

Legislative Council Panel on Constitutional Affairs

2014 Policy Address

**Policy initiatives of Constitutional and Mainland Affairs Bureau
in relation to constitutional development, electoral arrangements,
human rights and promotion of the Basic Law**

This paper briefs Members on the policy initiatives of the Constitutional and Mainland Affairs Bureau in relation to constitutional development, electoral arrangements, human rights and promotion of the Basic Law, some of which have been covered in the 2014 Policy Address.

Our vision

2. Our vision is to take forward Hong Kong's constitutional development in accordance with the Basic Law and relevant interpretation and decisions of the Standing Committee of the National People's Congress ("NPCSC") with a view to implementing the selection of the Chief Executive ("CE") by universal suffrage in 2017; ensure that public elections will continue to be conducted in a fair, open and honest manner; safeguard the fundamental rights protected by the Basic Law; and promote the Basic Law to the wider community.
3. The new initiatives we will pursue and on-going initiatives we will continue to implement are highlighted as follows -

New Initiatives

- (a) summarise and consolidate views from the public consultation on the methods for selecting the CE in 2017 and for forming the Legislative Council ("LegCo") in 2016, and kick-start the "Five-step Process" of constitutional development;
- (b) follow up with legislative amendments in light of the Electoral Affairs Commission ("EAC")'s recommendations on the boundaries of District Council constituency areas ("DCCAs") for the 2015 District Council ("DC") ordinary election;

- (c) promote racial equality through, inter alia, enhanced publicity and public education;

On-going Initiatives

- (d) make preparations for the necessary amendments to local legislation to implement the amendments to the methods for selecting the CE in 2017 and for forming the LegCo in 2016;
- (e) continue with educational and publicity efforts to encourage eligible persons to register as electors, and to remind electors of their civic responsibility of providing accurate information for registration and updating their registration particulars in a timely manner;
- (f) work with the EAC to ensure that electoral laws are up-to-date and that public elections continue to be conducted in a fair, open and honest manner;
- (g) promote anti-discrimination on grounds of sexual orientation or gender identity through, inter alia, enhanced publicity and public education, efforts targeting the employment aspect, and continued efforts by the Advisory Group on Eliminating Discrimination Against Sexual Minorities (“Advisory Group”) to study the issue in depth with concerned stakeholders;
- (h) promote children’s rights through, inter alia, enhanced publicity, the Children’s Rights Education Funding Scheme, and the Children’s Rights Forum;
- (i) prepare reports and attend hearings of United Nations human rights treaty bodies, notably in respect of the International Covenant on Economic, Social and Cultural Rights (“ICESCR”) in 2014;
- (j) study how to take forward the Law Reform Commission (“LRC”)’s proposal to legislate on stalking; and
- (k) continue our work on the promotion of the Basic Law.

Constitutional development

4. On 4 December 2013, the Government formally commenced the public consultation on the methods for selecting the CE in 2017 and for forming the LegCo in 2016 to prepare for the “Five-step Process” of constitutional development. The five-month consultation will end on 3 May 2014. We welcome views and suggestions from different sectors of the community and the public at large with an open, inclusive and pragmatic mind. We hope that the community will discuss the major issues relating to the two electoral methods on the basis of the Basic Law and the constitutional and legal framework of the Hong Kong Special Administrative Region (“HKSAR”). We will comprehensively summarize and consolidate the views from the public after the consultation period, with a view to facilitating the CE to make a report to the NPCSC to formally kick-start the “First Step” of the “Five-step Process” of constitutional development.

2015 District Council election

5. Under the Electoral Affairs Commission Ordinance (Cap 541), one of the functions of the EAC is to consider or review the boundaries of DC constituencies for the purpose of making recommendations on the delineation and the names of DCCAs for a DC ordinary election. In respect of the 2015 DC ordinary election, the EAC is required to submit a report to the CE on its recommendations in late 2014, and the CE in Council shall consider EAC’s report as soon as practicable afterwards. The Administration will follow up with legislative amendments to effect the CE in Council’s decision on the boundaries of DCCAs for the 2015 DC ordinary election accordingly.

Promotion of racial equality

6. We will promote racial equality through enhanced publicity and public education. In 2014, we will co-operate with Radio Television Hong Kong (“RTHK”) to produce a TV documentary series and conduct a school outreach programme to help the public understand the cultures and customs of ethnic minorities (“EMs”), overcome barriers and eliminate discrimination. The Equal Opportunities Commission will also set up an Ethnic Minority Taskforce to promote the messages of inclusion and diversity, foster social integration and build a caring society. The Taskforce will conduct publicity campaigns and educational programmes, including new training services on cultural sensitivity and

the Race Discrimination Ordinance, and organise more partnership programmes with different organisations (including the business sector) to promote equal opportunities for EMs.

7. As stated in the 2014 Policy Address, the Administration will implement a number of measures to strengthen education support and employment services for EMs and to help them integrate into the community. Highlights of these measures to be implemented by relevant Bureaux and Departments are set out in Annex A. The Bureaux and Departments will brief the concerned LegCo Panels on these measures.

8. Under our ongoing initiatives, the scope of application of the Administrative Guidelines on Promotion of Racial Equality (“the Guidelines”) has been extended from 14 departments and public authorities in 2010¹ to 21². The Guidelines provide guidance to relevant Government bureaux and departments and public authorities to promote racial equality and ensure equal access by EMs to public services in key areas concerned. Positive feedback from EMs on the relevant measures has been received. We will continue to review the implementation of the Guidelines as necessary and consider further extending the coverage of the Guidelines.

Public Elections

9. The Government will make preparations for the necessary amendments to local legislation to implement the amendments to the methods for selecting the CE in 2017 and for forming the LegCo in 2016.

10. The Registration and Electoral Office (“REO”) will continue to launch publicity to encourage eligible persons to register as electors, remind new applicants to provide accurate information in their voter registration applications, and remind electors to fulfil their civic responsibility to notify the REO to update their particulars in a timely manner after moving home. Besides, REO is actively exploring the

¹ The 14 departments and public authorities are the Education Bureau, Social Welfare Department, Labour Department, Home Affairs Department, Employees Retraining Board, Vocational Training Council, Food and Health Bureau, Department of Health, Hospital Authority, Construction Industry Council, Office of the Government Chief Information Officer, Innovation and Technology Commission, former Office of the Telecommunications Authority and former Television and Entertainment Licensing Authority (now merged to form the Office of the Communications Authority).

² The eight additional departments are the Housing Department, Hong Kong Observatory, Post Office, Legal Aid Department, Hong Kong Police Force, Correctional Services Department, Customs and Excise Department and Immigration Department.

feasibility of launching an online enquiry system to facilitate members of the public to check their voter registration particulars via the Internet. Subject to the development and testing of the system, REO aims to launch the new service in the third quarter of 2014.

11. The Administration will work closely with the EAC to ensure that public elections in future will continue to be conducted in a fair, open and honest manner, and in accordance with relevant legislation. To ensure that electoral laws are up-to-date, the Administration has reviewed the electoral laws with a view to improving the clarity of the provisions and, where required, refining the procedural requirements in the statutes in the light of the experience gained from previous elections. After consulting this Panel on the proposed technical amendments to the electoral laws in November 2013, the Administration will introduce a miscellaneous electoral amendment bill later in the 2013-14 legislative year.

Anti-discrimination on grounds of sexual orientation and gender identity

12. To better address the issue of discrimination faced by sexual minorities, we established the Advisory Group last June to render advice on matters relating to concerns about discrimination faced by sexual minorities in Hong Kong, notably the aspects and extent of discrimination faced by sexual minorities in Hong Kong and the strategies and measures to tackle the problems identified, with a view to eliminating discrimination and nurturing a culture of diversity, tolerance and mutual respect in the community. The Advisory Group comprises different stakeholders including some members who are themselves sexual minorities.

13. The Advisory Group has decided that a focussed study on discrimination experienced by sexual minorities should first be carried out, so that the findings of the study could form a basis for further consideration on how to take forward the work of the Advisory Group. The study will be conducted in the form of focus group discussions and in-depth interviews, with a view to ascertaining the discrimination sexual minorities experienced in Hong Kong including the aspects or domains of discrimination and the forms of discrimination. A consultant has been commissioned for the study which is expected to be completed this year. In addition to the advice of the Advisory Group, we will continue to keep a dialogue with various stakeholders and listen to different views of the community on this issue.

14. At the same time, we will continue our efforts to promote the message of equal opportunities on grounds of sexual orientation and gender identity through public education and publicity. We will inject more resources to sponsor community projects that aim at promoting equal opportunities for sexual minorities or providing support services for them through the Equal Opportunities (Sexual Orientation) Funding Scheme, as well as to promote the message through various publicity channels and platforms. We will also continue to encourage public and private sector organisations to adopt the Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation and eliminate discriminatory practices in the employment field.

Children's Rights

15. In 2014, the CMAB will continue to promote children's rights through, inter alia, the Children's Rights Education Funding Scheme, the Children's Rights Forum, and continued efforts in publicity and public education.

16. Since its establishment in 2006, the Children's Rights Education Funding Scheme ("CREFS") has supported around 200 projects implemented by non-government bodies, to enhance different stakeholders' understanding of children's rights as provided under the Convention on the Rights of the Child. For the 2014 round of projects, we have invited applications under the theme of "Children's Development", and received a record of 89 applications. The approved projects are expected to be launched in Q1 2014.

17. The Children's Rights Forum ("the Forum"), in addition, has been serving as a platform for the Administration, children, and children bodies to exchange views on matters that concern children. In 2014, we will continue to hold meetings for the Forum, to be held in different districts to facilitate the participation of children. The cooperation between the Family Council ("the Council") and the Forum will be enhanced this year: the Forum will relay to the Council the views of children expressed at the Forum on various government initiatives, so as to facilitate the Council in assessing the impact of these initiatives on family. Children's views will thus be more systematically collected in policy formulation by Bureaux/Departments and the Council.

18. On publicity and public education on children's rights, in 2013, we collaborated with RTHK to produce a series of television five-minuters to promote children's rights, and implemented a school

outreach programme comprising workshops, mock reporting and film-making competition, etc, targeting school-age children for 49 schools. We would continue to promote children's rights through Announcements in the Public Interest on television and radio and other suitable means.

19. The 2014 Policy Address has also set out a range of measures to be implemented by different Bureaux and Departments to promote the well-being of children, notably those children who are disadvantaged. Highlights of these measures are set out in **Annex B**. Relevant Bureaux and Departments will respond to the respective LegCo Panels on these measures.

United Nations human rights reporting

20. Fifteen international human rights treaties are applicable to the HKSAR. Seven of them³ require states parties to submit periodic reports to the United Nations ("UN") treaty monitoring bodies. The HKSAR complies with the reporting requirements specified by the corresponding UN Committees by submitting reports to the UN through the Central People's Government. In 2014, the UN Committee on Economic, Social and Cultural Rights will examine the report of the HKSAR under the ICESCR⁴, and we will lead a delegation of the HKSAR Government to attend the hearing.

Way forward on LRC's proposal on stalking

21. 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. On the basis of LRC's proposal, we issued a Consultation Paper on Stalking in December 2011. The consultation period lasted till end of March 2012.

22. A key focus of the public discussion during the consultation period was the impact the proposed offence might have on press freedom and freedom of expression/demonstration. In the light of the concerns, we commissioned a consultant to study the experience of overseas

³ International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination Against Women and Convention on Rights of Persons with Disabilities.

⁴ The hearing will be held between 28 April and 23 May 2014 in Geneva.

jurisdictions in implementing their anti-stalking legislation, and sought this Panel's views on 16 December 2013 on the consultant's findings and recommended formulation of the offence and exemptions.

23. We are carefully considering the findings and recommendations of the Study, as well as Members' views expressed. We will also listen to the views of stakeholders with a view to formulating an appropriate way forward.

Promotion of the Basic Law

24. We have continued to set aside resources for organising promotional activities to enhance the public's awareness and understanding of the Basic Law. We will make use of various promotional channels to promote the content of the Basic Law to members of the public, including electronic media (such as TV and radio Announcements in the Public Interest, radio quiz programme, Internet and smart-phone applications), thematic seminars, staging promotional activities at the district level, and strengthening co-operation with community organisations. The focus of our promotion efforts this year includes constitutional development on the basis of the Basic Law.

Conclusion

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

Constitutional and Mainland Affairs Bureau
16 January 2014

Highlights of measures to support ethnic minorities (EMs)

Education

- a) From the 2014/15 school year, the Education Bureau will provide the “Chinese Language Curriculum Second Language Learning Framework” with supporting learning and teaching materials, and increase funding support to schools to implement the new framework.
- b) Provide an Applied Learning (Chinese Language) subject to be pegged at the Qualifications Framework at senior secondary level.
- c) Launch the Professional Enhancement Grant Scheme to enhance Chinese teachers’ professional capability in teaching Chinese as a second language.
- d) Encourage parents of Non-Chinese speaking students to let their children start learning Chinese at the pre-primary stage through district-based projects/programmes.

Employment

- e) Implement measures to ensure that EMs have equal access to job opportunities in the Government, such as reviewing and adjusting the Chinese language proficiency requirements and recruitment formats.
- f) The recruitment test for Police Constables has been modified to require candidates to write English in addition to Chinese for situations simulating police operations, and to award extra marks for possessing foreign/ethnic language skills.
- g) The Labour Department will continue to canvass suitable vacancies for EMs and organises job fairs to help EMs secure employment.
- h) The Construction Industry Council has promotional activities and collaborates with the construction industry to stage job fairs to attract new EM entrants, and attracts in-service EM construction workers to attend training courses to enhance skills.

Community outreach

- i) Set up a new support service centre for EMs in Kwai Tsing.
- j) Set up youth units in all EM support service centres and sub-centres to provide dedicated programmes such as sports and cultural activities to help the personal development of EM youths.

Health

- k) Interpretation services for EM patients are provided in 17 languages in public hospitals and clinics under the Hospital Authority.

Highlights of measures to promote the well-being of children

- a) Introduce a Low-income Work Family Allowance tied to employment and working hours to encourage self-reliance and break the vicious cycle of inter-generational poverty. If the family includes children or youth members, it is entitled to an additional full allowance. More than 200 000 low-income families, including 180 000 eligible children and young people, will benefit from the allowance.
- b) Enhance support for students receiving Comprehensive Social Security Assistance (CSSA) by increasing grants for school-related expenses for primary and secondary students of CSSA families through regularisation of a CCF programme from the 2014/15 school year.
- c) Provide additional teacher assistants and progressively reducing the class size for schools with children with disabilities, and increasing the staff of the boarding section of special schools and providing additional grant for these schools.
- d) Provide additional places for rehabilitation services, including for pre-school rehabilitation.
- e) Extend the Public Transport Fare Concession Scheme on a concessionary fare of \$2 to eligible children with disabilities under the age of 12.
- f) Increase the voucher value of the Pre-primary Education Voucher Scheme by \$2,500 for the 2014/15 and 2015/16 school years and lift the fee remission ceiling to help needy families.
- g) Regularise three CCF learning support programmes from the 2014/15 school year to ensure that disadvantaged students have equal learning opportunities to benefit about 270 000 students, namely, (i) providing free lunch at schools for primary students receiving a full grant under the student financial assistance scheme; (ii) increasing the flat-rate grant by about 100% for each primary and secondary student eligible under the School Textbook Assistance Scheme, and (iii) establishing a tuition fee reimbursement mechanism for students in need pursuing eligible programmes below sub-degree level and providing them with a flat-rate academic expenses grant.
- h) Earmark \$300 million in the next financial year to ensure the sustainability of the Child Development Fund and help more students from needy families.