

Legislative Council Panel on Constitutional Affairs

2017 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 co-operation and Taiwan affairs 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) Review the number of elected seats for the sixth term of District Councils (“DCs”);

On-going Initiatives

- (b) working closely with the Electoral Affairs Commission (“EAC”) to ensure that the 2017 Chief Executive Election will be conducted in a fair, open and honest manner in accordance with the relevant legislation;
- (c) continuing with our publicity and checking efforts on voter registration 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) in the light of the public consultation results, following up on the longer-term measures which involve amendments to various pieces of electoral legislation as proposed in the Consultation Report on Enhancement of Voter Registration System published in January 2016. Specific proposals to be drawn up include improving the objection mechanism, raising the penalties for the offence of making false statements in voter registration, and introducing the requirement of submitting address proofs by electors;
- (e) promoting a culture of diversity, inclusiveness and mutual respect in the community, including taking forward the various measures recommended by the Advisory Group on Eliminating Discrimination against Sexual Minorities;
- (f) initiating discussion with the Legislative Council on the prioritised recommendations under the Discrimination Law Review as proposed by the Equal Opportunities Commission;
- (g) continuing to promote children's rights through the Children's Rights Education Funding Scheme, and the Children's Rights Forum etc.; and
- (h) continuing with our work on the active promotion of the Basic Law. We will make use of different channels to enable the public to have a more comprehensive and thorough understanding of the "one country, two systems" policy and the Basic Law.

Detailed measures

Review of the number of District Councils elected seats

4. The EAC is required under the Electoral Affairs Commission Ordinance (Cap. 541) to review the boundaries of DC constituencies in

accordance with statutory criteria (one of which being the number of elected seats in each DC) and to submit to the Chief Executive a report containing recommendations as to the delineation of DC constituencies before a DC election. We will review the number of elected seats for the sixth term of DCs this year to facilitate the EAC to conduct timely review of the constituency boundaries for the 2019 DC election.

2017 Chief Executive Election

5. The 2017 Chief Executive Election will be held on 26 March this year. The nomination period will run from 14 February to 1 March 2017. The EAC is responsible for the conduct and supervision of the election, and has already published the Guidelines on Election-related Activities in respect of the Chief Executive Election on 20 October 2016. We have also consulted members of the Legislative Council Panel on Constitutional Affairs on the practical arrangements of the 2017 Chief Executive Election at the meeting on 21 November 2016. The Government will continue to work closely with the EAC to ensure that the 2017 Chief Executive Election will be conducted in a fair, open and honest manner in strict accordance with the relevant legislation.

Voter registration

6. The Registration and Electoral Office (“REO”) will continue with educational and publicity efforts in voter registration 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. Besides, the REO will continue with its checking efforts on voter registration and carry out inquiry process in the 2017 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 the 2015 voter registration cycle, the Government conducted a public consultation on enhancement of voter registration system in late 2015. Having considered the views received, the Government issued the Consultation Report on Enhancement of Voter Registration System on 21 January 2016, proposing measures to improve the voter registration system. Some of the proposed measures have already been implemented in the 2016 voter registration cycle through amending the relevant subsidiary legislation and introducing administration measures, e.g., aligning the deadline for change of registration particulars with the deadline for new registrations, changing

to use surface mail instead of registered post for sending all inquiry letters and notifications to electors, and strengthening verification of address information with other Government departments and sources, etc. As regards the longer term measures set out in the Consultation Report which involve the need of amending principal legislation, including improving the objection mechanism, raising the penalties on offences relating to voter registration, and introducing the requirement of submitting address proofs by electors, etc., we are now formulating the proposals and would consult the Legislative Council Panel on Constitutional Affairs in due course.

Anti-discrimination on grounds of sexual orientation and gender identity

8. The Advisory Group on Eliminating Discrimination against Sexual Minorities, in its report to the Government in December 2015, 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 recommended conducting more in-depth studies to better inform future consultations and public discussions.

9. For drawing up a charter on non-discrimination of sexual minorities for voluntary adoption by organisations and individuals, we are now studying the relevant legislation, codes of practice and guidelines of different jurisdictions in the domains of employment; education; provision of goods, facilities and services; and disposal and management of premises. We shall consult stakeholders on the content of a draft charter within this year. The further study on the experience of other jurisdictions in implementing anti-discrimination measures (including both legislative and administrative measures) is also on-going. For the review of support services for sexual minorities and provision of training and resources for personnel in specific fields, we are now gathering views from different stakeholders (including users and providers of support services, and organisations providing pre-service and in-service training for the professionals concerned) to inform the examination of the effectiveness and room for improvement of existing services, and the content to be included in the sensitivity training.

10. We launched a new promotional video in 2016 to step up dissemination of the message “eliminate discrimination and embrace inclusion” of people of different sexual orientations and gender identities. The video has been broadcast at various types of premises, on the public transport network, and on social media and Internet. We will continue our efforts in promotion and education with the use of such channels as television, radio, newspapers, seminars and briefings.

Promotion of racial equality

11. In 2017, we will continue to 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, 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 bureaux, departments and public authorities in 2010 to 23¹. The relevant departments will draw up and issue updates on the contents of the checklists according to their respective programme areas and where necessary. The checklists contain contact information of relevant departments and have been uploaded onto the CMAB website. We will keep the scope, coverage and implementation of the Guidelines under review as appropriate, and share among departments effective measures to facilitate experience sharing and enhance the effectiveness of the Guidelines.

Discrimination Law Review

12. With an aim to study how the Sex Discrimination Ordinance, the Disability Discrimination Ordinance, the Family Status Discrimination Ordinance, and the Race Discrimination Ordinance could be updated in order to meet the needs of Hong Kong people, the Equal Opportunities Commission (“EOC”) has carried out a review and submitted its report on the Discrimination Law Review (“DLR”) to the Government. We note

¹ The 23 bureaux, 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, Office of the Communications Authority, 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.

that the report covers a wide range of issues and contains a total of 73 recommendations, including 27 recommendations which were considered by the EOC to be higher priority issues.

13. We have examined each of the high priority issues, and note that some issues in the report are relatively complicated and sensitive. Nonetheless, we hope to conduct more in-depth examination on issues where consensus would more likely be reached and explore the way forward. We will initiate discussion with the Legislative Council Panel on Constitutional Affairs on some of the prioritised recommendations under the DLR as proposed by the EOC within the current Legislative Council session.

Children's Rights

14. In 2017, 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").

15. Since its establishment in 2006, the CREFS has supported around 300 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 2017 round of projects, we have invited applications under the theme of "Enjoy Learning, Enjoy Leisure". The approved projects are expected to be launched in the first quarter of 2017.

16. 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 2017, we will continue to hold meetings for the Forum 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 for reference by Bureaux/Departments in policy formulation.

Promotion of the Basic Law

17. The Basic Law is the constitutional document of the Hong Kong Special Administrative Region. The Government attaches great importance to the Basic Law promotion and education. The Basic Law

Promotion Steering Committee will continue to co-ordinate and steer the work of its five working groups, namely Working Group (“WG”) on Local Community; WG on Teachers and Students; WG on Civil Servants; WG on Industrial, Commercial and Professional Sectors; and WG on Overseas Community. The Home Affairs Bureau, the Education Bureau, the Civil Service Bureau, the Trade and Industry Department and the Information Services Department provide secretariat services to the five working groups respectively and assist the working groups in planning and organising activities to promote the Basic Law to the respective sectors.

18. The Government will continue to strengthen its efforts to promote the principle of “one country, two systems” and the Basic Law by organising various types of activities, with a view to enabling people from different walks of life to grasp the complete concept of “one country, two systems” in a correct and comprehensive manner and to deepen their understanding of the content of the Basic Law. Formats of the activities include organising large-scale thematic seminars; promotion through the electronic media; organising regular roving exhibitions at the district level; arranging the Basic Law mobile resource centres to pay visits to different districts and schools; and co-organising with relevant organisations or subsidising community organisations to organise activities, including talks, quizzes and debate competitions, for the public.

19. In addition to the above continuous Basic Law promotion activities for the public, we note that at the more popular Basic Law promotion activities, especially roving exhibitions and mobile resource centres, many parents have brought their young children to such activities. In view of this, we will suitably add the “parent-child” element into the Basic Law promotion activities, such as organising Basic Law parent-child workshops to encourage parents and children to learn the Basic Law through various types of activities like picture book-making and puppet shows. We will also produce interesting promotion materials, including Basic Law pop-up books, to introduce the Basic Law to the target group of children and young students in a lively and readily understandable manner. Moreover, the Government is building up an online database on Basic Law court cases. By introducing the court cases and judgements relevant to the Basic Law provisions in an easy-to-understand and more interesting manner, the general public and students may appreciate the content of the Basic Law provisions and deepen their understanding of the constitutional foundation of “one country, two systems” and its implementation in accordance with the law. The online database shall comprise about 60 court cases, and is expected

to be officially launched in mid-2017 for public use.

Conclusion

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

Constitutional and Mainland Affairs Bureau
January 2017