

**Legislative Council Panel on Constitutional Affairs**

**The Chief Executive's 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 ("CMAB") 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 actively promote the Basic Law to enable the public to have a more comprehensive and thorough understanding of "one country, two systems" and the Basic Law.
3. The on-going initiatives we will continue to implement are highlighted as follows -

**On-going Initiatives**

- (a) do the best to create a favourable social atmosphere for taking forward political reform under the framework of the "31 August Decision" of the Standing Committee of the National People's Congress;
- (b) introduce legislative amendments to increase the number of elected seats for the sixth term of District Councils ("DCs");
- (c) in the light of the public consultation results, we will follow up on the longer-term measures which involve amendments to various pieces of electoral legislation as recommended in the Consultation Report on

Enhancement of Voter Registration System (“the Consultation Report”) published in January 2016, and put forward legislative amendment proposals. Proposals to be put forward 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;

- (d) foster in the community the culture and values of inclusiveness and mutual respect and promote equal opportunities for people of different sexual orientation and gender identity. Efforts will include following up on the strategies and measures recommended by the Advisory Group on Eliminating Discrimination against Sexual Minorities;
- (e) seek to submit the legislative amendment proposals to the Legislative Council (“LegCo”) in the 2017-18 legislative session for implementing nine prioritised recommendations under the Discrimination Law Review (“DLR”) as proposed by the Equal Opportunities Commission (“EOC”);
- (f) continue to promote children’s rights through the Children’s Rights Education Funding Scheme, and the Children’s Rights Forum, etc.; and
- (g) continue to actively promote the Basic Law through different channels to enable the public to have a more comprehensive and thorough understanding of “one country, two systems” and the Basic Law. In particular, we will step up efforts on Basic Law education for students, teachers and civil servants through the working groups under the Basic Law Promotion Steering Committee and relevant bureaux.

## **Detailed measures**

### Increase the number of District Councils elected seats

4. To facilitate the Electoral Affairs Commission (“EAC”) to kick

start a review on the boundaries of the DC constituencies for the 2019 DC ordinary election in early 2018, the Government has conducted a review on the number of elected seats for the sixth-term DCs based on objective population data and established methodology, and has recommended to increase a total of 21 elected seats for ten DCs. At the meeting in July this year, this Panel generally supported the principles adopted in the review and the resultant increase in the number of elected seats. The Government submitted the District Councils Ordinance (Amendment of Schedule 3) Order 2017 to the LegCo on 11 October 2017 to implement the proposed increase in elected seats, with an aim that the legislative amendments could be approved by the LegCo within this year to enable the EAC to conduct the demarcation exercise on this basis, and to submit to the Chief Executive a report containing recommendations as to the delineation of DC constituencies by the statutory deadline of 21 November next year.

### Public elections

5. The various public elections in the 2015 to 2017 election cycle were conducted smoothly. In view of the experiences gained and views received, the Government is conducting a review on various electoral arrangements in preparation for the next election cycle, and will introduce the relevant legislative amendments according to the outcome of the review.

6. The Government will also continue to work closely with the EAC to ensure that the LegCo and DC by-elections will be conducted in a fair, open and honest manner in strict accordance with the relevant legislation.

### Constitutional development

7. The Government as a team will do our best to create a favourable social atmosphere for taking forward political reform under the framework of the “31 August Decision” of the Standing Committee of the National People’s Congress.

### Voter registration

8. In response to the concerns expressed by members of the public on matters relating to voter registration (“VR”) in the 2015 VR cycle, the Government conducted a public consultation on enhancement of VR system at the end of 2015. After considering the views received, the

Government published the Consultation Report on 21 January 2016 and proposed measures to enhance the VR system. Some of the recommendations have already been implemented in the 2016 VR cycle through amendments to subsidiary legislation and administrative measures.

9. As regards the other proposed measures that involve amendments to various pieces of electoral legislation, including review of the VR objection mechanism, raising the penalties for the offence of making false statements in VR and introducing requirement of submitting address proofs by electors, we sought Members' views on the proposed measures at the CA Panel meetings on 23 February 2017 and 19 April 2017 respectively.

10. The relevant subsidiary legislation under the Electoral Affairs Commission Ordinance (Cap. 541) has to be amended to give effect to the proposal of introducing the requirement of address proof for applications for change of registration particulars. We will introduce in the fourth quarter of 2017 the amendment regulation to the LegCo for negative vetting, with a view to implementing the new address proof requirement for applications of change of registration particulars in early 2018. As for the review of objection mechanism and increasing penalties in relation to the VR system, such proposals involve amendments to various pieces of electoral legislation including primary legislation. We will prepare the relevant legislative proposals and submit to the LegCo for scrutiny, with a view to implementing such measures before the next election cycle i.e., before the 2019 DC ordinary election.

#### Eliminating discrimination on grounds of sexual orientation and gender identity

11. The Government is committed to fostering the culture and values of inclusiveness and mutual respect and promoting equal opportunities for people of different sexual orientation and gender identity; including following up on the recommendations of the Advisory Group on Eliminating Discrimination against Sexual Minorities (“Advisory Group”).

12. In response to the recommendation of the Advisory Group on enhancing publicity to promote the message of non-discrimination against sexual minorities, a newly-produced television programme “Rainbow Crossroad”, which makes reference to real-life scenarios encountered by

the sexual minorities, had been broadcast in this August/September. The programme aims to help the public understand some real life situations faced by the sexual minorities in Hong Kong and enhance people's sensitivity in dealing with sexual minorities in various domains of daily life. We will continue our efforts in promotion and education through different channels such as television, radio, media, seminars and briefings to communicate the message of "Eliminate discrimination, embrace inclusion" towards people of different sexual orientation and gender identity. To implement the Advisory Group's recommendation on providing sensitivity training for teachers, medical practitioners, associated professionals and frontline workers in hospitals and clinics, social workers and human resources professionals, we have collected views from training providers (including tertiary institutions, professional groups and major employers) on the content and delivery mode of the sensitivity training. The training resources are being developed by a psychologist with experience in designing and teaching related training programmes. We expect to start conducting trial use of the draft training resources within this year to facilitate fine tuning of them where necessary. Upon the formal launch of the training resources, we will encourage the professions concerned to include sensitivity training as part of their regular pre-service or in-service training as appropriate. On reviewing the support services provided to the sexual minorities, we are now gathering views on the support services from service providers and sexual minority service users in the form of focus group meetings for exploring how to effectively enhance the support services to the sexual minorities.

13. Meanwhile, we have been researching into the experience of other jurisdictions in tackling discrimination against sexual minorities. For drawing up a charter on non-discrimination of sexual minorities for voluntary adoption by organisations and individuals, we are 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 so that the charter may be of practical application in the local context. We expect to be able to consult stakeholders on the proposed content of the charter within this year. As recommended by the Advisory Group, we have commenced the further study on the experience of other jurisdictions in implementing measures to eliminate discrimination, both legislative and administrative ones, and expect to complete the study by the end of this year. We shall examine the findings of the study and draw up our plan for the next stage of work.

## Promotion of racial equality

14. The Administrative Guidelines on Promotion of Racial Equality (“the Guidelines”) has been promulgated to provide guidance to relevant Government bureaux, departments and other statutory bodies, and to assist them in the promotion of racial equality and equal opportunities in public services under their respective policy purview. Application of the Guidelines has been extended from 14 bureaux, departments and other statutory bodies in 2010 to 23<sup>1</sup>. The relevant departments will draw up and issue updates on the contents of the checklists according to their respective policy and programme areas. 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

15. With an aim to study how the Sex Discrimination Ordinance (“SDO”), the Disability Discrimination Ordinance (“DDO”), the Family Status Discrimination Ordinance (“FSDO”), and the Race Discrimination Ordinance (“RDO”) could be updated in order to meet the needs of Hong Kong people, the EOC carried out a review and submitted its report on the DLR to the Government last year. We will take forward nine recommendations of priority including -

- (a) introducing express provisions to prohibit discrimination on the ground of breastfeeding under the SDO;
- (b) prohibiting discrimination on the ground of race of an “associate” instead of a “near relative” under the RDO;
- (c) expanding the scope of protection from discrimination on the ground of race to cover discrimination by “imputation” under the RDO;

---

<sup>1</sup> 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.

- (d) expanding the scope of protection from sexual, disability and racial harassment under the SDO, the DDO and the RDO; and
- (e) repealing provisions which require proof of intention to discriminate in order to obtain damages for indirect discrimination claims under the SDO, the FSDO and the RDO.

Our target is to submit the legislative amendment proposals in the form of a composite bill to the LegCo in the 2017-18 legislative session.

### Children's Rights

16. The Government plans to set up a Commission on Children in mid-2018 to amalgamate the efforts made by relevant bureau/ departments and children concern groups to focus on addressing children's issues as they grow. In the meantime, 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").

17. Since its establishment in 2006, the CREFS has supported over 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 2018 CREFS, we have invited applications under the theme of "Realising Children's Potential for Diversified Development". The approved projects are expected to be launched in the first quarter of 2018.

18. 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. 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

19. The Government attaches great importance to Basic Law promotion and education. The Basic Law is the constitutional document for the Hong Kong Special Administrative Region as well as a national law of the State. The promotion work of the Basic Law is crucial to the implementation of the Basic Law.

20. The Government has been actively promoting the Basic Law via different channels in order to enable the public to have a comprehensive and thorough understanding of “one country, two systems” and the Basic Law. Our 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.

21. The Basic Law Promotion Steering Committee chaired by the Chief Secretary for Administration co-ordinates and steers the work of its five working groups, namely Working Group on Local Community; Working Group on Teachers and Students; Working Group on Civil Servants; Working Group on Industrial, Commercial and Professional Sectors; and Working Group 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. The Government will step up efforts on Basic Law education for students, teachers and civil servants through the working groups under the Basic Law Promotion Steering Committee and relevant bureaux.

## **Conclusion**

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