

**立法會**  
**Legislative Council**

Ref : CB2/PL/CA

LC Paper No. CB(2)1914/17-18  
(These minutes have been seen  
by the Administration)

**Panel on Constitutional Affairs**

**Minutes of meeting**  
**held on Monday, 30 April 2018, at 2:30 pm**  
**in Conference Room 2 of the Legislative Council Complex**

**Members present** : Hon Martin LIAO Cheung-kong, SBS, JP (Chairman)  
Hon Holden CHOW Ho-ding (Deputy Chairman)  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon WONG Ting-kwong, GBS, JP  
Hon Starry LEE Wai-king, SBS, JP  
Hon CHAN Kin-por, GBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon WONG Kwok-kin, SBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Claudia MO  
Hon Steven HO Chun-yin, BBS  
Hon MA Fung-kwok, SBS, JP  
Hon Charles Peter MOK, JP  
Hon CHAN Chi-chuen  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon Dennis KWOK Wing-hang  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Helena WONG Pik-wan  
Hon IP Kin-yuen  
Dr Hon CHIANG Lai-wan, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon CHUNG Kwok-pan  
Hon Alvin YEUNG  
Hon CHU Hoi-dick  
Hon Jimmy NG Wing-ka, JP  
Hon LAM Cheuk-ting  
Hon Wilson OR Chong-shing, MH  
Hon CHEUNG Kwok-kwan, JP  
Hon HUI Chi-fung

Hon LAU Kwok-fan, MH  
Dr Hon CHENG Chung-tai  
Hon AU Nok-hin

**Members attending** : Hon Abraham SHEK Lai-him, GBS, JP  
Hon SHIU Ka-fai  
Hon SHIU Ka-chun

**Members absent** : Hon Tanya CHAN  
Hon Kenneth LAU Ip-keung, BBS, MH, JP

**Public Officers attending** : Item III

Mr Andy CHAN Shui-fu, JP  
Under Secretary for Constitutional and Mainland Affairs

Mr D C CHEUNG  
Principal Assistant Secretary for Constitutional and  
Mainland Affairs

Miss Cathy LI King-tsz  
Assistant Secretary for Constitutional and Mainland  
Affairs

Mr Andrew TSANG Yue-tung  
Principal Assistant Secretary (Security) E

Mr Billy WOO Tak-ying  
Principal Assistant Secretary for Security (Review)

Mr Joe NG Ka-shing  
Principal Education Officer (Curriculum Development) 1  
Education Bureau

Miss LI Wan-in  
Principal Assistant Secretary (Welfare) 4 (Acting)  
Labour and Welfare Bureau

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

Ms Queenie WONG Ting-chi  
Assistant Commissioner for Labour (Policy Support)  
Labour Department

Item IV

Mr Caspar TSUI, JP  
Under Secretary for Labour and Welfare

Mr David LEUNG, JP  
Commissioner for Rehabilitation  
Labour and Welfare Bureau

Mr KOK Che-leung  
Assistant Director of Social Welfare (Rehabilitation and  
Medical Social Services)  
Social Welfare Department

Mr Daniel LEUNG  
Senior Labour Officer (Selective Placement)  
Labour Department

Mr D C CHEUNG  
Principal Assistant Secretary for Constitutional and  
Mainland Affairs

Mr Godwin LAI  
Principal Assistant Secretary (Special Education)  
Education Bureau

Mr Godfrey KAN  
Senior Assistant Solicitor General  
Department of Justice

Dr LO Yim-chong  
Principal Medical and Health Officer (4)  
Department of Health

Hospital Authority

Dr Linda YU  
Chief Manager (Integrated Care Programs)

Ms Ivis CHUNG  
Chief Manager (Allied Health)

Dr SIN Ngai-chuen  
Chief Manager (Patient Safety & Risk Management)

**Attendance by : Item III**  
**invitation**

*Session One*

Henry TSE

Justice Centre Hong Kong

Miss Annie LI Man

Democratic Alliance for the Betterment and Progress of  
Hong Kong

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黎智成先生

Les Corner Empowerment Association

YEO Wai-wai

Pink Alliance

Mr Nathan MADSON

Miss KWAN Kit-man

Ms LAM Sin-man

Mr LEUNG Kwok-hung

Mr SZE Ching-wee

Miss TSUI Ho-yee

Mr WONG Ho-ming

Mr CHOW Nok-hang

Rainbow of Hong Kong

Tommy CHEN

Hong Kong Unison

Ms TAM Yuen-yee

Demosisto

Mr Joshua WONG

Youth Alliance for the Disadvantaged

莫遠君先生

Mr WONG Kai-yeung

New People's Party

Mr Victor CHAN Chi-ho

Liberal Party

胡漢清先生

東北政治犯

何潔泓小姐

新界東北政治犯(D6)

朱偉聰先生

*Session Two*

青少年囚犯人權關注組

林啟成先生

Hong Kong UPR Coalition

Mr Simon HENDERSON

Pride Lab

CHAN Wai-in

Hong Kong Subdivided Flats Concerning Platform

Mr WONG Ka-chun

The Civic Party

Mr Warren TAM Ka-chun

Mr Billy LEUNG

Department of Asian and Policy Studies, The Education  
University of Hong Kong

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Dr Alex CHAN Lih-shing

The Hong Kong Society for Asylum-Seekers and  
Refugees

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Miss CHOI Fung-yee

PathFinders Limited

Ms Haleema RAHEEL

Hong Kong Gay and Lesbian Attorneys Network

Mr LI Yik-ho

New Territories Association of Societies

Ms Ruby MOK

Democratic Party

Miss Senia NG Sze-nok

蘇查哈爾燦

Beyond the Boundary-Knowing and Concerns Intersex

Dr Small Ela LUK

Society for Community Organization

Mr Richard TSOI Yiu-cheong

SLCO Community Resources Limited

Mr WONG Cheuk-hon

Human Rights Group, Civil Human Rights Group

Ms Bonnie LEUNG

Christians To The World

Mr LUI Chi-hang

Item IV

Democratic Alliance for the Betterment and Progress of  
Hong Kong

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曾柏淇先生

周諾恆先生

Labour Party

Mr Stanley HO Wai-hong

Hong Kong Joint Council for People with Disabilities

Mr TSANG Kin-ping

The Civic Party

Mr Warren TAM Ka-chun

Miss KWAN Kit-man

Mr CHU Wai-chung

Mr WHY

Democratic Party

Mr Leo CHU

Hong Kong Parkinson's Disease Association

Ms CHAN Yin

Association of Women with Disabilities Hong Kong

Miss YUEN Woon-chun

Mr LAI Ming-chak

Hong Kong Human Rights Monitor

Mr LAW Yuk-kai

Mr HAN Yung-sheng

Rehabilitation Alliance Hong Kong

Mr William CHAN Hei-lung

Chosen Power (People First Hong Kong)

Ms Carman TAM

Ms AU Yim-fong

Ms Emily FUNG Wai-ying

SLCO Community Resources Limited

Mr WONG Cheuk-hon



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

**Staff in attendance** : Mr Kelvin LEE  
Senior Assistant Legal Adviser 3

Miss Cindy HO  
Senior Council Secretary (2) 3

Mr Dennis HO  
Council Secretary (2) 3

Mrs Fanny TSANG  
Legislative Assistant (2) 3

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**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)1265/17-18(01) and (02)]

2. The Panel agreed to discuss the following items proposed by the Administration at the next regular meeting on 21 May 2018 at 2:30 pm:

- (a) Consultation Report on Review of Electoral Arrangements and proposed amendments to electoral legislation; and
- (b) an outline of the topics to be covered in the Fourth Report of the Hong Kong Special Administrative Region ("HKSAR") under the United Nations ("UN") Convention on the Elimination of All Forms of Discrimination against Women.

3. Dr Helena WONG enquired whether the Panel would receive public views on the item in paragraph 2(b) above. The Chairman confirmed that such arrangement would be made, and said that the next meeting would be suitably extended if necessary. The Chairman added that in line with the usual practice, all other Members of the Legislative Council ("LegCo") would be invited to join the discussion.

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**III. Outline of the Third Report of the Hong Kong Special Administrative Region for the United Nations Human Rights Council Universal Periodic Review**

[LC Paper Nos. CB(2)1165/17-18(01), CB(2)1265/17-18(03) and (04)]

Meeting with deputations and the Administration

4. The Under Secretary for Constitutional and Mainland Affairs ("USCMA") said that a section on HKSAR, which was part of the Report of the People's Republic of China ("PRC"), would be submitted to UN Human Rights Council ("UNHRC") under the Universal Periodic Review ("UPR") mechanism ("the Third Report"). The third UPR on PRC was scheduled to take place in November 2018. Members noted that an outline of the topics to be included in the Third Report was issued on 3 April 2018 for public consultation until 7 May 2018 [LC Paper No. CB(2)1265/17-18(03)]. USCMA said that the Administration would take into account the views received in drafting the report. The Third Report would be published after the UN Human Rights Council had received it.

5. The Panel received views from 39 deputations/individuals on the outline of the topics for inclusion in the Third Report. A record of the 39 deputations/individuals and the submissions received is in **Appendix I**.

Administration's response to deputations' views

6. In response to the views expressed by the deputations on issues under the purview of the Constitutional and Mainland Affairs Bureau, USCMA made the following points:

- (a) the Administration would take forward nine prioritized recommendations proposed by the Equal Opportunities Commission ("EOC") in its Discrimination Law Review by introducing legislative proposals within this year. For the remaining recommendations, the Administration would conduct further study;
- (b) the Administration was actively taking forward the strategies and measures recommended by the Advisory Group on Eliminating Discrimination against Sexual Minorities, including:

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- (i) enhancing public education and publicity efforts through different channels as well as encouraging more organizations to adopt the Code of Practice against Discrimination in Employment on Ground of Sexual Orientation;
  - (ii) setting up a 24-hour hotline for sexual minorities since January 2018 to provide immediate support, counseling and referral services for sexual minorities and their families;
  - (iii) devising training resources for personnel in specific fields, including social workers, health care professionals, human resources professionals and teachers, with a view to enhancing their sensitivity towards sexual minorities.
- (c) the Administration attached great importance to efforts to support ethnic minorities ("EMs") and had earmarked \$500 million in this year's Budget to strengthen the relevant support services. A cross-bureau steering committee chaired by the Chief Secretary for Administration was set up in 2018 to co-ordinate, review and monitor the support services and enhance internal collaboration; and
- (d) the Constitutional and Mainland Affairs Bureau had earmarked \$17 million in the 2017-2018 financial year to promote the Basic Law to different sectors, which exceeded the amount earmarked in the 2004-2005 financial year by five times.

7. On issues which fell under the purview of the Security Bureau, the Principal Assistant Secretary for Security (Review) ("PAS(S)R") made the following points:

- (a) in response to the deputation's request for extending the application of the United Nations Convention relating to the Status of Refugees ("Refugee Convention"), the Administration explained that Hong Kong's liberal visa regime made the territory vulnerable to possible abuses if the Refugee Convention was to be extended to Hong Kong. Despite the non-application of the Refugee Convention to Hong Kong, the Government implemented the Unified Screening Mechanism to

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screen non-refoulement claims on all applicable grounds in one go. In response to deputations' concerns that expediting the screening of claims by the Immigration Department might give rise to errors in processing claims, the Administration explained that its measures aimed to expedite commencement of the screening process for pending claims. The Administration advised that persons claiming non-refoulement protection had no right or permission to enter or remain in HKSAR. They might not lawfully take employment under the Immigration Ordinance. That notwithstanding, in regard to persons whose non-refoulement claims had been substantiated, the Director of Immigration might consider each application on its own merits and grant the applicant permission to take employment on an exceptional basis;

- (b) various issues relating to inmates' rights, including the means of keeping warm in cells and the high temperature heat at cells, the library collections of correctional institutions and the complaint mechanism of Correctional Services Department ("CSD"), would be relayed to CSD for a written response; and
- (c) the Government was committed to combatting trafficking in persons ("TIP") and protecting foreign domestic helpers ("FDHs") through multi-faceted measures. Hong Kong addressed TIP through various pieces of local legislation. In March 2018, a high-level inter-bureau/departmental Steering Committee, chaired by the Chief Secretary for Administration, to tackle TIP and to enhance protection of FDHs in Hong Kong was established. The Government had also promulgated an Action Plan which outlined various measures covering areas including victim identification, investigation, enforcement, prosecution, victim protection and support, prevention, and partnership with different stakeholders.

## Discussion

8. Ms Claudia MO stressed that more should be done to protect the rights of sexual minorities. She enquired whether the Administration would cover in the Third Report various acts of the Government which had infringed human rights. Examples included the alleged political interference from the Central People's Government under the principle of

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"one country, two systems", regression in freedom of press and expression, using the rule of law as a pretext for selective prosecution, etc. USCMA did not concur with her remarks, adding that there were various achievements under the principle of "one country, two systems". He said that Hong Kong was an open society. The freedom of expression was well protected and people were free to exercise their rights lawfully.

9. In response to Dr Helena WONG's enquiry, USCMA said that the Inter-departmental Working Group on Gender Recognition had conducted a public consultation which ended on 31 December 2017. A total of about 17 000 submissions had been received. More time was needed to study the submissions, and there was no timeline for its work.

10. Dr Helena WONG expressed concerns about the limited quantity and variety of the library collections of correctional institutions for loan by local and non-local persons in custody, and that the maximum number of books to be borrowed by persons in custody was set too low. There were also insufficient books in other languages (e.g. African) to meet the needs of persons in custody of different nationalities. She suggested that correctional institutions might acquire more books from the public libraries or relevant embassies for persons in custody who were non-ethnic Chinese. Due to insufficient time, the Administration was requested to provide a written response.

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*(Post-meeting note: The Administration's response was issued vide LC Paper No. CB(2)1551/17-18(01) on 7 June 2018.)*

11. Mr LAM Cheuk-ting requested the Administration to make available the draft Third Report for public comment before it was submitted to the Central People's Government for inclusion in the national report to the UNHRC under the UPR mechanism, and report the progress of its work in following up the recommendations of UNHRC. USCMA said that it had been the established practice of the HKSAR Government to provide an outline of the HKSAR report to be submitted under various international human rights treaties (including the UPR mechanism) for public consultation prior to the preparation of the relevant report. The outline of the Third Report for UPR had been widely issued to stakeholders and the Administration would publish the report after UNHRC had received it. He further said that the proposal was not in line with the current practice. Due to insufficient time, the Administration was requested to provide a written response.

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*(Post-meeting note: The Administration's response was issued vide LC Paper No. CB(2)1493/17-18(01) on 30 May 2018.)*

12. Referring to paragraphs 19 and 20 of the HKSAR's report submitted in 2013, Mr CHAN Chi-chuen suggested that the term "gender recognition" should be added in tandem to the term "sexual orientation" in the Third Report. He said that despite the fact that UN had repeatedly asked the HKSAR Government to legislate to protect sexual minorities against discrimination, the Administration only responded that it was a contentious issue and would take steps to enhance public awareness. Taking into account the findings of the relevant EOC Report, he requested the Administration to provide a timetable for taking legislative measure as soon as possible. He further said that since the relevant working group had concluded its work in December 2015, there was no available channel to enhance communication between the Administration and the sexual minorities. USCMA said that EOC had made efforts to maintain communication with the sexual minorities and he would see whether more could be done to enhance communication.

13. Dr Priscilla LEUNG said that the issue of outlawing discrimination on the ground of sexual orientation was controversial, and administrative measures and public education were equally effective in combating discriminatory acts in this regard. She added that public education in this area should highlight the importance of safeguarding the freedom of religious belief and the principle on matters relating to religious organizations as enshrined under Article 141 of the Basic Law.

14. Dr Fernando CHEUNG said that since the Third Report was of three pages only, not too much details could be included, such as the views and suggestions of deputations on the rights of sexual minorities, persons in custody, persons with disabilities ("PWDs"), EMs etc. USCMA said that public views were welcome during the public consultation. The Administration would take into account the views received in drafting the report.

15. Mr SHIU Ka-chun stressed that it was necessary to protect the welfare and rights of persons in custody. He suggested that an independent body should be set up to review and monitor the operation of correctional institutions to protect the basic human rights of persons in custody.

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16. The Deputy Chairman suggested that issues relating to the rights of EMs should also be included in the Third Report. He opined that non-Chinese speaking children should be provided with standard teaching curriculum, and the waiting time for the interpretation service for EM patients in hospitals was too long.

17. Pointing out that an online bank in the Mainland was offering sign language service to the deaf community using banking/loan services, Mr Steven HO suggested that Hong Kong should also promote the wider use of sign language. Regarding intersex children, he considered that better support should be provided to those children, e.g. assessment of sexual orientation should be provided prior to receiving relevant operation.

*Other issues*

18. Mr CHAN Chi-chuen expressed dissatisfaction that a deputation attending the meeting was not allowed to display a flag symbolizing transgender. Mr SHIU Ka-chun expressed concern that another deputation was not allowed to bring cardboard to the meeting venue showing how inmates were beaten in prisons. The Chairman advised that according to the Administrative Instructions, members of the public attending the meetings of LegCo should not display any sign, message or banner.

*(At 5:38 pm, Mr AU Nok-hin drew the Chairman's attention that a quorum was not present. The Chairman then ordered the ringing of the quorum bell to summon members to the meeting. The meeting resumed at 5:43 pm when a quorum was present.)*

**IV. An outline of the topics in the second report of the Hong Kong Special Administrative Region under the United Nations Convention on the Rights of Persons with Disabilities**  
[LC Paper Nos. CB(2)1265/17-18(05) and (06)]

Meeting with deputations and the Administration

19. Members noted that an outline of the topics to be included in the second report of HKSAR under the United Nations Convention on the Rights of Persons with Disabilities ("UNCRPD") ("the second report") was issued by the Government on 9 March 2018 for public consultation until 4 May 2018

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[LC Paper No. CB(2)1265/17-18(05)]. The Under Secretary for Labour and Welfare ("USLW") said that the Administration would carefully consider the views received in drafting the report.

20. The Panel received views from 19 deputations/individuals on the outline of the topics in the second report of HKSAR under UNCRPD. A record of the 19 deputations/individuals and the submissions received is in **Appendix II**.

*(At 6:54 pm, the Chairman directed that the meeting be extended by 15 minutes beyond the appointed ending time)*

Administration's response to deputations' views

21. In response to the views expressed by the deputations, USLW made the following points:

- (a) the recurrent expenditure of services for PWDs had increased from HK\$16.7 billion in the fiscal year 2007-2008 to HK\$34.4 billion in the fiscal year 2018-2019, representing an increase of 106%. As of December 2017, the Social Welfare Department had taken forward 36 development projects, providing an additional 6 700 places of rehabilitation services. The Administration launched the Special Scheme on Privately Owned Sites for Welfare Uses in September 2013 to allow non-governmental organizations ("NGOs") to use their own sites for expansion of services and additional 8 000 rehabilitation service places would be provided;
- (b) under the policy direction of "early identification, timely intervention", the Administration had strived to provide pre-school rehabilitation services for children with special needs. The Administration would regularize the Pilot Scheme on On-site Pre-school Rehabilitation Services from the 2018-2019 school year. The number of service places would be increased from 3 000 to 5 000 in the 2018-2019 school year, and to 7 000 in the 2019-2020 school year;
- (c) there were a total of six subvented Parents/Relatives Resource Centres to provide community support for the parents and relatives/carers of PWDs, including one for carers of ex-mental



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patients. In 2018-2019, the Administration would earmark \$40 million in its recurrent expenditure to set up additional centres, with the ultimate aim of providing a total of 19 centres;

- (d) the Disability Allowance was non-means-tested and the medical assessment for the purpose of the allowance was generally conducted by public doctors. PWDs with financial needs might consider applying for the means-tested Comprehensive Social Security Assistance ("CSSA") Scheme to meet the basic needs. CSSA recipients with disabilities would, depending on their disabling conditions, receive higher CSSA standard payment rates as well as various supplements and special grants. Besides, a number of charitable organizations also provided funding support for PWDs to help them cope with the expenses related to care and rehabilitation;
- (e) the Administration launched in October 2016 a two-year Pilot Scheme on Living Allowance for Low-income Carers of Persons with Disabilities through the Community Care Fund to support needy carers of PWDs from low-income families. The Administration had commissioned the Sau Po Centre on Ageing of the University of Hong Kong to conduct a review of the scheme which was expected to be completed in the third quarter of 2018;
- (f) regarding employment, the policy objective was to equip PWDs with the necessary skills to meet the job needs, through the provision of vocational rehabilitation training, job matching service and incentives for employers to employ PWDs. An employment quota system might create a negative labelling effect on PWDs, which was not conducive to their integration into the community. To enhance transparency, the success rate of applicants with disabilities and that of other applicants in civil service recruitment exercises would be published starting from 2018. The number of internship places for students with disabilities would also be increased from an average of 50 a year to 100;
- (g) EOC had conducted a Discrimination Law Review and submitted its recommendations to the Administration in 2016. The Administration consulted the relevant LegCo Panel on

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those recommendations in March 2017 and relevant legislative proposals would soon be introduced to LegCo;

- (h) Labour and Welfare Bureau had been working closely with the Women's Commission ("WoC") in promoting women's interests and well-being. The composition of WoC also comprised a PWD. On promoting gender mainstreaming, in 2015, the Government accepted the WoC's recommendations that all bureaux and departments should refer to the Gender Mainstreaming Checklist and apply gender mainstreaming when formulating major policies and initiatives;
- (i) sheltered workshops were a welfare service which aimed to provide trainees with disabilities with training to develop their social and economic potential and enhance their working capacity to enable them move on to supported or open employment wherever possible. The incentive payment arranged for these trainees was intended to be a token encouraging the attendance of the service users and hence such payment was by nature not a salary and therefore should not be compared directly to those in the market;
- (j) under the Original Programme of the Universal Accessibility Programme, the Highways Department had completed 68 projects by end of January 2018. The Government expanded the scope of the programme in 2012, and as at end of January 2018, among the 57 items, five were completed, 50 were under construction with the remaining two under investigation or review; and
- (k) the Administration had asked the Rehabilitation Advisory Committee ("RAC") to commence the formulation of a new Hong Kong Rehabilitation Programme Plan ("RPP") which set out the strategic directions as well as measures to address the various service needs of PWDs. RAC planned to submit a report on the new RPP to the Administration in end-2019.

Discussion

22. Dr Fernando CHEUNG considered that sheltered workshops should be regarded as a kind of employment as the participants of sheltered

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workshops actually worked there with output. He said that some NGOs had operated sheltered workshops to bid for government service contracts and PWDs were recruited at a daily rate of about \$20 to deliver a variety of services, such as cleansing, packaging services etc. He stressed that the amount of "wages" received by these employees with disabilities could not even cover their meal or transport costs.

23. Mr SHIU Ka-chun said that while UNCRPD was to ensure the protection of human rights of PWDs, the Administration was talking about welfare benefits when addressing the needs of PWDs. He expressed concern that the framework of RPP was narrow in scope and unable to address the specific needs of persons with intellectual disabilities. He further pointed out that while compulsory admission of mental patients to hospitals without the patients' consent was allowed under the Mental Health Ordinance (Cap. 136), it might constitute a breach of the patients' rights and freedoms as enshrined under Article 14 (rights to liberty and security of the person) and Article 19 (rights to living independently and being included in the community) of UNCRPD. Chief Manager (Integrated Care Programs) responded that the Hospital Authority provided comprehensive psychiatric services to mental patients. The Chairman requested the Administration to provide a written response to address the concern raised by Mr SHIU.

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24. The Deputy Chairman expressed concern about the long average waiting time for pre-school training, maternal as well as child health services. He urged the Administration to take measures to facilitate early assessment and identification of students with disabilities or special needs (especially for those with hyperactivity disorder and other learning difficulties). Echoing the concerns raised by deputations regarding the welfare for PWDs at work, he requested the Administration to revisit the issue and follow up on those views.

25. The Chairman said that carers of PWDs were under enormous pressure and some of them had to take care of their disabled family members full time. Noting some deputations' suggestions regarding support for carers of PWDs, e.g. extending the Government Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities and other subsidy schemes to carers, offering tax concession, he enquired about the financial implications and the feasibility of these proposals.

26. USLW said that support services were provided to carers through the Community Care Fund including a pilot programme to provide allowance to

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eligible carers of PWDs to help relieve their financial pressure. He added that the Administration would continue to strengthen community care services and increase the supply of subsidized residential care places for PWDs.

**V. Any other business**

27. There being no other business, the meeting ended at 7:13 pm.

Council Business Division 2  
Legislative Council Secretariat  
6 August 2018

## Panel on Constitutional Affairs

Meeting on Monday, 30 April 2018, at 2:30 pm

Meeting to receive views on "Outline of the Third Report of the Hong Kong Special Administrative Region for the United Nations Human Rights Council Universal Periodic Review"

## Summary of views and concerns expressed by deputations/individuals

No.	Name of Deputation/individual	Submission / Major views and concerns
<i>Session One</i>		
1.	Justice Centre Hong Kong	<ul style="list-style-type: none"> <li>• LC Paper No. CB(2)1400/17-18(02)</li> </ul>
2.	Democratic Alliance for the Betterment and Progress of Hong Kong	<ul style="list-style-type: none"> <li>• LC Paper No. CB(2)1335/17-18(01)</li> </ul>
3.	Les Corner Empowerment Association	<ul style="list-style-type: none"> <li>• LC Paper No. CB(2)1335/17-18(02)</li> </ul>
4.*	Pink Alliance	<ul style="list-style-type: none"> <li>• The Administration should report the progress of work of the Inter-departmental Working Group on Gender Recognition in the report of the Hong Kong Special Administrative Region ("HKSAR").</li> <li>• It was important to provide a modern and progressive method of change of legal gender for transgender people in Hong Kong because many transgender people were unable or unwilling to undergo the painful, costly and potentially dangerous surgery necessary to legally change their gender.</li> <li>• The Administration should add gender recognition in its reporting under the United Nations ("UN") Universal Periodic Review ("UPR") mechanism, including a timetable for gender recognition law reforms.</li> </ul>
5.*	Miss KWAN Kit-man	<ul style="list-style-type: none"> <li>• There were signs of erosion of human rights in HKSAR.</li> <li>• Expressed concern about the excessive power of Returning Officers ("ROs") in the nomination procedures of relevant public elections.</li> </ul>
6.*	Ms LAM Sin-man	<ul style="list-style-type: none"> <li>• The rights to education and work were fundamental human rights and should be safeguarded.</li> <li>• It was difficult for persons with disabilities ("PWDs") (including ex-mentally ill persons) to integrate into the community and to seek employment.</li> <li>• Hong Kong people's rights to an adequate standard of living</li> </ul>

No.	Name of Deputation/individual	Submission / Major views and concerns
		<p>were not protected as more people had become street sleepers due to financial difficulties.</p>
7.*	Mr LEUNG Kwok-hung	<ul style="list-style-type: none"> <li>● Hong Kong had not yet implemented elections of the Chief Executive by universal suffrage and little progress was made by the Government in political reform.</li> <li>● The disqualification of Legislative Council ("LegCo") Members over their oath taking was unfair and contributed to weakening the rights and equal opportunities of citizens to take part in LegCo elections, including the right to stand in elections.</li> <li>● Expressed concern about the excessive power of ROs in the nomination procedures of relevant public elections.</li> </ul>
8.*	Mr SZE Ching-wee	<ul style="list-style-type: none"> <li>● Expressed dissatisfaction about the remarks made by the Secretary for Education that school textbooks should not describe the 1997 handover as a transfer of, or taking back of, sovereignty.</li> <li>● The Government had failed to protect people's freedom of speech and academic freedom judging from its handling in the recent incident involving a Hong Kong university professor's remarks made in Taiwan.</li> </ul>
9.*	Miss TSUI Ho-yee	<ul style="list-style-type: none"> <li>● From mid-2015 to 10 December 2017, there were 29 cases of student suicide, including two cases involving students below the age of 12. It was found that 70% of students which had attempted suicide had indicated their wish to commit suicide by various means but were simply neglected by their peers or families.</li> <li>● Parents of low income families had to work long hours and they lacked communication with their children.</li> <li>● The Administration should strengthen psychological/emotional support for children and youth and it should reflect to UN that children's rights were not duly respected in Hong Kong.</li> </ul>
10.*	Mr WONG Ho-ming	<ul style="list-style-type: none"> <li>● The Administration should include in the HKSAR's report its follow-up actions in the light of the recommendations in the concluding observations previously made by the UN Human Rights Council in the following areas: (a) the Government should consider steps leading to withdrawing the reservation to Article 25(b) of the International Covenant on Civil and Political Rights relating to universal suffrage; and (b) a mechanism of binding constitutional interpretation by a non-judicial body might weaken and undermine the rule of law and the independence of judiciary.</li> </ul>

No.	Name of Deputation/individual	Submission / Major views and concerns
		<ul style="list-style-type: none"> <li>• The Administration should include all the views received at this meeting in the HKSAR report.</li> <li>• More should be done to improve and safeguard inmates' rights, including, for example, inmates were exposed to cold during winter period and their clothing was not enough for keeping warm; as well as the high temperature heat in prison cells during summer period.</li> </ul>
11.	Mr CHOW Nok-hang	<ul style="list-style-type: none"> <li>• LC Paper No. CB(2)1400/17-18(03)</li> </ul>
12.	Rainbow of Hong Kong	<ul style="list-style-type: none"> <li>• LC Paper No. CB(2)1335/17-18(03)</li> </ul>
13.	Hong Kong Unison	<ul style="list-style-type: none"> <li>• LC Paper No. CB(2)1266/17-18(01)</li> </ul>
14.	Demosisto	<ul style="list-style-type: none"> <li>• LC Paper No. CB(2)1400/17-18(04)</li> </ul>
15.*	Youth Alliance for the Disadvantaged	<ul style="list-style-type: none"> <li>• The Administration should safeguard the right of equal participation of PWDs in recreational, leisure and sporting activities.</li> <li>• The Administration was urged to consult relevant stakeholders (including PWDs) on providing barrier-free facilities and equipment to accommodate the needs of PWDs (such as wheelchairs for sports, handcycles, portable pool steps, pool wheelchairs, pool ramps, mobi chairs, mobi mats, etc.) to facilitate PWDs' participation in sports.</li> </ul>
16.*	Mr WONG Kai-yeung	<ul style="list-style-type: none"> <li>• People's freedom of expression and freedom of assembly were fundamental human rights and should be safeguarded.</li> <li>• Expressed concern that political prosecution against demonstrators in recent years and the Public Order Ordinance (Cap. 245) imposed excessive restriction to people's freedom of expression and of assembly. The Administration should include relevant issues in the HKSAR report.</li> </ul>
17.	New People's Party	<ul style="list-style-type: none"> <li>• LC Paper No. CB(2)1266/17-18(08)</li> </ul>
18.*	Liberal Party	<ul style="list-style-type: none"> <li>• The Administration had not made sufficient publicity efforts to promote the current consultation exercise. More extensive consultation should be conducted to ensure that the expressed views were representative.</li> <li>• The Administration should explain in the report whether the Central People's Government or the HKSAR Government should be held accountable for the human rights situation in HKSAR.</li> </ul>

No.	Name of Deputation/individual	Submission / Major views and concerns
19.*	東北政治犯	<ul style="list-style-type: none"> <li>Expressed concern over the inmates' rights including the limited quantity and variety of the library collections of correctional institutions for loan by local and non-local persons in custody (e.g. African), and that their borrowing limit was set too low.</li> <li>Prison libraries should not only serve the purpose of leisure reading but also provide the inmates with the opportunity to develop skills, pursue personal interests, as well as rehabilitation. The library should provide resources for all these activities.</li> </ul>
20.*	新界東北政治犯(D6)	<ul style="list-style-type: none"> <li>Expressed concern over the inmates' rights. The wages for inmates, who worked 10 hours per day, were too low and they could not even afford basic necessities.</li> <li>Arrangement should be made for inmates who were in financial need to apply for social security assistance before they were discharged from custody to help relieve their financial plight.</li> </ul>
21.	Henry TSE	<ul style="list-style-type: none"> <li>LC Paper No. CB(2)1400/17-18(01)</li> </ul>
<i>Session Two</i>		
22.	青少年囚犯人權關注組	<ul style="list-style-type: none"> <li>LC Paper No. CB(2)1400/17-18(05)</li> </ul>
23.	Hong Kong UPR Coalition	<ul style="list-style-type: none"> <li>LC Paper No. CB(2)1266/17-18(03)</li> </ul>
24.*	Pride Lab	<ul style="list-style-type: none"> <li>The Government was urged to enact legislation to outlaw discrimination against sexual orientation and gender identity, and should commence consultation on legislating within a year.</li> <li>The topics of sexual orientation and gender recognition should be included in the teaching guidelines on sex education in schools. Schools should be required to teach sex education including anti-discrimination against sexual orientation and transgender people from the 2019-2020 school year.</li> </ul>
25.*	Hong Kong Subdivided Flats Concerning Platform	<ul style="list-style-type: none"> <li>Expressed concern about the housing problems in Hong Kong, including the imbalance in the ratio between private and public housing, soaring property prices and rentals, as well as proliferation of subdivided units. Relevant issues relating to housing, including people's rights to adequate housing, should be covered in the third report of HKSAR.</li> </ul>
26.	The Civic Party	<ul style="list-style-type: none"> <li>LC Paper No. CB(2)1335/17-18(04)</li> </ul>
27.*	Mr Billy LEUNG	<ul style="list-style-type: none"> <li>According to the findings of relevant surveys conducted in recent years, over 50% of the public supported enacting legislation to outlaw discrimination on grounds of sexual orientation and gender identity. The administrative measures</li> </ul>



No.	Name of Deputation/individual	Submission / Major views and concerns
		<p>and public education taken by the Government, including the Code of Practice against Discrimination in Employment on Ground of Sexual Orientation, had not been effective in tackling the problem and such discrimination was prevalent in the workplace.</p> <ul style="list-style-type: none"> <li>• The Government was urged to enact legislation to outlaw discrimination on grounds of sexual orientation and gender identity.</li> </ul>
28.*	Department of Asian and Policy Studies, The Education University of Hong Kong	<ul style="list-style-type: none"> <li>• The deputation reported the following findings of an opinion survey on human rights situation conducted recently by the Department of Asian and Policy Studies, The Education University of Hong Kong involving 1 000 local residents over the age of 18: <ul style="list-style-type: none"> <li>(i) 59.1% of the respondents considered that the Government should improve its policies related to human rights, including freedom of speech, rights of asylum seekers and refugees, and rights of political freedom;</li> <li>(ii) over 60% of the respondents supported actions to combat "snake-heads" and human smuggling syndicates;</li> <li>(iii) 34% of the respondents indicated support for allowing refugees who had been staying in Hong Kong for over five years to work;</li> <li>(iv) only 23.6% of the respondents indicated support for setting up a closed camp for detaining torture/non-refoulement claimants; and</li> <li>(v) 51.6% of the respondents considered that children born in Hong Kong whose parents were asylum seekers and/or refugees should be eligible for right of abode in Hong Kong.</li> </ul> </li> </ul>
29.*	The Hong Kong Society for Asylum-Seekers and Refugees	<ul style="list-style-type: none"> <li>• Expression of the following views/suggestions: <ul style="list-style-type: none"> <li>(a) children born in Hong Kong whose parents were asylum seekers and/or refugees should be given the right of abode in order to relieve the problem of population aging in Hong Kong;</li> <li>(b) torture/non-refoulement claimants should be allowed to work in Hong Kong to ease the shortage of labour; and</li> <li>(c) expediting the screening of claims by the Immigration Department might give rise to errors in relevant screening procedures (e.g. a Pakistani applicant was mistaken as coming from India).</li> </ul> </li> </ul>
30.	PathFinders Limited	<ul style="list-style-type: none"> <li>• LC Paper No. CB(2)1266/17-18(04)</li> </ul>
31.*	Hong Kong Gay and Lesbian Attorneys	<ul style="list-style-type: none"> <li>• Discrimination against lesbian, gay, bisexual, and transgender persons in Hong Kong was prevalent and the Government</li> </ul>

No.	Name of Deputation/individual	Submission / Major views and concerns
	Network (HKGALA)	<p>should embark on a public consultation and introduce the necessary legislation as soon as possible.</p> <ul style="list-style-type: none"> <li>• The public consultation on gender recognition conducted by the Government should focus on the scope and content of the gender recognition scheme to be adopted, instead of whether a gender recognition scheme should be established in Hong Kong.</li> <li>• The Government should follow up the recommendations previously made by the relevant UN Committees, including removing the existing prerequisite requiring transgender persons to undergo sterilization before they could legally change their gender.</li> </ul>
32.	New Territories Association of Societies	<ul style="list-style-type: none"> <li>• LC Paper No. CB(2)1266/17-18(05)</li> </ul>
33.	Democratic Party	<ul style="list-style-type: none"> <li>• LC Paper No. CB(2)1335/17-18(05)</li> </ul>
34.*	蘇查哈爾燦	<ul style="list-style-type: none"> <li>• The Government was not doing enough in protecting the human rights of the sexual minorities in different domains including education, housing, employment, social welfare etc.</li> <li>• The fact that the Government had not conducted any public consultation on enacting legislation in this regard showed that it had no intention to promote the equal rights of the sexual minorities. Procrastination in legislation was tantamount to allowing discrimination against the sexual minorities to continue.</li> </ul>
35.	Beyond the Boundary-Knowing and Concerns Intersex	<ul style="list-style-type: none"> <li>• LC Paper No. CB(2)1266/17-18(07)</li> </ul>
36.	Society for Community Organization	<ul style="list-style-type: none"> <li>• LC Paper No. CB(2)1266/17-18(09)</li> </ul>
37.	SLCO Community Resources Limited	<ul style="list-style-type: none"> <li>• LC Paper No. CB(2)1266/17-18(10)</li> </ul>
38.*	Human Rights Group, Civil Human Rights Group	<ul style="list-style-type: none"> <li>• The following issues should be included in the third report of HKSAR: (a) the disqualification of duly elected LegCo members and candidates standing for LegCo elections; (b) recent incidents which the Administration had intended to undermine the freedom of speech and academic freedom; (c) the abduction and detention of the Causeway Bay booksellers; and (d) political prosecution instituted under the Public Order Ordinance.</li> </ul>

No.	Name of Deputation/individual	Submission / Major views and concerns
39.*	Christians To The World	<ul style="list-style-type: none"> <li>• Hong Kong people should strive to uphold their human rights and freedoms, and they were urged to stand up for what they believed in and not to allow themselves to be silenced.</li> </ul>

\* No submissions provided for this meeting

Council Business Division 2  
Legislative Council Secretariat  
6 August 2018

## Panel on Constitutional Affairs

Meeting on Monday, 30 April 2018, at 2:30 pm

Meeting to receive views on "An outline of the topics in the second report of the Hong Kong Special Administrative Region under the United Nations Convention on the Rights of Persons with Disabilities"

## Summary of views and concerns expressed by deputations/ individuals

No.	Name of Deputation/individual	Submission / Major views and concerns
1.	Democratic Alliance for the Betterment and Progress of Hong Kong	<ul style="list-style-type: none"> <li>● LC Paper No. CB(2)1400/17-18(06)</li> </ul>
2.	周諾恆先生	<ul style="list-style-type: none"> <li>● LC Paper No. CB(2)1400/17-18(07)</li> </ul>
3.*	Labour Party	<ul style="list-style-type: none"> <li>● Expressed concern about the high unemployment rate of persons with disabilities ("PWDs") and called for more Government support because as reflected in the "Hong Kong Poverty Situation Report on Disability 2013", there were 180 000 working-age PWDs but for every 10 of them, only 4 were employed.</li> <li>● The Administration should recruit more PWDs to the civil service. It was misleading for the Administration to include the number of civil servants who sustained injuries/illnesses and became disabled after their appointment to the statistics of PWDs in the civil service.</li> <li>● Whether new measures were implemented by the Hospital Authority (especially prosthetic and orthotic services) to facilitate the rehabilitation of physically handicapped persons and increase their mobility.</li> </ul>
4.	Hong Kong Joint Council for People with Disabilities	<ul style="list-style-type: none"> <li>● LC Paper No. CB(2)1336/17-18(01)</li> </ul>
5.	The Civic Party	<ul style="list-style-type: none"> <li>● LC Paper No. CB(2)1336/17-18(02)</li> </ul>
6.*	Miss KWAN Kit-man	<ul style="list-style-type: none"> <li>● On supporting students with special education needs ("SEN"), "mental disorder" was not included in the major SEN types and should be added to the SEN list.</li> <li>● There was room to improve regarding the barrier-free access of public premises and facilities, including the public galleries of the Legislative Council Complex, country park trails, etc.</li> <li>● The rate of Disability Allowance was too low to enable PWDs to meet their need for an adequate standard of living.</li> </ul>

No.	Name of Deputation/individual	Submission / Major views and concerns
		<ul style="list-style-type: none"> <li>An independent monitoring mechanism for ensuring domestic compliance with the United Nations Convention on the Rights of Persons with Disabilities ("UNCRPD") should be set up.</li> </ul>
7.*	Mr CHU Wai-chung	<ul style="list-style-type: none"> <li>PWDs had difficulties in seeking assistance from disciplined services departments, particularly the Police.</li> <li>Expressed concern about what rehabilitation services could be provided by the Correctional Services Department to PWDs in custody.</li> <li>The rate of Disability Allowance was significantly lower than the standard rates of the Comprehensive Social Security Assistance ("CSSA").</li> </ul>
8.*	Mr WHY	<ul style="list-style-type: none"> <li>It was necessary to distribute copies of relevant booklets related to UNCRPD and other human rights treaties to the general public through the Home Affairs Enquiry Centres of the 18 districts and make replenishment to avoid stock-out.</li> <li>Some PWDs had approached the Equal Opportunities Commission ("EOC") for lodging employment-related complaints, only to find that EOC was unable to offer any assistance to the complainants.</li> <li>The new Chairperson of EOC should follow the example of his predecessors by conducting consultation sessions to gauge public views on the needs of disadvantaged groups including PWDs.</li> </ul>
9.	Democratic Party	<ul style="list-style-type: none"> <li>LC Paper No. CB(2)1336/17-18(03)</li> </ul>
10.*	Hong Kong Parkinson's Disease Association	<ul style="list-style-type: none"> <li>The local disability assessment for the purpose of Disability Allowance was largely conducted on medical grounds following the guidelines issued in 1973 and should be reviewed.</li> <li>Facilitation measures should be introduced for Rehab Bus users.</li> <li>The Registration Card for People with Disabilities should be accepted as a document of eligibility proof for the Government Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities for taking MTR even if the personalized Octopus for PWDs was not brought along.</li> </ul>
11.*	Association of Women with Disabilities Hong Kong	<ul style="list-style-type: none"> <li>The Administration should conduct a comprehensive review on the definition of disabilities. Under the existing mechanism, women with disabilities could only apply either the Disability Allowance or CSSA and it failed to address the specific needs of the families. The Disability Allowance should be increased to</li> </ul>

No.	Name of Deputation/individual	Submission / Major views and concerns
		<p>provide adequate financial support for women with disabilities to live independently (Articles 1 - 4 and 19 of UNCRPD).</p> <ul style="list-style-type: none"> <li>• The Government should enhance transparency in the appointment of members to the Women's Commission and disclose the appointment criteria. The Government should include the element of gender mainstreaming in various issues related to PWDs (Articles 6 and 29 of UNCRPD).</li> <li>• Statistical analysis (on cases of abused women seeking assistance including prosecution and conviction) and the judicial procedures in relation to sexual violence or assault should be included in the HKSAR report (Articles 13 and 16 of UNCRPD).</li> </ul>
12.	Mr LAI Ming-chak	<ul style="list-style-type: none"> <li>• LC Paper No. CB(2)1400/17-18(08)</li> </ul>
13.*	Hong Kong Human Rights Monitor	<ul style="list-style-type: none"> <li>• There was little improvement made to the human rights of PWDs and ethnic minorities. The Government should review its work plan to fulfill the requirements of UNCRPD.</li> <li>• The Disability Discrimination Ordinance should be amended to ensure that there was statutory responsibility of the Government to formulate plans regularly to eliminate discrimination and to promote equality.</li> <li>• EOC seldom rendered legal assistance to complainants in conducting litigation, and its governance did not accord with the Paris Principles.</li> </ul>
14.*	Mr HAN Yung-sheng	<ul style="list-style-type: none"> <li>• The definition of disability was unclear.</li> <li>• The "Selective Placement" service provided by the government was not an effective measure to help PWDs find jobs that could accommodate their needs for medical appointments in connection with their disabilities.</li> </ul>
15.	Rehabilitation Alliance Hong Kong	<ul style="list-style-type: none"> <li>• LC Paper No. CB(2)1294/17-18(02)</li> </ul>
16.	Chosen Power (People First Hong Kong)	<ul style="list-style-type: none"> <li>• LC Paper No. CB(2)1336/17-18(04)</li> </ul>
17.	Ms AU Yim-fong	<ul style="list-style-type: none"> <li>• LC Paper No. CB(2)1336/17-18(05)</li> </ul>
18.*	Ms Emily FUNG Wai-ying	<ul style="list-style-type: none"> <li>• The relevant recommendations in the concluding observations of the relevant UN Committee on the previous HKSAR report should be widely disseminated to the general public. The Administration should ensure its consultation documents/law</li> </ul>

No.	Name of Deputation/individual	Submission / Major views and concerns
		<p>reform proposals relating to elderly services, mental health, etc. were also available in simple graphic version or text version in different languages.</p> <ul style="list-style-type: none"> <li>● Residential care homes were required by PWDs in most cases because there were inadequate community/home support services for PWDs.</li> <li>● The concept of disability should not be limited to medical issues.</li> </ul>
19.	SLCO Community Resources Limited	<ul style="list-style-type: none"> <li>● LC Paper No. CB(2)1284/17-18(01)</li> </ul>

\* No submissions provided for this meeting

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