

立法會
Legislative Council

Ref : CB2/PL/CA

LC Paper No. CB(2)1339/14-15
(These minutes have been seen
by the Administration)

Panel on Constitutional Affairs

Minutes of meeting
held on Monday, 16 March 2015, 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)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon James TO Kun-sun
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon WONG Kwok-hing, BBS, MH
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan, JP
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 IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon WONG Yuk-man
Hon Claudia MO
Hon James TIEN Pei-chun, GBS, JP
Hon NG Leung-sing, SBS, JP
Hon Steven HO Chun-yin
Hon WU Chi-wai, MH
Hon YIU Si-wing
Hon Gary FAN Kwok-wai
Hon MA Fung-kwok, SBS, JP

Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Dr Hon Kenneth CHAN Ka-lok
Hon CHAN Yuen-han, SBS, JP
Hon Alice MAK Mei-kuen, JP
Dr Hon KWOK Ka-ki
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Hon Martin LIAO Cheung-kong, SBS, JP
Dr Hon CHIANG Lai-wan, JP
Hon CHUNG Kwok-pan
Hon Tony TSE Wai-chuen, BBS

**Members
absent** : Hon CHAN Kam-lam, SBS, JP
Hon LEUNG Yiu-chung
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon CHEUNG Kwok-che
Hon WONG Kwok-kin, SBS
Hon LEUNG Kwok-hung
Hon Michael TIEN Puk-sun, BBS, JP

**Public Officers
attending** : Items II and III

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

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

Miss Helen CHUNG Chi-ching
Principal Assistant Secretary for Constitutional and
Mainland Affairs

Item IV

Equal Opportunities Commission

Dr York CHOW Yat-ngok
Chairperson

Mr Ivan LUK
Acting Chief Legal Counsel

Mr Peter READING
Legal Counsel

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

Mrs Fonny TSANG
Legislative Assistant (2) 3

Action

I. Information papers issued since the last meeting

Members noted that no information paper had been issued since the last meeting.

II. Items for discussion at the next meeting

[LC Paper Nos. CB(2)995/14-15(01) and (02)]

2. Members agreed to discuss the following items proposed by the Administration at the next meeting on 20 April 2015 at 2:30 pm -

- (a) progress of work of the Advisory Group on Eliminating Discrimination against Sexual Minorities; and
- (b) operation of the Elections (Corrupt and Illegal Conduct) Ordinance.

3. Mr SIN Chung-kai enquired whether this Panel would be consulted at the next meeting on the draft motion concerning the amendment to the method for selecting the Chief Executive ("CE"). The Under Secretary for Constitutional and Mainland Affairs ("USCMA") said that the Administration planned to publish the consultation report on the views

Action

received during the second-round public consultation on constitutional reform in April 2015. The draft motion would be provided in the consultation report. The Administration aimed to submit the amendment to Legislative Council ("LegCo") by way of a motion in May 2015.

Clerk 4. Ms Emily LAU requested the Clerk to relay to the Clerk to the Panel on Security her request for provision of relevant papers on the Hong Kong Special Administrative Region ("HKSAR")'s report under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Chairman directed the Clerk to follow up.

Admin 5. Dr Priscilla LEUNG said that many Hong Kong permanent residents residing in the Mainland remained unsure whether they were eligible to vote in Hong Kong. USCMA responded that arrangements would be made for the Registration and Electoral Office ("REO") to brief the Panel on the practical electoral arrangements for the 2015 District Council ("DC") election at a future meeting. Dr CHIANG Lai-wan suggested that the opportunity should be taken to discuss whether any problem was detected from the response rate of electors to REO's letters which required the electors concerned to reply. USCMA said that the Administration would follow up.

Admin

III. Legislative amendments regarding the 2016 LegCo Election
[LC Paper Nos. CB(2)995/14-15(03) and (04)]

6. USCMA briefed members on the salient points of the Administration's paper [LC Paper No. CB(2)995/14-15(03)]. Members noted the background brief prepared by LegCo Secretariat [LC Paper No. CB(2)995/14-15(04)].

Discussion

Proposed amendments for functional constituencies ("FCs")

7. Mr SIN Chung-kai said that all FC seats should be abolished or at least reduced, and if such requests would not be acceded to, the Administration should put forward proposals to broaden the electorate base of FCs, which however were not found in the Administration's paper. USCMA responded that during the Public Consultation on the Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016 ("five-month public consultation"), there were more views

Action

which considered that efforts should be focused on the proper handling of universal suffrage for the CE election in 2017 and there could be no change to the method for forming LegCo in 2016. The Administration realized that it would be difficult to reach consensus on the issues mentioned by Mr SIN which involved substantial changes. He pointed out that according to the Decision adopted by the Standing Committee of the National People's Congress ("NPCSC") in 2007, after CE was selected by universal suffrage, the election of LegCo might be implemented by the method of electing all the Members by universal suffrage. He said that when universal suffrage could be implemented for the election of LegCo, discussion on issues such as the abolition of FCs or broadening the electorate base would be easier than now. In reply to Mr IP Kin-yuen's enquiry, the Deputy Secretary for Constitutional and Mainland Affairs ("DSCMA") said that implementation of all the currently proposed amendments for FCs would bring about an estimated net increase of additional electors of not more than 100.

8. Mr Charles Peter MOK pointed out that while there were some 70 000 members of the Information Technology ("IT") industry, there were only about 5 000 to 6 000 electors in IT FC. He said that he had written to the Administration on 10 July 2014 proposing the addition of six IT organizations to IT FC as umbrella organizations, but only the Information Security and Forensics Society was added under the Administration's current proposal. He recalled that he had also raised for the Administration's reconsideration the applications made by three umbrella organizations (The Institution of Engineering and Technology Hong Kong, the Professional Information Security Association and the Information Systems Audit and Control Association China Hong Kong Chapter Limited) for adjustments to the eligibility requirements for registration as electors for IT FC after their original applications had been rejected in 2007. He also queried why only certain members of the Hong Kong Institution of Engineers were eligible for registration as electors for IT FC. He suggested that arrangements be made for the relevant organizations to meet with the Administration to discuss the above issues. Mrs Regina IP also considered that the criteria for determining which organizations could be added to certain FCs as new electors were unclear. She pointed out that, e.g. some new bodies recently formed by inshore trawlers wished to be registered as Agriculture and Fisheries FC electors, and some new service providers in the elderly service sector wished to be registered as Social Welfare FC electors.

9. USCMA explained that for an organization to be added as a new corporate elector to a FC, it should be a representative one and was active in

Action

supporting the development of the sector concerned. He added that the advice of the relevant bureaux/departments had been sought in consideration of whether individual organizations fulfilled such criteria.

10. Referring to the proposed improvements to the formulation of the definition of electors of the Education FC under section 20E(aa) of the Legislative Council Ordinance (Cap. 542) ("LCO"), Mr IP Kin-yuen said that the definition of "full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in the institutions" was unclear, and different criteria might be adopted by each of the institutions concerned. DSCMA advised that REO would seek updated information from the institutions concerned regarding their eligible staff members for registration as electors for the Education FC. The Administration noted that the institutions concerned would decide in the light of their actual circumstances, and individual staff members who were not satisfied with the relevant decisions could lodge claims, which would be dealt with through the established channel.

Admin 11. Mr CHUNG Kwok-pan said that an organization of his sector had applied for including its members as electors for the Textiles and Garment FC four years ago, but it had so far received no response. DSCMA said that in line with the established practice, the Administration would update the electorate of all FCs under LCO before every LegCo election after taking into account the latest developments. He said that organizations concerned would be informed of the outcome of their applications after the exercise. Mr CHUNG requested the Administration to provide a response to the organization concerned as soon as possible.

Admin 12. Mr Tony TSE suggested that the name of the Architectural, Surveying and Planning FC should be revised to reflect the fact that its constituents included landscape architects as well. USCMA agreed to give thought to the suggestion. In response to Mr Albert HO's enquiry, USCMA said that while issues relating to the nomination threshold and the eligibility for being nominated as a candidate of the DC (Second) FC election could be dealt with by way of local legislation, the existing requirements represented the consensus reached when substantial changes were proposed to the method for forming LegCo in 2012; hence the Administration did not propose making any change in this legislative exercise.

13. Mr Steven HO said that for the four special FCs which were subject to the preferential elimination system of voting, an elector was provided a pen to mark on the ballot paper to indicate his preference. In the 2012 LegCo

Action

Admin Election, some electors misused the chop (provided for the geographical constituency ("GC") election) to stamp a 'tick' on the FC ballot paper. As a result, this had rendered their votes invalid. However, he considered that the choice of such electors might still be ascertained in the situation when there were two candidates only. USCMA said that the Administration would look into the matter raised.

GCs

14. Mr IP Kwok-him considered that the population covered by certain GCs was too large. He suggested realignment of the New Territories ("NT") GCs so as to reduce the population served by each LegCo Member returned from a NT GC. Dr CHIANG Lai-wan echoed Mr IP's concerns and asked whether consideration would be given to changing the delineation of the existing GCs such as reducing the area of NT West GC but enlarging Kowloon West GC, or adjusting the number of seats in individual GCs such as, as reported in media, reallocating one seat returned by Hong Kong Island GC to Kowloon West GC. Dr Priscilla LEUNG considered that in the demarcation of GC boundaries, the Electoral Affairs Commission ("EAC") should have full regard to the impact on the provision of district services and listen extensively to the views of LegCo Members, DC members and the public. Mr Paul TSE suggested that the Panel should have a focused discussion on the number of GCs and whether any changes should be made.

15. USCMA said that during the five-month public consultation, the Task Force on Constitutional Development had discussed the issue with various political parties and groups, and views received were diverse. It was considered that it might not be easy to forge a consensus on the matter. He advised that for the LegCo election in 2016, the Administration had come to a view that the existing number of GCs should be maintained. Nevertheless, the number of seats in each GC might need to be adjusted according to population projection. He said that the population forecasts would be available later in 2015. EAC was responsible for making recommendations on the delineation of GCs in accordance with the criteria laid down in the statute. The Panel would be consulted on EAC's provisional recommendations as early as practicable. Besides, Members could further express their views when the subsidiary legislation on the delineation of GCs was introduced into LegCo for scrutiny.

16. Ms Starry LEE also considered that the population served by a LegCo Member varied amongst the five GCs as seen from the following -

Action

<u>GCs</u>	<u>Number of seats</u>	<u>Projected population</u> (as at mid-2012) <u>when</u> <u>delineation of GCs for the</u> <u>2012 LegCo Election was</u> <u>considered</u>
Hong Kong Island	7	1.3 million
Kowloon West	5	1.1 million
Kowloon East	5	1.1 million
NT West	9	2 million
NT East	9	1.7 million

In response to Ms LEE, DSCMA acknowledged that based on the above, the population represented by a LegCo Member returned by the NT West GC was comparatively higher than those of other GCs.

Article 68 of the Basic Law ("BL")

17. Ms Emily LAU said that BL 68 provided that the method for forming the legislature had to be specified in the light of the actual situation in HKSAR and in accordance with the principle of gradual and orderly progress, with the ultimate aim of the election of all the Members of LegCo by universal suffrage. She said that many Hong Kong people, in fact, demanded for abolition of all FC seats in 2016 and, if not, reduction of at least some, in order to pave the way for abolition of all FCs when universal suffrage was implemented for LegCo elections. Ms Emily LAU and Mr LEE Cheuk-yan considered that the "principle of gradual and orderly progress" in BL 68 was contravened if the half-and-half ratio between Members returned by FCs and Members returned by GCs was to remain unchanged and no measure would be introduced to enhance the democratic element of the electoral method. Mr Albert HO said that the HKSAR's report submitted to the relevant United Nations ("UN") Committee under the International Covenant on Civil and Political Rights in 1999 had made it clear that the FC system was only a transitional arrangement, as BL provided that all LegCo Members would ultimately be returned by universal suffrage. Mr HO considered that according to the principle of gradual and orderly progress, and to materialize what the Administration had told the UN Committee in 1999, the number of GC seats should be gradually increased while the number of FC seats should be gradually reduced with a view to attaining abolition of all FC seats.

Action

18. USCMA explained that during the five-month public consultation, many people had expressed the view that given the substantial changes introduced to the method for forming LegCo in 2012, there was no need to amend Annex II to BL regarding the method for forming the LegCo in 2016. In fact, with the passage of the 2012 constitutional reform package, effective from the Fifth LegCo in 2012, the number of Members each returned by GC and FC elections had increased from 30 to 35 respectively. Five new FC seats had been created and members were returned through election, on the basis of one-person-one-vote, by some 3.2 million registered electors who previously did not have a vote in the traditional FCs, and thus nearly 60% of the LegCo seats had an electorate base of more than 3 million electors. USCMA said that "the principle of gradual and orderly progress" did not mean that substantial changes had to be made to the method for forming LegCo in each of its terms, as it was stipulated in BL 68 that "the actual situation in the Hong Kong Special Administrative Region" also had to be taken into account in considering whether Annex II to BL was to be amended.

19. USCMA further said that according to the Decision adopted by NPCSC on 31 August 2014, the existing formation method for LegCo as prescribed in Annex II to BL would not be amended; and the formation method of the Fifth LegCo would continue to apply to the Sixth LegCo in 2016. In other words, the Sixth LegCo in 2016 should continue to consist of 70 members: 35 to be returned by FCs and 35 by GCs. He added that if Members wished to seek substantial changes to the existing formation method for LegCo as prescribed in Annex II to BL, they should support the constitutional reform proposal to be submitted by the Government, as the 2007 NPCSC Decision had made it clear that after CE was selected by universal suffrage, the election of LegCo might be implemented by the method of electing all the Members by universal suffrage.

20. Mr LEE Cheuk-yan disagreed that substantial changes had been introduced to the 2012 LegCo election, given that the half-and-half ratio between Members returned by FCs and Members returned by GCs remained unchanged in the current term. Mr Alan LEONG said that since the Third LegCo (2004-2008), the half-and-half ratio between Members returned by FCs and Members returned by GCs had all along been maintained. He said that under the current proposal, the ratio would also continue to remain unchanged in the Sixth LegCo (2016-2020). He queried how "the principle of gradual and orderly progress" could be considered to have been complied

Action

with, and whether the Central Authorities really wanted to honour its undertakings to implement universal suffrage in HKSAR.

21. USCMA said that it had all along been the position of the Central Authorities to act strictly in accordance with BL in taking forward, in a gradual and orderly manner, universal suffrage for the CE election in 2017. He reiterated that the 2007 NPCSC Decision had made it clear that after CE was selected by universal suffrage, the election of LegCo might be implemented by the method of electing all the Members by universal suffrage. As to the specific method of electing all Members by universal suffrage as enquired by Mr WU Chi-wai, USCMA said that it would have to be formulated in accordance with the constitutional procedures of the "Five-step Process".

22. Dr Helena WONG said that the responsible principal officials should resign to take responsibility for failing to achieve any progress in the constitutional development of Hong Kong, as the constitutional reform proposal was bound to be vetoed by LegCo and no proposal was made by the Government to enhance the democratic element of the method for forming LegCo in 2016. She said that the FC system was against the principle of political equality and consolidated the economic interests of the privileged. Mr WONG Yuk-man said that he objected to the proposed amendments for the 2016 LegCo election as long as FCs were to be retained.

IV. Progress of Discrimination Law Review ("DLR") by the Equal Opportunities Commission ("EOC")
[LC Paper Nos. CB(2)995/14-15(05) and (06)]

23. At the invitation of the Chairman, the Chairperson of EOC briefed members on the salient points of the paper submitted by EOC [LC Paper No. CB(2)995/14-15(05)]. Members noted the updated background brief prepared by LegCo Secretariat [LC Paper No. CB(2)995/14-15(06)].

24. Mr Paul TSE declared that he was a member of the EOC Board.

Discussion

25. Noting that EOC aimed to submit a report on its findings and recommendations concerning DLR to the Government by the end of 2015, Ms Emily LAU expressed concern that possibly not much time would be left

Action

by then for current-term Members to pursue implementation of any legislative proposals arising from DLR. The Chairperson of EOC said that EOC had a statutory duty to review anti-discrimination laws to see how they could be improved to strengthen protection, and such work should not be deferred due to the electoral cycle of LegCo. Of the 122 000 responses received by EOC, Ms Cyd HO asked if it was true that many were made using a similar format. She was concerned if there were groups trying to manipulate the results of consultation in order to forestall any changes to the anti-discrimination laws. The Chairperson of EOC said he noted that tens of thousands of submissions looked very similar but not entirely the same. He assured members that EOC's analysis on the submissions was both quantitative and qualitative.

26. Ms Emily LAU enquired about the latest stance of EOC on the need to amend the Race Discrimination Ordinance ("RDO"). Referring to the recent incidents targeting Mainland tourists in Hong Kong, Mr YIU Si-wing and Mr Paul TSE considered that EOC should attach great importance to the relevant issues which might involve severe discrimination against Mainland tourists in Hong Kong. They urged EOC to make recommendations for tackling the problem. Mr YIU said that in some of the incidents, some people had even used violence to harass tourists who appeared to come from the Mainland, and such incidents had damaged Hong Kong's reputation and affected its tourism industry.

27. The Chairperson of EOC said that a large number of responses had been received on the topic of the possible extension of protection from discrimination under RDO to nationality, citizenship, residency or related status under DLR. EOC aimed to make recommendations to the Government by the end of 2015. The Chairperson of EOC said that while EOC condemned the uncivilized behavior in those incidents, he considered that the issues involved could not be tackled simply by the anti-discrimination laws which only provided for civil claims to be made to seek remedies. He suggested that the Government might have to tackle the problems by inter-departmental efforts and through the co-operation of different sectors of the society.

28. Regarding the consultation on the topic of the possible extension of protection from discrimination under the Sex Discrimination Ordinance ("SDO") to persons that were in a de facto relationship ("事實婚姻關係") similar to marriage, Mr CHAN Chi-chuen suggested that the term "事實婚姻關係" should be revised as "事實關係" to avoid giving the impression

Action

that legalization of same-sex marriage was suggested, which was a controversial issue. In fact, he noted that some stakeholders from the religious sector had already indicated acceptance of the concept of "civil union" as long as no legalization of same-sex marriage was involved. Mr CHAN further sought the EOC Chairperson's views on same-sex marriage. The Chairperson of EOC said that EOC had not conducted internal discussion on the issue and therefore EOC had not taken a stance. Nevertheless, he considered that Hong Kong should initiate discussion on same-sex marriage in the light of recent developments in some jurisdictions where same-sex marriage was legalized. He considered that Hong Kong could not evade the discussion as there were already many Hong Kong people who had so registered overseas as well as overseas expatriates working in Hong Kong with their same-sex spouses.

29. Dr Priscilla LEUNG said she noted that according to a survey conducted by EOC in 2013 with relevant stakeholders, enacting legislation against discrimination on the ground of sexual orientation was only ranked the fourth in terms of priority. She queried why this had subsequently become a priority area of EOC's work and whether the EOC Chairperson had a predetermined stance on the issue. The Chairperson of EOC explained that the survey only involved some 100 to 200 respondents and their opinions were used for reference by EOC. He said that the Feasibility Study on Legislating against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status commissioned by EOC was carried out having regard to the fact that such discrimination did exist, though it fell outside the scope of coverage of the existing anti-discrimination laws. He further said that the establishment of the Advisory Group on Eliminating Discrimination against Sexual Minorities by the Government in 2013 indeed reflected that the matter was receiving attention in the community. He added that following the court ruling on the case of *W v Registrar of Marriages* (FACV 4/2012) in June 2013, EOC considered it appropriate to commence the relevant study.

30. In reply to Dr Helena WONG's enquiry, the Acting Chief Legal Counsel of EOC said that the preparation of the Code of Practice ("CoP") on Education under SDO was underway. Dr WONG called on EOC to expedite the work as SDO had been enacted for almost 20 years. The Chairperson of EOC said that EOC had organized seminars/workshops and issued guidelines to equip teachers with practical skills for formulating a school policy on anti-sexual harassment and handling related complaints. It was noted that many schools had already put in place an anti-sexual

Action

harassment policy and appointed designated staff to take charge of relevant work. The Chairperson of EOC explained that communication with the schools on their implementation experience of the policy was necessary in the preparation of the relevant CoP.

31. In response to Dr Helena WONG, the Chairperson of EOC said that EOC had no predetermined stance as to whether the four anti-discrimination laws should be combined into one single ordinance, but detailed analysis would be carried out in the light of the responses received. Mr LEE Cheuk-yan said that the Labour Party supported the proposal and further hoped that the coverage of the combined ordinance would be expanded to deal with discriminatory acts on various grounds, such as sexual orientation and age. Mr Paul TSE considered that Mr LEE's proposal should be dealt with prudently. The Chairperson of EOC said that it would be the Government's responsibility to consider extending the scope of legal protection under the existing law to cover discriminatory acts on new grounds. He explained that the purpose of the current review on the need for combining the laws into one aimed at rectifying inconsistencies.

32. Mr WONG Kwok-hing said that many concern groups had expressed concern to EOC about the lack of protection of men's rights in Hong Kong. Noting that the former EOC Chairperson had commenced a study on gender stereotyping and its impact on male gender, Mr WONG asked whether the relevant recommendations could be incorporated in the report to be submitted by EOC to the Government in end of 2015. Mr WONG further suggested that EOC should assist corporations in devising formal procedures for handling sexual harassment complaints. Mr LEE Cheuk-yan also reminded EOC of the need to explore feasible measures to promote the role of employers in ensuring a working environment free of sexual harassment as discussed by the former Bills Committee on Sex Discrimination (Amendment) Bill 2014. The Chairperson of EOC said that the existing SDO afforded equal protection to men and women, but that more complaints received had involved female victims than male victims. He further said that following the passage of the Sex Discrimination (Amendment) Bill 2014, EOC had stepped up publicity and public education targeting employers/managerial staff to promote awareness of their obligation to implement appropriate preventive measures against sexual harassment in the workplace.

33. Miss CHAN Yuen-han said that there was a need for EOC to increase the number of its offices and asked whether EOC had a manpower shortage. The Chairperson of EOC said that the manpower of EOC had not been increased much since after it had been slightly increased upon the enactment

Action

of RDO in 2008. He said that EOC had endeavored to overcome resource constraints by streamlining existing work process and enhanced office automation. Noting that a question was asked in the DLR consultation paper as to whether or not the definition of "disability" under the Disability Discrimination Ordinance ("DDO") should be refined, Miss CHAN expressed concern that any changes to the definition might affect the provision of services to some chronically ill patients. The Chairperson of EOC said that at present, there were discrepancies in the definition of "disability" between DDO and those adopted in overseas jurisdictions, e.g. whether it should be refined to require substantial and/or longer term impairments similar to the relevant legislation in the United Kingdom. Dr Fernando CHEUNG said that the definition of "disability" for the Disability Allowance was outdated and had excluded people with injuries not falling within the specified types. He requested EOC to propose suitable changes to the definition.

34. Dr Fernando CHEUNG said he hoped that DLR would be taken forward expeditiously and a duty to make reasonable accommodation for persons with disabilities would be introduced. Dr CHEUNG considered that the Administration should be more proactive in following up the EOC's "Study on Equal Learning Opportunities for Students with Disabilities under the Integrated Education System" and requested EOC to make further efforts in this area. He added that the "Design Manual - Barrier Free Access 2008" and the "Hong Kong Rehabilitation Programme Plan" had not been updated or further developed since 2008. The Chairperson of EOC said that EOC also considered that introducing a duty to make reasonable accommodation for persons with disabilities was important and EOC would continue to pursue this. He added that EOC would strive to make constructive recommendations to the Government to seek improvements to integrated education and to enhance protection of persons with disabilities.

V. Any other business

35. There being no other business, the meeting ended at 5:05 pm.