

**立法會**  
**Legislative Council**

Ref : CB2/PL/CA

LC Paper No. CB(2)2366/13-14  
(These minutes have been seen  
by the Administration)

**Panel on Constitutional Affairs**

**Minutes of meeting**  
**held on Monday, 19 May 2014, at 2:30 pm**  
**in Conference Room 1 of the Legislative Council Complex**

**Members present** : Hon TAM Yiu-chung, GBS, JP (Chairman)  
Hon Paul TSE Wai-chun, JP (Deputy Chairman)  
Dr Hon LAU Wong-fat, GBM, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Frederick FUNG Kin-kee, SBS, JP  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon WONG Ting-kwong, SBS, JP  
Hon Cyd HO Sau-lan  
Hon Starry LEE Wai-king, JP  
Dr Hon LAM Tai-fai, SBS, JP  
Hon CHAN Kin-por, BBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon WONG Kwok-kin, BBS  
Hon IP Kwok-him, GBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon WONG Yuk-man  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon James TIEN Pei-chun, GBS, JP  
Hon NG Leung-sing, SBS, JP  
Hon Steven HO Chun-yin  
Hon YIU Si-wing  
Hon Gary FAN Kwok-wai  
Hon MA Fung-kwok, SBS, JP  
Hon Charles Peter MOK  
Hon CHAN Chi-chuen  
Dr Hon Kenneth CHAN Ka-lok  
Hon CHAN Yuen-han, SBS, JP  
Hon Christopher CHEUNG Wah-fung, JP

Hon SIN Chung-kai, SBS, JP  
Dr Hon Helena WONG Pik-wan  
Hon IP Kin-yuen  
Hon Martin LIAO Cheung-kong, JP  
Dr Hon CHIANG Lai-wan, JP  
Hon Tony TSE Wai-chuen

**Members  
absent** : Hon Albert HO Chun-yan  
Hon LEE Cheuk-yan  
Hon Ronny TONG Ka-wah, SC  
Hon Alice MAK Mei-kuen, JP  
Hon Dennis KWOK  
Hon CHUNG Kwok-pan

**Public Officers  
attending** : Item III

Mr LAU Kong-wah  
Under Secretary for Constitutional and Mainland Affairs

Mr Gordon LEUNG Chung-tai  
Deputy Secretary for Constitutional and Mainland Affairs

Mr CHEUNG Doi-ching  
Principal Assistant Secretary for Constitutional and Mainland  
Affairs

Mr Stephen YIP Yam-wing  
Principal Assistant Secretary (Curriculum Development)  
Education Bureau

Mr Godfrey KAN Ka-fai  
Senior Assistant Solicitor General  
Department of Justice

Item IV

Mr LAU Kong-wah  
Under Secretary for Constitutional and Mainland Affairs

Mr Gordon LEUNG Chung-tai  
Deputy Secretary for Constitutional and Mainland Affairs

Mrs Philomena LEUNG  
Principal Assistant Secretary for Constitutional and Mainland  
Affairs

**Clerk in attendance** : Ms Joanne MAK  
Chief Council Secretary (2) 3

**Staff in attendance** : Mr Kelvin LEE  
Assistant Legal Adviser 1

Miss Cindy HO  
Senior Council Secretary (2) 3

Ms Wendy LO  
Council Secretary (2) 3

Mrs Fonny TSANG  
Legislative Assistant (2) 3

---

Action

**I. Information papers issued since the last meeting**  
[LC Paper Nos. CB(2)1472/13-14(01) and (02)]

The Panel noted that two submissions on "Methods for Selecting the Chief Executive ("CE") in 2017 and for Forming the Legislative Council ("LegCo") in 2016" [LC Paper Nos. CB(2)1472/13-14(01) and (02)] had been issued to members after the last meeting.

**II. Items for discussion at the next meeting**  
[LC Paper Nos. CB(2)1502/13-14(01) and (02)]

2. Members agreed to discuss the following items proposed by the Administration at the next meeting on 16 June 2014 at 2:30 pm -

- (a) hearing of the third report of the Hong Kong Special Administrative Region ("HKSAR") under the International Covenant on Economic, Social and Cultural Rights; and
- (b) progress of following up on the Law Reform Commission's proposal on stalking.

Action

3. Ms Emily LAU said that the two items, namely "Report of the Independent Review Committee for the Prevention and Handling of Potential Conflicts of Interests" (item 11) and "Guidelines for the Chief Executive in handling potential cases of conflict of interest and acceptance of advantages and entertainment concerning politically appointed officials" (item 13), had been included in the Panel's list of outstanding items for discussion for a long time, and she had repeatedly requested for discussion of the two items. She expressed dissatisfaction with the Administration's lack of response to her request. She proposed that the two items should be discussed at the next meeting. She pointed out that the public was very concerned about the prevention of conflicts of interest. She considered that the Panel should discuss the two items without further delay.

4. Under Secretary for Constitutional and Mainland Affairs ("USCMA") said that the Administration intended to report on its work in following up relevant issues at a suitable juncture. He added that there might not be enough time to discuss the two items at the next meeting as the Administration had already proposed two items for discussion at the next meeting. Ms Emily LAU suggested extension of the next meeting so that items 11 and 13 could also be discussed. USCMA responded that the Administration would explore whether items 11 and 13 could be discussed at the July meeting. Ms LAU said she hoped that the two items could preferably be discussed at the next meeting but if not, they should be discussed at the July meeting. The Chairman requested the Administration to follow up.

Admin

*(Post-meeting note: The Administration's reply letter dated 2 July 2014 was issued vide LC Paper No. CB(2)2006/13-14(01).)*

**III. Report of HKSAR on its follow-up to the Concluding Observations of the United Nations Human Rights Committee ("UNHRC") on the third report of HKSAR in the light of the International Covenant on Civil and Political Rights ("ICCPR") [LC Paper Nos. CB(2)2663/10-11, CB(2)1502/13-14(03) and (04)]**

5. USCMA briefed members on the salient points of the Administration's paper [LC Paper No. CB(2)1502/13-14(03)]. Members noted the updated background brief prepared by LegCo Secretariat [LC Paper No. CB(2)1502/13-14(04)].

Action

Discussion

*Implementation of universal and equal suffrage*

6. Dr Kenneth CHAN criticized the Administration for its failure to take any concrete measures to implement UNHRC's recommendations in its concluding observations adopted on 26 March 2013. For example, the Administration failed to formulate any concrete plans to implement universal and equal suffrage in conformity with ICCPR as a matter of priority for all future elections or to consider steps leading to withdrawal of the reservation to Article 25(b) of ICCPR as recommended by UNHRC. Dr CHAN also pointed out that, while the Administration had stated in paragraph 6 of its follow-up report that the HKSAR Government would continue to solicit and listen to the views and proposals from different sectors of the community and the public at large in an open manner, the Chief Secretary for Administration ("CS") had recently stated in public that proposals of civic nomination and nomination by political parties would not be included in the second round of the public consultation on constitutional reform. He queried why these proposals were ruled out before the Administration had completed consolidation of the public views.

7. USCMA pointed out that the Task Force on Constitutional Development ("Task Force") had all along emphasized that the consultation on the method for selecting CE by universal suffrage had to be conducted strictly in accordance with the Basic Law ("BL") and the relevant Interpretation and Decisions of the Standing Committee of the National People's Congress ("NPCSC"). He said that the Administration would continue to listen to the views of the community, and would promote public understanding of the relevant provisions of BL. It was hoped that the community would have a focused discussion on the composition of the nominating committee ("NC") and the procedures for nominating candidates for the office of CE with a view to forging consensus within the community on the method for selecting CE by universal suffrage.

8. Ms Emily LAU considered that the Administration's follow-up report failed to inform UNHRC of the latest developments, such as the remarks made by Mainland officials that CE candidates must be persons who "love the Country and love Hong Kong" and Hong Kong people's grave concern that a "pre-selection" or "screening" mechanism might be put in place in the procedures to nominate CE candidates. Ms LAU also expressed dissatisfaction with CS' recent remarks that the proposals of civic

Action

nomination and nomination by political parties would not be included in the second round of public consultation. She asked whether the CE's report to be submitted to NPCSC would truthfully reflect all these proposals and concern expressed by the public to the Central Authorities. USCMA responded that the Consultation Report to be published by the Task Force would truthfully reflect various views and suggestions made by the people of Hong Kong on how to implement universal suffrage for the CE election. He added that in line with the established practice, all the written submissions received would also be published.

9. Dr Helena WONG queried that, if proposals of civic nomination and nomination by political parties were to be ruled out, how Article 25(b) of ICCPR which provided that "every citizen shall have the right and the opportunity to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors" could be implemented in Hong Kong. USCMA responded that BL 26 provided that Hong Kong permanent residents had the right to vote and the right to stand for election in accordance with law. He also highlighted that it was provided in BL that CE selected by universal suffrage had to be appointed by the Central People's Government. The Administration considered that to achieve the goal of universal suffrage, it was necessary to conduct discussion on the method for selecting CE by universal suffrage strictly in accordance with BL and the relevant Interpretation and Decisions of NPCSC.

10. Mr Gary FAN asked whether civic nomination was consistent with the principles of universal and equal suffrage enshrined under ICCPR and if so, why the proposal would be ruled out in the next stage of public consultation. He also highlighted the need for the Government to consider steps leading to withdrawing the reservation to Article 25(b) as recommended by UNHRC.

11. USCMA stressed the need to formulate specific proposals on the basis of BL and the relevant Interpretation and Decisions of NPCSC, and that it was specified in BL 45 that "the ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures". He further said that there was no provision in ICCPR regarding the model for the implementation of universal suffrage to be adopted by States parties to ICCPR. The design and establishment of any political structure had to have regard to the historical background of the relevant place, and with the

Action

constitutional framework and the characteristics of that place as the foundation. Senior Assistant Solicitor General ("SASG") added that BL 39 specified that the provisions of ICCPR as applied to Hong Kong should remain in force, thus incorporating the reservation made in respect of Article 25(b) of ICCPR.

12. Mr Gary FAN said that the system of functional constituencies ("FCs") was inconsistent with the principles of universal and equal suffrage and should be abolished. He asked whether the Administration had formulated any concrete plans to abolish FCs.

13. USCMA advised that according to the 2007 NPCSC Decision, after CE was selected by universal suffrage, the election of LegCo could be implemented by the method of electing all the Members by universal suffrage. The selection of CE by universal suffrage was accordingly a pre-condition for the election of all Members of LegCo by universal suffrage. Therefore, election of all LegCo Members by universal suffrage would not be implemented in the 2016 LegCo Election.

14. Mr WONG Yuk-man said that the public consultation on constitutional reform was a sham public consultation as the relevant consultation document had revealed that the Administration had preconceived positions. He considered that Hong Kong people had to take to the streets to fight for civic nomination.

15. Ms Starry LEE asked why the Administration had not stated in its follow-up report to UNHRC that Hong Kong people were generally keen to see the implementation of universal suffrage for the CE election in 2017. USCMA said that the Administration needed to give responses in its follow-up report to the specific issues that had been raised by UNHRC. Meanwhile, the public views received were being consolidated with a view to assisting CE in kicking start the constitutional procedures of constitutional development.

16. Mr IP Kwok-him and Dr Priscilla LEUNG both emphasized the need to achieve universal suffrage on the basis of BL and the relevant Interpretation and Decisions of NPCSC. Dr Priscilla LEUNG said that civic nomination and nomination by political parties were not consistent with BL, and urged that there should be focused discussion on the composition of NC. She considered that the composition of NC should make reference to that of the Election Committee ("EC") which had enabled

Action

balanced participation of various strata and sectors and was broadly representative. She called on the Administration to formulate proposals on the composition of NC by making reference to that of EC.

17. Mr IP Kwok-him requested the Administration to further explain its position regarding the reservation made in respect of Article 25(b) of ICCPR. SASG advised that when the Government of the United Kingdom ("UK") extended ICCPR to Hong Kong in 1976, a reservation was made by the UK Government reserving the right not to apply Article 25(b) of ICCPR in so far as it might require the establishment of an elected Executive or Legislative Council in Hong Kong. After the establishment of HKSAR, the reservation made in respect of Article 25(b) continued to apply to Hong Kong in accordance with BL 39. In response to Mr IP's enquiry, USCMA said that the Administration had no plan at present to withdraw the reservation.

18. Dr LAM Tai-fai said that while there was not a standard model for implementing universal suffrage that suited all places, the principles of any model to be adopted should conform to BL and be consistent with the principles of universality and equality. He called upon pan-democratic Members to seize opportunities of communication with the Central Authorities in order to narrow the gap in opinions.

19. Mrs Regina IP said she understood that "universal suffrage" only meant voting right that was consistent with the principles of universality and equality. As regards the nomination method, she said that there were not many countries that practised civic nomination. She pointed out that the nomination procedures governing presidential elections in the United States and France were not by way of civic nomination, and neither was it practised in UK. She requested the Administration to explain to the public that civic nomination was not an international standard. She further said that nomination by political parties was not suitable for Hong Kong as it was not governed by party system. She urged the Administration to step up publicity on the relevant fundamental issues. In response to Mrs IP's enquiry, USCMA said that in the next round of public consultation, it was intended that the community would have a focused discussion on the composition of NC and procedures for nominating candidates for the office of CE with a view to forging a consensus.

20. Mr Paul TSE also urged the Administration to promote discussion in the community on the composition of NC and procedures for nominating candidates for the office of CE, which in his view should have been focused



Action

on ever since the public consultation was launched. He also urged the Administration to explain to the public why civic nomination and nomination by political parties were not suitable for Hong Kong not just from the legal but also from the political perspective.

21. Mr LEUNG Kwok-hung considered that Hong Kong people should not be forced to compromise as they had the right to express their support for civic nomination. He considered that the Government should fully reflect the aspirations of Hong Kong people for civic nomination to the Central Authorities.

*Foreign domestic helpers ("FDHs")*

22. Mr CHAN Chi-chuen expressed concern about the "live-in requirement" for FDHs and called on the Administration to ensure FDHs rights to reasonable living conditions and address the problem that some FDHs had to work round-the-clock and/or on rest day. He called on the Administration to conduct public consultation in this regard. Principal Assistant Secretary for Constitutional and Mainland Affairs ("PAS(CMA)") said that the Administration attached great importance to protecting the rights and interests of FDHs. He explained that the "live-in requirement" formed the cornerstone of Hong Kong's policy of importing FDHs. He further said that FDHs could seek redress if their statutory or contractual employment benefits were infringed. They could lodge claims with the Labour Department ("LD") which would provide free conciliation service to assist them in resolving their disputes with employers. In response to Mr CHAN's enquiry on the additional measures to be put in place by the Administration regarding the "live-in requirement", PAS(CMA) undertook to relay his request to the relevant bureau for follow-up.

*(Post-meeting note: The Administration's letter dated 13 June 2014 providing supplementary information was issued vide LC Paper No. CB(2)1815/13-14(01) on 16 June 2014.)*

23. Dr CHIANG Lai-wan called on the Administration to step up its publicity efforts in promoting the rights and benefits of FDHs. She said that the Administration should listen to views in the community on the issues raised by members at this meeting. She was also concerned about the problems encountered by some FDHs who had to work round-the clock or on rest days owing to the distinctive work pattern of FDHs.

Action

24. Mr WONG Yuk-man considered that LD had not adopted adequate measures to protect FDHs against abuse by their employers, as reflected in the incident of an Indonesian domestic helper who had registered a complaint of abuse against her employer but the enforcement action was only taken after her return to Indonesia. He hoped that the Administration would make improvements in this area having regard to the specific circumstances of FDHs, including the lack of support measures for FDHs, and the financial pressure borne by FDHs etc. While agreeing with the Administration's view that the "two-week rule" should be maintained, Mr WONG considered that the Administration should also exercise appropriate flexibility to facilitate handling of FDHs' disputes with their employers.

25. Ms Starry LEE said that the incident of abuse of a FDH by her employer had aroused grave concern both within Hong Kong and in the international community, and urged the Administration to take measures to prevent abuse of FDHs by their employers. With regard to UNHRC's recommendation that HKSAR should "adopt measures to ensure that all workers enjoy their basic rights, independently of their migrant status...", Ms LEE also enquired whether UNHRC had been made aware of the work of the Government in affording FDHs with equal and full protection and entitlements under the Employment Ordinance as their local counterparts.

26. USCMA added that while the attending HKSAR deputation had emphasized that all FDHs enjoyed the same and full statutory labour rights and benefits as other local workers, some members of UNHRC had raised relevant concerns at the UN hearing and requested the Administration to further provide supplementary information. PAS(CMA) said that the Administration would not tolerate any form of abuse of FDHs by their employers, and LD would investigate all such complaints promptly and thoroughly and would take rigorous enforcement action against offences. Prosecution action would be instituted where there was sufficient evidence and where the aggrieved worker was willing to act as a witness. Regarding the incident referred to by Mr WONG and Ms LEE, PAS(CMA) said that the Police had sent officers to Indonesia for investigation together with officers of LD and such arrangement was unprecedented. PAS(CMA) gave an account of the enhanced promotional and publicity efforts of LD to promote awareness among FDHs regarding their employment rights and benefits as well as the complaint channels available to aggrieved workers.

Action

27. Mr Paul TSE noted that the "live-in" requirement of FDHs and "two-week rule" were the two main arguments held by the Government in the right of abode case involving FDHs who might otherwise be eligible to apply for permanent residency under BL 24(4). He considered that the Administration should also set out all the relevant factors including the environmental constraints of Hong Kong in its response provided to UNHRC.

28. Miss CHAN Yuen-han called on the Administration to plug the existing loopholes in the regulation of employment agencies, and map out practical measures to tackle the relevant problems as recently discussed by the Manpower Panel. Referring to paragraph 13 of the Administration's paper, Miss CHAN recognized the need for retaining the "live-in" requirement, and agreed with the Administration's view that importation of workers should only be allowed where there was proven manpower shortage in specific trades that could not be filled by local workers.

*Chinese language education for ethnic minorities and non-Chinese speaking ("NCS") students with an immigrant background*

29. Mr IP Kin-yuen said that in respect of children of ethnic minorities whose spoken language at home was not Chinese and who did not attend kindergarten, they could only start learning Chinese in primary schools. They had difficulty in understanding the subjects taught and catching up with school work. He requested the Administration to provide the percentage of ethnic minority children who had attended pre-primary education. Principal Assistant Secretary (Curriculum Development) ("PAS(CD)") undertook to provide the requisite information to the Panel after the meeting.

*(Post-meeting note: The Administration's supplementary information was issued vide LC Paper No. CB(2)2055/13-14(01) on 15 July 2014.)*

30. Mr IP Kin-yuen enquired about the progress of developing a "Chinese Language Curriculum Second Language Learning Framework" ("Learning Framework") as announced by in the 2014 Policy Address. PAS(CD) said that capitalizing on the experience in supporting NCS students, the Education Bureau ("EDB") would, starting from the 2014-2015 school year, provide primary and secondary schools with the Learning Framework which was developed from the perspective of second language learners. He said that EDB would organize the relevant training from June 2014 onwards for teachers.

Action

*Other issues*

31. In response to Mr IP Kin-yuen's enquiry on the latest position on the proposed establishment of a commission on children, USMCA said that the Administration would seek to strengthen the collaboration between the Family Council and the Children's Rights Forum with a view to enhancing the promotion of children's rights. He said that the Administration maintained its view that there was no imminent need to establish a commission on children, as various bureaux and departments had been implementing extensive measures in areas such as housing, healthcare and education to foster the all-round development of children and meet the needs of children of different backgrounds.

32. Referring to Article 3 (equal rights of men and women) of ICCPR, Dr CHIANG Lai-wan said that there was still room for boosting the political participation of women, as seen from their low participation rate in EC which was only 15%. Dr CHIANG called on the Administration to make reference to practices adopted overseas in encouraging the political participation of women.

**IV. Progress of the work on anti-discrimination on grounds of sexual orientation and gender identity**

[LC Paper Nos. CB(2)1502/13-14(05) and (06)]

33. Mr WONG Yuk-man considered that the Government had been discriminating against sexual minorities in its policies. He said that following the judgement of the Court of Final Appeal in the court case of *W v Registrar of Marriages* (FACV4/2012), the Government had only proposed that a transgender person would be granted the right to marry in his or her affirmed gender under the Marriage (Amendment) Bill 2014, but had not proposed granting the same right to other sexual minorities. Also, the Government had not followed the court's recommendation to make reference to the Gender Recognition Act of UK and set up an expert panel to assess applications for gender recognition. In his view, the explicit legal requirement for full sex reassignment surgery, which often resulted in sterilisation, contravened human rights standards and the Convention on the Elimination of All Forms of Discrimination Against Women. In fact, international human rights organizations had been demanding all governments to abandon the requirement that a transgender person had to undergo sterilisation operation in order to gain legal recognition in his/her affirmed gender.

Action

34. Mr WONG Yuk-man further pointed out that as at 9 May 2014, up to 16 countries had recognized same-sex marriage. He considered that Hong Kong was lagging behind in its work to safeguard equal opportunities for sexual minorities. He further said that in addition to the two genders (male and female), a gender "X" was provided in the law of Australia representing the transgender and intersex people starting from 1 July 2013 so that they were also entitled to legal protection. The HKSAR Government, however, had not yet kick-started public consultation on legislating against discrimination on the ground of sexual orientation which had long been demanded for.

35. USCMA replied that the Administration had been making sustained efforts in promoting equal opportunities for sexual minorities, including launching public education and publicity activities and establishing a platform through the Advisory Group on Eliminating Discrimination against Sexual Minorities ("Advisory Group") for exchange of views amongst different stakeholders. He understood that issues relating to the marriage rights of transgender persons were being discussed by the Bills Committee on Marriage (Amendment) Bill 2014.

36. Judging from the tone of the Administration's paper, Dr Helena WONG considered that it was doubtful whether the Administration had the determination to safeguard equal opportunities for sexual minorities by legislation. Noting that the Advisory Group had commissioned a study on discrimination experienced by sexual minorities, Dr WONG asked for information such as which organization was to carry out the study and the outline and objective. USCMA undertook to provide the requisite information. Mr CHAN Chi-chuen criticized the Administration for making little progress of work on anti-discrimination on the grounds of sexual orientation and gender identity. He asked whether the Administration had assessed the severity of discrimination faced by sexual minorities in Hong Kong. USCMA advised that the study being conducted on the advice of the Advisory Group would look into the discrimination experienced by sexual minorities. He said that the study aimed to recruit no less than 200 sexual minorities from different socio-economic background. The results would be reported to the Advisory Group and the Panel in due course.

Admin

*(Post-meeting note: The supplementary information provided by the Administration was issued vide LC Paper No. 1766/13-14(01) dated 10 June 2014.)*

Action

37. Ms Cyd HO considered that the Administration should step up publicity and public education to address the misunderstanding that enacting legislation to prohibit discrimination against people on the ground of sexual orientation would affect their legitimate rights and result in reverse discrimination. She asked whether the Administration would adopt a policy that entitled a "de facto spouse" registered in overseas jurisdictions to the same benefits as those enjoyed by a "married spouse" in Hong Kong's public policy domain, such as tax concession or civil service medical benefits. She considered that if the Administration refused to do so, it was in fact taking the lead in discriminating against sexual minorities. USCMA dismissed that the Government was discriminatory towards people of different sexual orientation and transgenders. He advised that bureaux and departments were required to follow the practices in a code of practice promulgated by the Administration which sought to promote equal opportunities in various aspects of employment. He added that the scope of medical benefits for civil servants was set out in Civil Service Regulations which were drawn up in accordance with the law of Hong Kong.

38. Mr CHAN Chi-chuen considered that the Administration failed to attach importance to the work of the Equal Opportunities Commission ("EOC") in advocating for legislation against discrimination on the grounds of sexual orientation and gender identity. USCMA replied that the Administration attached great importance to the views of EOC as well as other different stakeholders on issues of discrimination faced by sexual minorities. To better address the issues, the Advisory Group had met with various stakeholder groups for exchange of views.

39. Mr LEUNG Kwok-hung considered that legislation should be enacted to tackle discrimination on the grounds of sexual orientation and gender identity. He asked how the Administration would tackle such discrimination other than by legislative means. USCMA advised that apart from public education activities and the study on discrimination experienced by sexual minorities, the Administration would conduct research into overseas anti-discrimination legislation. Progress on the findings had been presented to the Advisory Group for information.

40. Dr Priscilla LEUNG expressed concern that the anti-discrimination legislation, if enacted, would only give rise to more litigation and the community would become more divided. She stressed that it was equally important to safeguard the freedom of religious belief under Article 32 of the

Action

Basic Law. Referring to a court case in UK, Dr LEUNG considered that EOC should conduct a research study on overseas experiences and court cases to assess whether legislating against discrimination on the ground of sexual orientation might result in reverse discrimination.

41. Mr Paul TSE declared that he was a member of the EOC Board. He opined that there were diverse views in the community regarding the need to legislate against discrimination on the ground of sexual orientation. He agreed that the issue should be tackled cautiously so as to avoid serious disputes or confrontation. He also considered that the Administration should provide more resources to EOC to promote public understanding on related issues in the first place. USCMA said that the Administration was of the view that it was not an appropriate time to introduce legislation as public views on the matter were diverse. The Administration would first implement the various initiatives as set out in its paper before embarking on the next stage of work. The Administration also pledged that sufficient resources would be provided to EOC to support the effective performance of its work.

**V. Any other business**

42. There being no other business, the meeting ended at 4:35 pm.