

Legislative Council Panel on Constitutional Affairs

**General Overview on
Constitutional and Mainland Affairs Bureau's
Policy Work Priorities**

INTRODUCTION

This paper briefs Members on the policy work priorities of the Constitutional and Mainland Affairs Bureau (“CMAB”) in 2013. The policy work priorities of the Bureau in respect of Mainland affairs and bilateral relationship with Taiwan will be separately discussed in the relevant Panel of the Legislative Council.

POLICY WORK PRIORITIES

2. CMAB will have the following policy work priorities in 2013:
 - (a) to take forward the proposals concerning the abolition of the District Council (“DC”) appointment system;
 - (b) to work closely with the Electoral Affairs Commission (“EAC”) to follow up on the recommendations made by EAC on the elections held in 2011 and 2012 to ensure that public elections in future will continue to be conducted in a fair, open and honest manner, and in accordance with the relevant legislation;
 - (c) to continue our work on the promotion of human rights;
 - (d) to monitor the implementation of the Administrative Guidelines on Promotion of Racial Equality;
 - (e) to work closely with the Privacy Commissioner for Personal Data (“PCPD”) with a view to bringing the remaining provisions in the Personal Data (Privacy) (Amendment) Ordinance 2012 (“PDPAO”) into operation;
 - (f) to consider views received from the public consultation on the recommendations of the Law Reform Commission (“LRC”) on stalking and the way forward; and

(g) to strengthen the promotion of the Basic Law.

Details of the above initiatives are set out in the following paragraphs.

The DC Appointment System

3. The Administration put forth the position on 14 September 2011 that the DC Appointment System could be abolished in phases. We reduced by one-third the number of appointed members in the fourth term of the DCs in 2012 (i.e., 68 instead of 102 members). After the DC election in November 2011, we embarked on public discussions as to whether and how the remaining 68 appointed seats should be abolished. The two-month public consultation commenced on 20 February 2012 and ended on 20 April 2012. The Consultation Report, issued on 26 June 2012, summarises the public views received during the public consultation. In general, the community support the abolition of DC appointed seats over one term. The third-term Government recommends in the Consultation Report that the fourth-term Government should consider abolishing the remaining 68 appointed seats over one term by legislation, such that there will be no appointed seats starting from the fifth term of the DCs which will commence on 1 January 2016.

4. It is stated in the Chief Executive (“CE”)’s manifesto that “we will abolish all the appointed seats of the DCs in 2016.” The fourth-term Government is now taking forward the proposal and will consult the Constitutional Affairs Panel on the arrangement when the details are available.

Public Elections

5. We worked closely with the EAC to ensure that the 2011 DC election, the 2011 Election Committee Subsector elections, the 2012 CE election and the 2012 Legislative Council election were conducted in a fair, open and honest manner, and in accordance with the relevant legislation. We will continue to work closely with the EAC to follow up on the recommendations made by the EAC on the elections held, taking into consideration the views of the community, to ensure that public elections in future will continue to be conducted in a fair, open and honest manner, and in accordance with the relevant legislation.

6. Separately, according to established practice, we will also review the electoral arrangements for the upcoming public elections, including

the number of elected seats of the 2015 DC election and other electoral arrangements.

7. The Administration will initiate, at an appropriate time, the legislative process regarding the methods for forming the Legislative Council in 2016 and for electing the CE in 2017, and consult various sectors of the community, including the Legislative Council.

Promotion of human rights

8. The Administration will continue to be committed to protecting and promoting human rights, including publication and distribution of publicity materials and sponsorships for community projects. We will continue to earmark funds for the Children's Rights Education Funding Scheme and the Equal Opportunities (Sexual Orientation) Funding Scheme. We will maintain dialogue with stakeholders through established fora. Besides, we will keep in view the different views and proposals put forth by the community regarding discrimination against people of different sexual orientation.

Promotion of racial equality

9. The Race Discrimination Ordinance, which prohibits discrimination, harassment and vilification on the ground of race, and the Administrative Guidelines on Promotion of Racial Equality which promote racial equality and ensure equal access by ethnic minorities to public services in key areas concerned, have been operating smoothly since their implementation. We will continue to keep in view their implementation.

Protection of personal data privacy

10. The Personal Data (Privacy) Ordinance ("PDPO") protects the privacy of individuals in relation to personal data. The Administration has introduced amendments to the PDPO in mid-2012 to, inter alia, provide for regulation over the use of personal data in direct marketing and provision of personal data for use in direct marketing, create a new offence for disclosure of personal data obtained without consent, impose a heavier penalty for repeated contravention of enforcement notices, create a new offence for repeated contravention of the requirements under the PDPO for which enforcement notices have been served, and empower the PCPD to assist data subjects in bringing proceedings to seek compensation from data users under the PDPO, etc. These measures

will help to strengthen the protection of personal data privacy, enhance the effectiveness of and improve the operation of the PDPO.

11. The PDPAO was passed by the Legislative Council in June 2012. Most of the provisions therein have come into operation since 1 October 2012. The remaining provisions relating to direct marketing and the legal assistance scheme will come into operation on a day to be appointed by the Secretary for Constitutional and Mainland Affairs.

12. We will work closely with the PCPD with a view to bringing the remaining provisions in the PDPAO into operation in the second quarter of 2013. We will also continue to work with the PCPD to facilitate effective implementation of the PDPO.

Proposed way forward on the recommendations of the LRC on stalking

13. The LRC Report on Stalking proposed that any person who pursues a course of conduct that causes another person alarm or distress should be guilty of a criminal offence and liable in tort to the object of the pursuit. Defences and various related matters were also proposed. As the proposals touch on fundamental rights of privacy and press freedom, we consider that this subject should be discussed comprehensively and thoroughly by the community before we decide on the next step. In this regard, we issued a consultation paper in December 2011 and launched public discussion till end March 2012. In view of the complexity and sensitivity of the issues involved, we will carefully consider the views received and the issues involved in deciding the way forward.

Promotion of the Basic Law

14. We have set aside resources for organising promotional activities to enhance public awareness and understanding of the Basic Law, including messages on 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 make use of the electronic media including television and radio programmes, Announcements of Public Interest, online games, etc. as the main promotional channels. We will also enhance public awareness of the Basic Law by staging promotional activities at the district level and strengthening co-operation with community organisations.

CONCLUSION

15. The aforesaid policy work priorities only serve as an overview. We will listen to Members' views in future meetings regarding the specific arrangements of our work.

16. Members are invited to note the content of this paper.

Constitutional and Mainland Affairs Bureau
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