

Legislative Council Panel on Constitutional Affairs

2016 Policy Address

**Policy initiatives of Constitutional and Mainland Affairs Bureau
in relation to 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 electoral arrangements, human rights and promotion of the Basic Law. Panel paper on policy initiatives relating to Mainland and Taiwan co-operation has been submitted to the Panel on Commerce and Industry for discussion.

Our vision

2. Our vision is to 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) introduce to the Legislative Council (“LegCo”) the legislative amendments required to finalise the arrangements for the 2016 Election Committee Subsector Elections and the 2017 Chief Executive Election;
- (b) work closely with the Electoral Affairs Commission to ensure that the 2016 LegCo Election, the 2016 Election Committee Subsector Elections and the 2017 Chief Executive Election will be conducted in a fair, open and honest manner in accordance with the relevant legislation;

On-going Initiatives

- (c) strengthen publicity and checking efforts on voter registration to tie in with the 2016 LegCo Election and 2016 Election Committee Subsector Elections. Efforts are made to encourage eligible persons to register as electors, and remind electors of their civic responsibility of providing accurate information for registration and updating their registration particulars in a timely manner;
- (d) implement measures to enhance the voter registration system having regard to the results of public consultation;
- (e) promote a culture of diversity, tolerance and mutual respect in the community. Regarding the recommended strategies and measures put forward by the Advisory Group on Eliminating Discrimination Against Sexual Minorities to the Government, we will closely liaise with different stakeholders and consider how the recommendations should be followed up;
- (f) promote children's rights through the Children's Rights Education Funding Scheme and the Children's Rights Forum etc.;
- (g) promote racial equality; and
- (h) continue our work on the active promotion of the Basic Law through different channels to enable a more comprehensive and thorough public understanding of "one country, two systems" and the Basic Law.

Detailed measures

Public elections

4. On 13 July 2015, the LegCo passed the Electoral Legislation (Miscellaneous Amendments) Ordinance 2015 which confirms the

electoral arrangements for the LegCo Election to be held in the third quarter this year. To prepare for the various public elections to be held in 2016 and 2017, including the 2016 Election Committee Subsector Elections and the 2017 Chief Executive Election, we have introduced into the LegCo in December last year the Electoral Legislation (Miscellaneous Amendments) (No. 2) Bill 2015, to make necessary technical amendments to the relevant pieces of electoral legislation. We will follow up with the relevant legislative amendment exercise, and hope that the technical amendments could be passed as soon as possible with a view to implementing them for the aforementioned elections. We have also reviewed the election expenses limits for the Election Committee Subsector Elections and the Chief Executive Election and would introduce the relevant legislative amendments according to the outcome of the review.

5. We will also work closely with the Electoral Affairs Commission (“EAC”) to ensure that the 2016 LegCo Election, the 2016 Election Committee Subsector Elections and the 2017 Chief Executive Election will be conducted in a fair, open and honest manner in accordance with the relevant legislation. The EAC is making preparations for the practical arrangements and will consult this Panel later.

Voter registration

6. To tie in with the 2016 LegCo Election and the 2016 Election Committee Subsector Elections, the Government will organise a large-scale voter registration campaign with a wide variety of publicity items in 2016 to encourage eligible persons to register as electors and remind electors of their civic responsibility of providing accurate information for registration and updating their registration particulars in a timely manner. The Registration and Electoral Office will continue with its checking efforts on voter registration and carry out inquiry process in the 2016 voter registration cycle to maintain the accuracy and completeness of the voter registration records.

7. In view of the concerns expressed by members of the public on matters relating to voter registration in July and August last year, we embarked on a review of the existing voter registration system and the relevant arrangements, and issued the Consultation Document on

Enhancement of Voter Registration System (“Consultation Document”) on 26 November 2015 to collect views from the public regarding a series of proposed measures for enhancing the voter registration system. The consultation period ended on 8 January 2016.

8. According to our preliminary observation, the views received in general support the measures that may be implemented in the near term as proposed in the Consultation Document. We plan to implement these measures as soon as possible through amending the relevant subsidiary legislation or introducing administrative measures, to take effect before the 2016 LegCo Election. These measures include advancing the statutory deadline for change of registration particulars to the same statutory deadline for new registrations; changing to use ordinary surface mail for all inquiries and notifications; further strengthening verification of address information with other Government departments; increasing the use of other means of contacts to communicate with electors; and enhancing public education and publicity on voter registration. As regards the other measures that can be considered further in the longer term as proposed in the Consultation Document, including raising the penalties on offences relating to voter registration; review of the objection mechanism; and introducing the requirement of submitting address proofs by electors, etc., since these measures involve legislative amendments, the Government will carefully consider the views collected and formulate the direction and timetable for the next steps.

Anti-discrimination on grounds of sexual orientation and gender identity

9. The Advisory Group on Eliminating Discrimination Against Sexual Minorities (“Advisory Group”) set up in June 2013 completed its work in December 2015. During its term, the Advisory Group commissioned a study on whether and, if so, in what form discrimination against sexual minorities existed; conducted a desk-top review of relevant legislation in other jurisdictions; listened to the views of different stakeholder groups; and accordingly formulated recommended strategies and measures to eliminate discrimination.

10. The Advisory Group recommended raising the sensitivity of the community towards sexual minorities through a voluntary charter on non-discrimination, stepped up publicity, training for some professions and sectors (including social work, education, health care and human

resources management) and review and reinforcement of support services to address the specific needs of sexual minorities. On the question of whether legislation should be enacted against discrimination on grounds of sexual orientation and gender identity, the Advisory Group noted the strong and divergent views in the community involving complex issues of fundamental values, and recommended conducting more in-depth studies to better inform future consultations and public discussions.

11. We will study the Advisory Group's report carefully and, in consultation with different stakeholders, consider the way forward.

Children's Rights

12. In 2016, we will continue to promote children's rights through the Children's Rights Education Funding Scheme ("CREFS") and the Children's Rights Forum ("the Forum").

13. Since its establishment in 2006, the CREFS has supported around 270 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 2016 round of projects, we have invited applications under the theme of "Joyful Development of Children's Mental and Physical Abilities". The approved projects are expected to be launched in the first quarter of 2016.

14. The Forum, in addition, has been serving as a platform for the Government, children, and children bodies to exchange views on matters that concern children. In 2016, 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 has been enhanced: 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.

Promotion of racial equality

15. In 2016, we will co-operate with Radio Television Hong Kong to produce a TV documentary series to help the public understand the

cultures and customs of ethnic minorities, overcome barriers and eliminate discrimination. Besides, the Administrative Guidelines on Promotion of Racial Equality (“the Guidelines”) provide guidance to relevant Government bureaux and departments and public authorities to promote racial equality and ensure equal access by ethnic minorities to public services in key areas concerned. Application of the Guidelines has been extended from 14 departments and public authorities¹ in 2010 to 23². The implementation of the Guidelines has been smooth so far. We will continue to monitor the implementation of the Guidelines and consider further extending the coverage of the Guidelines as necessary.

Promotion of the Basic Law

16. We will continue to organise various types of activities to promote the Basic Law actively, with a view to enhancing public awareness and understanding of “one country, two systems” and the Basic Law. Such activities will include promotion through the electronic media; organisation of exhibitions and other events (e.g. roving exhibitions and a mobile resource centre); and co-organising different activities with community organisations (e.g. seminars, talks and debate competitions) etc.

Conclusion

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

Constitutional and Mainland Affairs Bureau
18 January 2016

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 ten 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, Immigration Department, Fire Services Department and Registration and Electoral Office.