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## Chapter 8

# Governance, Constitutional Development and District Administration

## Preamble

The rule of law is vital for safeguarding our rights and freedoms as well as instrumental in continuing Hong Kong's success story as an international financial and commercial centre. We will continue to make improvements to our legal system and enhance our legal infrastructure with a view to ensuring the proper administration of justice.

Law and order is the cornerstone of a stable society. Our disciplined services are firmly committed to maintaining Hong Kong as one of the safest cities in the world. We also provide quality emergency rescue services to protect the life and property of our people.

We will take forward Hong Kong's constitutional development. The Basic Law provides that the ultimate aim is to select the Chief Executive of the Hong Kong Special Administrative Region (CE) and elect all members of LegCo by universal suffrage, in light of the actual situation in Hong Kong and in accordance with the principle of gradual and orderly progress. The Decision by the Standing Committee of the National People's Congress (NPCSC) in 2007 further made clear the timetable for implementing universal suffrage in Hong Kong, i.e. universal suffrage may be implemented for selecting CE in 2017 and following that, all Members of LegCo may be returned by universal suffrage.

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The Administration is firmly committed to implementing the selection of CE by universal suffrage in 2017. According to the Interpretation of NPCSC in 2004, for any amendments to the methods for selecting CE and for forming LegCo annexed to the Basic Law, there is a need to go through a “Five-step Process” of constitutional development, i.e. CE to make a report to NPCSC; NPCSC to determine whether to make amendments to the electoral methods; all Members of LegCo to decide whether to pass the proposal of amending the electoral methods proposed by the Government; CE to give consent to the proposal; and the proposal to be submitted to NPCSC for approval or for the record.

We have formally launched a five-month public consultation on 4 December 2013 on the methods for selecting CE in 2017 and for forming LegCo in 2016.

We will take forward the concept of “addressing district issues at the local level and capitalising on local opportunities” in strengthening district administration. We have been providing support for District Councils to facilitate them in playing an enhanced role in resolving district issues, participating in the management of some district facilities, and implementing District Minor Works Programme and community involvement activities.

We will engage the public, including LegCo and District Councils, as early as practicable in the planning and implementation of government policies and programmes as appropriate.

An effective government relies heavily on a professional and dedicated civil service. Our civil servants will stay committed to serving the community with tenacity and passion.

## **New Initiatives**

*We will:*

### **Constitutional Development**

- Summarise and consolidate views from the public consultation on the methods for selecting CE in 2017 and for forming LegCo in 2016, and kick-start the “Five-step Process” of constitutional development. (CMAB)

### **District Administration**

- Enhance the expenses reimbursement arrangements for members of District Councils, including increasing the Operating Expenses Reimbursement by 34% in real terms. (HAB)
- Review the honorarium arrangements for District Council members and announce the results within the current year. (HAB)
- Follow up the action plan of the Summit on District Administration to enhance district administration. (HAB)
- Strengthen the manpower of District Offices to enhance the coordination work of District Officers at districts as appropriate. (HAB)

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## **Public Elections**

- Follow up with legislative amendments in light of the Electoral Affairs Commission's recommendations on the boundaries of District Council constituency areas for the 2015 District Council ordinary election. (CMAB)

## **Improving the Legal System and Enhancing Legal Infrastructure**

- Embark on a "Meet the Community" programme (on top of the annual "Prosecutions Week" event) whereby prosecutors of DoJ will visit different schools and other interested community institutions to give talks on various topics related to their work. The programme will help enhance the public's understanding of the criminal justice system and their role therein, as well as their appreciation of the importance of the rule of law. (DoJ)

## **Law Reform Proposals**

- Conduct a public consultation on a bill to implement the Law Reform Commission's recommendations on Enduring Powers of Attorney with regard to personal care. The purpose of the proposed bill is to extend the scope of an enduring power of attorney beyond the donor's property and financial affairs to include matters relating to the donor's personal care when the donor becomes mentally incapacitated. (DoJ)

- Set up a high level inter-departmental working group, chaired by the Secretary for Justice, to undertake a detailed study on possible legislation to deal with various aspects of gender recognition in light of the observations made in the judgment of the Court of Final Appeal in the *W Case (FACV 4/2012)*. (DoJ)

## **Maintaining Law and Order**

- Step up anti-narcotics enforcement to target transnational drugs trafficking activities. To this end, a dedicated team in the Customs and Excise Department will be set up to foster liaison and intelligence exchange with Mainland and overseas law enforcement agencies. In parallel, existing enforcement measures will also be strengthened to tackle increasing drug trafficking activities through the Hong Kong International Airport and land boundary control points. (SB)
- Prepare to introduce a unified screening mechanism to determine claims for non-refoulement protection made in Hong Kong. (SB)
- Upgrade the Technology Crime Division of the Police to form a new Cyber Security and Technology Crime Bureau in 2014, in order to strengthen the protection of information systems of critical infrastructure and enhance the Police's capability in preventing and combating technology crimes. (SB)
- Pursuant to a recommendation of the Financial Action Task Force, preparation will be made to establish a system to detect the physical cross-boundary transportation of currency and bearer negotiable instruments. (SB)

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## **Strengthening Anti-corruption Efforts**

- Enhance clean governance in the public sector through assisting government bureaux and departments as well as public bodies in reviewing their codes of conduct to ensure that they are in line with public expectation on the highest standard of integrity. (ICAC)
- Strengthen internal control by expanding the existing Audit Unit to address the issues identified by recent external reviews, with a view to enhancing governance, achieving compliance assurance, ensuring value for money in respect of different programme areas and fostering awareness of risks and financial control in ICAC. (ICAC)
- Collaborate with the Hong Kong International Film Festival Society to launch a publicity programme on ICAC TV Drama Series during the 38th Hong Kong International Film Festival in 2014, with activities including a premiere of ICAC TV Drama Series 2014, public screenings of classic ICAC TV dramas, community exhibitions and production of a commemorative publication. (ICAC)

## **Maintaining a Professional and Dedicated Civil Service**

- Improve the quota ratio of awards for eligible officers under the Long and Meritorious Service Travel Award Scheme. (CSB)
- Set up a new Families Clinic and enhance specialised dental services for civil service eligible persons. (CSB)

- Expedite the construction of departmental quarter projects for six disciplined services departments. (SB)

## **E-Government**

- Develop a new government data centre complex to meet the long-term IT development and data centre services demands of bureaux/departments. (CEDB)

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## On-going Initiatives

*We are:*

### **Constitutional Development**

- Making preparations for the necessary amendments to local legislation to implement the amendments to the methods for selecting CE in 2017 and for forming LegCo in 2016. (CMAB)

### **Working with the Legislative Council**

- Continuing to work closely with LegCo in the formulation of government policies and programmes. (All bureaux)
- Continuing to draw up the Government's legislative programme and to monitor its progress. (CSO)

### **District Administration**

- Working with the 18 District Councils in implementing signature projects having regard to the needs of individual districts. (HAB)
- Progressively increasing the provisions for the District Minor Works Programme to \$400 million per annum over the current and the next terms of District Councils. The increased resources will cover the capital expenditures as well as recurrent expenditures for the management and maintenance of the completed facilities. (HAB)
- Continuing to provide funds to the District Councils to implement community involvement activities. (HAB)



- Continuing to facilitate communication between District Councils and the Administration through participation of relevant Heads of Departments in District Council meetings or briefings for District Council members on government policies. (HAB)

### **Promotion of Basic Law**

- Continuing our work on the promotion of the Basic Law. (CMAB)

### **Public Elections**

- Continuing with educational and publicity efforts to –
  - encourage eligible persons to register as electors; and
  - remind electors of their civic responsibility of (i) providing accurate information for registration, and (ii) updating their registration particulars in a timely manner. (CMAB)
- Working with the Electoral Affairs Commission to ensure that electoral laws are up-to-date and that public elections continue to be conducted in a fair, open and honest manner. (CMAB)
- Implementing various improvement measures arising from the review on rural elections. (HAB)

### **Improving the Legal System and Enhancing Legal Infrastructure**

- Improving the quality and efficiency of legal services, including advisory work, the preparation and presentation of criminal cases and the standards of advocacy. Improvements are achieved through comprehensive training programmes for prosecutors and better use of resources. (DoJ)

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- Enhancing the capability and effectiveness of the prosecutions service in the conduct of criminal proceedings. (DoJ)
  - Enhancing the quality of criminal justice by promoting transparency in public prosecutions, improving accountability to the community, and studying possible areas of the criminal law that may require reform. (DoJ)
  - Promoting co-operation amongst prosecutors at regional and international levels through active participation in international prosecuting organisations. (DoJ)
  - Working on the establishment of an electronic database of Hong Kong legislation with legal status. We are proceeding with the staged implementation of the Legislation Publication Ordinance (Cap. 614). (DoJ)
  - Providing on-the-job training and professional development programmes relating to legislative drafting for counsel in the Law Drafting Division of DoJ to enhance their professional capability. (DoJ)

## **Law Reform Proposals**

- Studying how to take forward the Law Reform Commission's proposal to legislate on stalking. (CMAB)
- Taking forward the Contracts (Rights of Third Parties) Bill to implement the recommendations of the Law Reform Commission on "Privity of Contract". The Bill will enable a third party, i.e. a person not a party to a contract, to enforce the contractual terms subject to the contracting parties' intention. (DoJ)

- Working on a legislative proposal to facilitate the admission in civil proceedings of notarial acts or instruments duly executed by notaries public registered in Hong Kong. (DoJ)
- Supporting the cross-sector Working Group on Class Actions to consider the Law Reform Commission's proposals on "Class Actions". (DoJ)

## Human Rights

- Promoting anti-discrimination on grounds of sexual orientation or gender identity through, inter alia –
  - enhanced publicity and public education;
  - efforts targeting the employment aspect; and
  - continued efforts by the Advisory Group on Eliminating Discrimination Against Sexual Minorities to study the issue in depth with concerned stakeholders. (CMAB)
- Promoting children's rights through, inter alia, enhanced publicity, the Children's Rights Education Funding Scheme and the Children's Rights Forum. (CMAB)
- Preparing reports and attending hearings of United Nations human rights treaty bodies, notably in respect of the International Covenant on Economic, Social and Cultural Rights in 2014. (CMAB)

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## Legal Aid and Legal Advice Services

- Enhancing access to legal aid and free legal advice services to benefit more people who cannot afford private legal fees. (HAB)
- Monitoring and reviewing the operation of the two-year pilot scheme to provide legal advice for litigants in person launched in March 2013. (HAB)

## Maintaining Law and Order

- Sustaining the anti-drug momentum through a five-pronged strategy of preventive education and publicity, treatment and rehabilitation, legislation and enforcement, external co-operation and research. Major initiatives include –
  - continuing with the territory-wide campaign against youth drug abuse to prevent young people from falling prey to drugs;
  - promoting community and parental awareness and mobilising support from different sectors to facilitate early identification and intervention to tackle the hidden drug problem;
  - encouraging the development of drug treatment and rehabilitation programmes to address the evolving needs of drug abusers;
  - continuing with rigorous law enforcement action and bringing new drugs under statutory control, where appropriate;

- encouraging secondary schools to implement the healthy school programme with a voluntary drug testing component; and
  - considering the way forward of the RESCUE Drug Testing Scheme in light of the outcome of the public consultation. (SB)
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- Implementing the Sexual Conviction Record Check Scheme and taking measures to enhance its efficiency. The Scheme aims to enhance protection for children and mentally incapacitated persons against sexual assault. (SB)
  - Seeking short-term and long-term solutions to improve ageing penal facilities. (SB)
  - Delivering rehabilitation programmes matching the needs of persons in custody, and organising market-oriented vocational programmes to increase their employability. (SB)
  - Discussing with the Mainland and other jurisdictions on bilateral co-operation relating to transfer of sentenced persons. (SB)
  - Reducing the Frontier Closed Area to allow local residents and members of the public free access to the excised area. The first and second stages were implemented in February 2012 and June 2013 respectively, and released more than 1 450 hectares of land from the Frontier Closed Area. The last stage, covering the section between Ng Tung River and Lin Ma Hang, is scheduled for implementation in 2015. (SB)

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## **Emergency Support**

- Enhancing emergency ambulance services and educating the public on the proper use of the services. (SB)
- Implementing effective measures to assist our residents in distress outside Hong Kong. These include –
  - a three-colour Outbound Travel Alert system;
  - services of the Assistance to Hong Kong Residents Unit of the Immigration Department; and
  - relevant contingency and notification mechanism. (SB)

## **Public Finance**

- Continuing with the work of a working group to explore ways to make more comprehensive planning for our public finances to cope with the ageing population and the Government's other long-term commitments. (FSTB)

## **Maintaining a Professional and Dedicated Civil Service**

- Giving due consideration to additional manpower needs where justified for delivering effective services to the public. (CSB)
- Conducting a study to assess the manpower and retirement situation in the civil service in the coming years and, on the basis of the findings, formulating possible options for extension of the service of civil servants. (CSB)

- Strengthening our training programmes to boost the innovation and drive of civil servants and to foster a learning culture in the civil service. (CSB)
- Providing national studies and Basic Law training in a systematic and planned manner which takes into account the needs of civil servants of different levels and work nature. (CSB)
- Maintaining a vigorous, effective and efficient disciplinary system against misconduct in the civil service, as well as sustaining efforts to further improve efficiency and productivity in the civil service. (CSB)
- Fostering close partnership with the civil service, enhancing communication with the staff sides and encouraging fuller use of various commendation schemes to recognise and motivate exemplary performance. (CSB)
- Carrying out pay trend surveys, starting salaries surveys and pay level surveys in accordance with the improved civil service pay adjustment mechanism so as to maintain broad comparability between civil service pay and private sector pay. (CSB)
- Enhancing the provision of medical and dental benefits by the Hospital Authority and Department of Health to civil service eligible persons. (CSB)

## **E-Government**

- Delivering more e-Government services on the Government Cloud Platform. (CEDB)

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- Upholding the Government's information security policies and practices by conducting compliance check for bureaux and departments, updating security best practices with reference to international standards and developing a strong information security culture in the Government. (CEDB)
  - Enhancing e-Government services by enriching the GovHK portal, offering more personalised services through MyGovHK and making available more mobile e-services to provide information and services to the public on-the-go. (CEDB)

### **Government Records Management**

- Ensuring proper records management in the Government and facilitating public access to archival records. (CSO)



## Abbreviations

CCF	Community Care Fund
CE	Chief Executive of the Hong Kong Special Administrative Region
CEDB	Commerce and Economic Development Bureau
CEPA	Mainland and Hong Kong Closer Economic Partnership Arrangement
CMAB	Constitutional and Mainland Affairs Bureau
CoP	Commission on Poverty
CSB	Civil Service Bureau
CSO	Chief Secretary's Office
CSSA	Comprehensive Social Security Assistance
DEVB	Development Bureau
DoJ	Department of Justice
EDB	Education Bureau
EM(s)	ethnic minority (minorities)
ENB	Environment Bureau
EU	Efficiency Unit
FHB	Food and Health Bureau

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FSTB	Financial Services and the Treasury Bureau
HAB	Home Affairs Bureau
HOS	Home Ownership Scheme
ICAC	Independent Commission Against Corruption
ICT	Information and Communications Technology
LCSD	Leisure and Cultural Services Department
LegCo	Legislative Council
LWB	Labour and Welfare Bureau
NCS	non-Chinese speaking
NGO(s)	non-governmental organisation(s)
NPCSC	Standing Committee of the National People's Congress
PRH	public rental housing
R&D	research and development
SB	Security Bureau
THB	Transport and Housing Bureau
UGC	University Grants Committee
VTC	Vocational Training Council
WKCD	West Kowloon Cultural District