

Panel on Constitutional Affairs

List of follow-up actions

(position as at 11 December 2018)

Subject	Date of meeting	Follow-up actions required	Administration's response
1. An initial assessment of the recommendations in the Discrimination Law Review ("DLR") submitted by the Equal Opportunities Commission ("EOC")	20 March 2017	Of the 27 recommendations in DLR which were considered by EOC to be of higher priority, the Administration was requested to provide in writing a timetable for taking forward these recommendations, and provide explanation(s) should the Administration decide not to take forward any of these recommendations. For the rest of the recommendations made by EOC, the Administration was also requested to provide a timetable for their implementation.	Response awaited.
2. An outline of the topics in the second report of the Hong Kong Special Administrative Region ("HKSAR") under the United Nations Convention on the Rights of Persons with Disabilities ("CRPD")	30 April 2018	The Administration was requested to provide a written response to address the concern raised by Hon SHIU Ka-chun regarding the Mental Health Ordinance (Cap. 136) governing compulsory admission of mental patients to hospitals in recognition of the rights and freedoms of the person with disabilities under Articles 14 and 19 of CRPD.	Response awaited.

Subject	Date of meeting	Follow-up actions required	Administration's response
3. Local legislation to implement the National Anthem Law	28 April 2018 and 5 May 2018	<p>The Administration was requested to provide written responses to:</p> <ul style="list-style-type: none">(a) address members' concern about the fundamental issues to be clarified in the context of the Basic Law ("BL") including that: (i) Article 1 of the National Anthem Law stipulated "practise the core values of socialism", which was inconsistent with Article 5 of the Basic Law ("BL 5") which stipulated that "[t]he socialist system and policies shall not be practised in the Hong Kong Special Administrative Region"; and that (ii) the relevant provision of the proposed content of the National Anthem Bill ("the Bill") was in contravention of BL 137 which stipulated that "[e]ducational institutions of all kinds may retain their autonomy and enjoy academic freedom";(b) address members' concerns on how relevant provisions of the Bill would be enforced, including the law enforcement agencies responsible for taking enforcement actions, and how enforcement actions would be taken online; and(c) provide information on the enforcement actions taken by the Mainland authorities against breaches of the Law of the People's Republic of China on the	Response awaited.

Subject	Date of meeting	Follow-up actions required	Administration's response
		National Anthem which came into force nationwide since 1 October 2017, including relevant statistics on arrests and prosecution, as well as convictions and penalties levied on those cases.	
4. An outline of the topics to be covered in the Fourth Report of HKSAR under the United Nations Convention on the Elimination of All Forms of Discrimination against Women	21 May 2018	<p>The Administration was requested to provide written response to address members' concerns on:</p> <ul style="list-style-type: none"> (a) setting of targets with regard to the provision of childcare services; (b) adopting gender mainstreaming in the policy formulation process on issues relating to retirement protection; and (c) measures to be taken to improve women welfare in the following areas: labour protection, support for foreign domestic helpers, women's shelter for victims of domestic violence, support for ethnic minority women of low-income families, and support for carers. 	Response awaited.
5. Practical arrangements for the 2018 Legislative Council ("LegCo") Kowloon West ("KW")	15 October 2018	<p>The Administration was requested to provide the following supplementary information:</p> <ul style="list-style-type: none"> (a) a comparison of the time taken by the Returning 	The Chinese and English versions of the Administration's written response [LC Paper No.

Subject	Date of meeting	Follow-up actions required	Administration's response
<p>Geographical Constituency ("GC") By-election</p>		<p>Officer ("RO") for the 2012 LegCo General Election, the 2016 LegCo General Election, and the 2018 LegCo KW GC By-election respectively to decide on the validity of a candidate's nomination after receipt of the candidate's nomination form, and the reasons why much longer time was taken by the RO for the 2018 LegCo KW GC By-election to decide on the validity of some candidates' nominations despite the small number of nominations received;</p> <p>(b) in respect of the 2018 LegCo By-election held on 11 March 2018, the turnout rates at (i) dedicated polling stations ("DPSs") set up for registered electors imprisoned or remanded under the custody of the Correctional Services Department ("CSD"); and (ii) DPSs set up for registered electors remanded or detained by law enforcement agencies other than CSD; and</p> <p>(c) the reasons in relation to the difference in size of the Introduction to Candidates in the LegCo GC general elections and LegCo GC by-elections.</p>	<p>CB(2)268/18-19(01)] were issued on 15 November and 3 December 2018 respectively.</p>

Subject	Date of meeting	Follow-up actions required	Administration's response
6. Outcome of the hearing of the Report of HKSAR by the United Nations Committee on the Elimination of Racial Discrimination ("the UN Committee") under the International Convention on the Elimination of All Forms of Racial Discrimination	19 November 2018	<p>The Administration was requested to provide written response on:</p> <ul style="list-style-type: none">(a) whether prosecutions had been instituted under sections 45(1) and 46 of the Race Discrimination Ordinance ("RDO") (Cap. 602) against alleged cases of racial vilification and serious racial vilification; and if so, the relevant figures;(b) whether the HKSAR Government would implement the following recommendations made by the UN Committee in its Concluding Observations issued on 30 August 2018:<ul style="list-style-type: none">(i) racist hate speech and hate crimes should be publicly condemned;(ii) HKSAR should adopt comprehensive laws on refugee status in conformity with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol;(iii) the "two-week rule" and the "live-in requirement" applicable to foreign domestic helpers ("FDHs") should be examined; and	

Subject	Date of meeting	Follow-up actions required	Administration's response
		<p>measures to protect FDHs, including investigations, prosecutions and sanctions, should be provided in HKSAR's next periodic report; and</p> <p>(c) when the HKSAR Government would follow up on the recommendation made by EOC under the Discrimination Law Review that all Government functions and powers should be brought within the scope of RDO.</p>	