ("SMS") without the knowledge of the candidate, and whether such expenses incurred on behalf of a candidate for the purpose of promoting the election of the candidate would be counted towards the candidate's election expenses. She said that she would consult her fellow party members before making further views.

22. Dr LAM Tai-fai held the view that the Administration's proposal to amend the existing requirements relating to the declaration and submission of EAs was not practicable and should be further reviewed. Referring to paragraphs 13(e) and 13(g) of the Administration's paper which stipulated that a candidate was to maintain the website for 12 months and failing which, the candidate would be liable to a fine at Level 2 up to \$5,000 and to imprisonment of 6 months. He opined that it was unreasonable to impose such a heavy penalty. SCMA advised that the requirement to maintain an election website was in line with the existing requirement of submission and declaration for the purpose of public inspection of EAs for a period of 12 months and hence was no new requirement; and that the cost for maintaining the election website would not be counted towards election expenses.

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Adm 23. Dr LAM further pointed out that as most election websites of candidates were set up by outsourced production firms, he was concerned that a candidate would be unable to comply with the requirement in case of the production firm closing down. CEO advised that the issue could be resolved technically as closing down of the production firm might not necessarily affect the server uploading the website. REO would explore if the proposed setting up of a central portal maintained by REO would help solve the problem.

*Consent of support*

24. Referring to paragraph 20(a) of the Administration's proposal, Mr WONG Kwok-hing asked how to define whether the support was "*provided by the supporters themselves out of their own volition*". Deputy Secretary for Constitutional and Mainland Affairs ("DSCMA") explained that according to the proposed amendments, there would be no need for a candidate to obtain prior written consent from those parties if the "Like" sign or supportive comments were posted by these supporters on the candidate's webpage. This, however, did not cover circumstances in which the sign of support was not provided directly by their supporters themselves. The Administration would consider how to make explicit such policy intent in the legislative amendment to be proposed.

25. Responding to Mr WONG Kwok-hing's enquiry over the situation where an electronic EA from a candidate's website was being replicated to another website and whether written consent was required in the circumstance, DSCMA confirmed that if the action concerned only involved the change of platforms (such as from his Facebook to the website) in showing the EAs with the support, the candidate or the person should not be required to go through the cumbersome process of obtaining the consent of support subject to there being no modification to the contents or description of the support.

Adm 26. Mrs Regina IP and Ms Audrey EU expressed concern that it would be difficult, if not impossible, for a candidate to find out the real identity of a person who had indicated support for a candidate on the candidate's website. SCMA said that while the proposed amendments aimed to address the difficulties experienced by candidates in obtaining prior written consent of support from people indicating such spontaneous support on the Internet such as social networking and communication websites, there were new issues worthy of further exploration.

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*Other regulatory measures over electioneering*

27. Citing that a candidate in the recent DC elections who published an EA of defamatory nature against other candidates of the same constituency, Mrs Regina IP enquired whether there was any measure to sanction such malicious act. DSCMA advised that statements published about a particular candidate should be factually correct. It was an offence under ECICO for any person to publish a materially false or misleading statement of fact about a candidate for the purpose of promoting or prejudicing the candidate's election. Therefore, the situation mentioned by Mrs IP might warrant investigation by Independent Commission Against Corruption ("ICAC").

28. Mr Ronny TONG was of the view that the current regulation over electioneering was too stringent as a candidate would be prevented from participating in non-election related matters. For example, as a serving LegCo Member who contested in the DC elections, he was regarded as an "incumbent candidate" according to ECICO and a performance report published by an incumbent candidate during the election period was regarded as an EA published for the purpose of promoting the election of the candidate or prejudicing the election of other candidates. As a regular columnist, he had to refrain from contributing articles even though the articles were on topics which had nothing to do with election. However, the acts of sponsoring free meal, free trips or free rice distribution to electors by a prospective candidate before declaring his candidacy would not be subject to any regulation. He also noted that offering free transportation service to take electors to the polling station for voting on the polling day was permissible as long as no canvassing activity was carried out in the vehicle concerned and no EA was distributed or exhibited therein. Mr TONG urged that these regulatory measures and existing practices should be reviewed. Dr Priscilla LEUNG expressed a similar concern over regulating activities of candidates during the election period. She considered that the existing arrangements should be relaxed in order not to disrupt the daily work of candidates or impair the performance of duty as a LegCo Member.

29. SCMA explained that the term "candidate" relating to election expenses included a person who had publicly declared an intention to stand for election at any time before the close of nominations for the election, regardless of whether he had submitted his nomination form. While individual cases should be considered in their own circumstances, the

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regulatory measures could be reviewed in the light of operational experience in another exercise and members' views would be welcomed. CEO also explained that a performance report published by an incumbent candidate was regarded as an EA published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election and it was in line with the "fair and equal treatment" principle such that no unfair advantage should be offered to or obtained by any candidate over others during the election period. He added that some of the existing provisions regulating electoral matters might appear more stringent as compared with overseas practices. However, the principle was to provide fair and equal treatment to all candidates so as to ensure that the election was conducted fairly.

*Need for public consultation*

30. Most members in general were supportive of the proposed amendments to the regulation on EAs so as to facilitate candidates to conduct electioneering activities. Ms Emily LAU, however, suggested that in view of the numerous issues raised by members, the Administration should carry out more comprehensive public consultation work in order to allow more thorough discussion of the issues before introduction of the relevant legislative proposal. SCMA undertook to consider the suggestion.

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*(Post-meeting Note: The Administration issued its Consultation Paper on Review of Regulation on Election Advertisements on 6 December 2011 which was issued on the same day under ref. CMAB C1/30/2/1/1/1.)*

**V. Third Report of the Hong Kong Special Administrative Region in the light of the International Covenant on Civil and Political Rights**

[LC Paper Nos. CB(2)2663/10-11, CB(2)308/11-12(05) and (06) and CB(2)345/11-12(02)]

Briefing by the Administration

31. Under Secretary for Constitutional and Mainland Affairs ("USCMA") briefed members on the Administration's paper [LC Paper No. CB(2)308/11-12(05)] regarding the third report of the Hong Kong Special Administrative Region ("HKSAR") in the light of the International Covenant

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on Civil and Political Rights ("ICCPR") to be examined by the United Nations ("UN") Human Rights Committee.

32. Members noted the updated background brief entitled "Third Report of the HKSAR in the light of the ICCPR" prepared by the LegCo Secretariat [LC Paper Nos. CB(2)308/11-12(06)] and the joint submission from the Hong Kong Human Rights Commission and Society for Community Organization [LC Paper No. CB(2)345/11-12(02)].

Issues raised by members

*Provision of a supplementary report*

33. Ms Emily LAU enquired whether the Administration would prepare a supplementary report to UN given that the third report had been published for quite some time and it was unlikely that the UN hearing would be held in the near future. USCMA advised that the third report would be examined by the UN Human Rights Committee in a future hearing and the date of which had yet to be fixed. In accordance with the established mechanism, the UN Human Rights Committee would, after the date of the hearing had been fixed, provide the Administration with a list of issues for the Administration to respond before the hearing.

*Implementation of universal suffrage*

34. Responding to the concerns of Ms Emily LAU on the legislative arrangement for implementing universal suffrage for selecting the Chief Executive ("CE") in 2017 and for forming the LegCo in 2020, USCMA explained that universal suffrage was the ultimate aim of Hong Kong's constitutional development and the Standing Committee of the National People's Congress of the People's Republic of China ("NPCSC") made a decision on 29 December 2007 on issues relating to the methods for selecting CE and for forming LegCo in the year 2012 and on issues relating to universal suffrage. However, the current term Government had only been authorized by NPCSC to deal with the relevant electoral methods in 2012. It would be the task of the fourth-term CE and the Fifth LegCo to deal with issues relating to the future model for implementing universal suffrage for the selection of CE and the formation of LegCo and how CE candidates should be nominated. Meanwhile, the Administration had consolidated and concluded the views relating to universal suffrage received during the public consultation on the electoral methods for selecting CE and for forming the LegCo in 2012 for the consideration of the next-term Government.

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35. Mr LEUNG Kwok-hung, however, felt strongly that the Administration should explain the details for the implementation of universal suffrage for CE and LegCo elections in 2017 and 2020 respectively. He also criticized the Democratic Party for compromising with the Administration over the 2012 constitutional reform package, yet without securing the Administration's commitment as to how universal suffrage would be implemented. USCMA replied that the HKSAR Government had made it clear that the models for implementing universal suffrage for the selection of CE and the formation of LegCo should comply with the Basic Law and the principles of universality and equality. The Hong Kong community would discuss and forge consensus on these models in future. The passage of the 2012 constitutional reform package was conducive to rolling forward Hong Kong's constitutional development towards universal suffrage.

36. Mr LEUNG Kwok-hung considered that as the ultimate aim for the implementation of universal suffrage had been enshrined in the Basic Law, the Administration should have introduced legislation in one go on the electoral methods for implementing universal suffrage at this stage. USCMA responded that Hong Kong would have universal suffrage because of the Basic Law and not ICCPR; and that the 2007 NPCSC decision made it clear that universal suffrage could be implemented for selecting CE in 2017 and for forming LegCo in 2020. There was no provision in ICCPR regarding the model for the implementation of universal suffrage to be adopted by parties which ratified ICCPR.

*Defending press freedom*

37. Citing some recent instances of restrictions on media news coverage, including obstructing filming by photographers, expelling reporters, rejecting media news coverage and instead distributing only official footage and press release, Ms Emily LAU said that she objected to such acts which were apparently inhibiting press freedom. She would move a motion for debate at the Council meeting of 23 November 2011 urging the Administration to take measures to safeguard press freedom. USCMA explained that taking into account the time, location, number of participants of a public activity, Police would liaise with the event organizers with a view to reaching a consensus on the arrangements for news reporting activities to be conducted. The major considerations of the Police included striking a balance among public safety, public order and the disruption

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caused to the nearby area and traffic arrangement, so as to ensure that the activity would be conducted in a safe and orderly manner. She said that as long as Police operations would not be affected, media news coverage would be facilitated as far as practicable.

*Investigation of complaints against the Police*

38. Ms Emily LAU was of the view that an independent mechanism for the investigation of complaints against Police should be set up and the recommendations made after an investigation should be made legally binding on relevant authorities. Principal Assistant Secretary for Security said that the Independent Police Complaints Council ("IPCC"), comprising 24 non-official members from a wide spectrum of the community, was made a statutory and independent body since the commencement of the IPCC Ordinance (Cap. 604) on 1 June 2009. Its operation had been smooth and effective since its inception and a report on its annual review for 2010 would soon be released. She noted that the IPCC had requested for additional resources for undertaking its work and the Administration would ensure that the IPCC would have the resources to perform its role.

*Barrier-free access to persons with disabilities ("PWDs")*

39. Mr LAU Kong-wah emphasized the need for enhancing barrier-free access for persons with disabilities ("PWDs") so as to facilitate their use of public transport such as Mass Transit Railway ("MTR") and Government footbridges with lift facilities, as well as their visits to shopping centres managed by The Link Management Ltd ("The Link"). Noting with concern that there were still many MTR exits with no PWD facilities, Mr LAU considered that there was a pressing need to do so in view of the extension of the MTR fare concession scheme to the elderly and PWDs in 2012. He further observed that those newly proposed construction of Government footbridges were still adhering to a standard adopted some 20 years ago which was not conducive for use by PWDs in the present day circumstances. He urged that lifts should be installed to address the accessibility problem. While The Link had undertaken to improve its shopping centres with barrier free access by 2015, he considered it necessary to draw up an implementation time-table for monitoring purpose.

40. USCMA advised that while the issue of eliminating disability discrimination was addressed under Article 26 of ICCPR in the third report, it had been further elaborated in the "Initial Report of the HKSAR of the

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People's Republic of China under the UN Convention on the Rights of Persons with Disabilities" published in November 2010 under the purview of Labour and Welfare Bureau. She reiterated that the Administration was committed to improving barrier-free access in response to the recommendations of EOC and would relate members' concerns to the Works Branch of the Development Bureau and the Transport and Housing Bureau respectively for necessary follow-up. Mr LAU considered that the relevant Panels should be further updated on the progress of the matter in due course and the issue of enhancing barrier free access for PWDs should be addressed in a focused manner in future reports.

*Providing support measures for non-Chinese speaking students*

41. Ms Emily LAU called for more support measures for non-Chinese speaking children given that the number of ethnic minorities students attaining higher level of education was disproportionately low as compared with the majority of local students who were ethnic Chinese. She pointed out that as shown in the "Report on the Working Group on Education for Ethnic Minorities" recently issued by EOC, non-Chinese speaking students might stand a slimmer chance of pursuing post-secondary education due to lack of a policy support to cater for their needs.

42. Principal Assistant Secretary (Education Commission and Planning) replied that the Education Bureau had implemented a series of measures to provide education support for non-Chinese speaking students since 2006-2007 academic year and the students provided with the support measures would be attaining Primary Six presently. It would therefore take time to evaluate the effectiveness of these support measures. She added that in 2011, 17 out of a total of 64 non-Chinese speaking students applying for admission to post-secondary institutions were admitted, representing a success rate of 27%. The Administration was considering actively further measures to enhance education support to non-Chinese speaking students and the issue would be discussed at the meeting of the Panel on Education scheduled for 12 December 2011.

43. Mr LAU Kong-wah said that many ethnic minorities had experienced difficulties in securing Government jobs due to their failure to meet the Chinese language proficiency requirement. He urged the Administration to enhance their employment opportunities. USCMA said that individual Government Departments would have regard to their respective operational needs and job requirements whilst stipulating the language requirement for their job vacancies.



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*Torture claims*

44. Ms Emily LAU expressed the view that the Administration should provide a legislative framework to ensure that torture claims would be handled in complying with the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment that had applied to Hong Kong since 1992 and the Administration should consider carefully the relevant views of the depositions submitted to the Bills Committee on Immigration (Amendment) Bill 2011.

**VI. Any other business**

45. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 2  
Legislative Council Secretariat  
15 March 2012