
Chapter 8

Governance, Constitutional Development and District Administration

Preamble

The rule of law is vital for safeguarding our rights and freedoms. It is also instrumental in promoting our long-term development as an international financial and commercial centre. We will continue to perfect our legal system and enhance our legal infrastructure to ensure that justice is upheld.

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.

On constitutional development, the Decision of the Standing Committee of the National People's Congress (NPCSC) on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region (CE) by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 (the Decision) was adopted on 31 August 2014. The Decision formally determines that universal suffrage for the CE election through "one person, one vote" may be implemented starting from 2017. After the election of the CE by universal suffrage, the election of all members of the LegCo may

be implemented by the method of universal suffrage. We will take forward Hong Kong's constitutional development in accordance with the Basic Law and the relevant Interpretation and Decisions of the NPCSC.

We will continue to take forward the concept of "addressing district issues at the local level and capitalising on local opportunities" in strengthening district administration. We have strengthened the support for DCs to help them play 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 the LegCo and DCs, 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

- Kick start the Third Step of the “Five-Step Process” of constitutional development by introducing to the LegCo a motion to amend Annex I to the Basic Law regarding the Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region (CE). (CMAB)

District Administration

- Propose to increase the honorarium of DC members by 15% in real terms starting from the new term in 2016, and providing each DC member with a new provision of \$10,000 per term to cover expenses for duty visits. (HAB)
- Provide an additional annual funding of \$20.8 million for the community involvement activities for five years from 2015-16 to 2019-20 to further strengthen support for DCs in promoting arts and cultural activities in the districts. (HAB)

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- Review the results of the pilot scheme implemented by the Government in Sham Shui Po and Yuen Long in 2014 to provide the District Management Committees chaired by District Officers with the decision-making power to tackle the management and environmental hygiene problems of some public areas on the advice of DCs on work priorities, upon its completion in August 2015. In view of the positive feedback from the community on the pilot scheme, we will actively consider extending the scheme to all 18 districts, continue to provide funding for Sham Shui Po and Yuen Long to carry on the scheme, and provide resources to the remaining 16 districts to conduct the necessary preparatory work. We will map out detailed arrangements after the discussions between District Management Committees and the DCs in 2015. (HAB)
 - Strengthen the manpower of District Offices as appropriate to further enhance the district co-ordination work of District Officers. (HAB)

Public Elections

- Introduce legislative amendments into the LegCo to make necessary amendments to the detailed arrangements regarding the 2016 LegCo Election. (CMAB)
- Work closely with the Electoral Affairs Commission to make practical arrangements to ensure that the 2015 DC Election will be conducted in fair, open and honest manner in accordance with the relevant legislation. (CMAB)

- Launch the “Support Clean Elections” programme comprising a series of education and publicity activities to be held from 2015 to 2017 to uphold integrity and fairness in public elections, including the rural elections and DC election in 2015, the LegCo election in 2016 and the CE election in 2017. Resources will be dedicated to providing the authorities concerned with corruption prevention advice on the scrutiny and formulation of new electoral legislation, procedures and guidelines, and the organisations representative of the LegCo functional constituencies with similar advice on their membership administration systems. (ICAC)

Law Reform Proposals

- Conduct a public consultation on a bill to implement the Law Reform Commission’s recommendations made in the report on Criteria for Service as Jurors. The proposed bill aims to ensure that the criteria for appointment to and exemption from jury services are set out clearly and precisely and are appropriate to present-day circumstances. (DoJ)
- Conduct a public consultation on a bill to implement the Law Reform Commission’s recommendations made in the report on Hearsay in Criminal Proceedings. The proposed bill aims mainly to reform the existing rule that hearsay evidence is generally inadmissible in criminal proceedings and to give the courts the discretionary power to admit hearsay evidence in criminal proceedings if the statutory “necessity” and “threshold reliability” criteria are satisfied. (DoJ)

Release of Public Sector Information in Digital Formats

- Release free online government information in digital formats starting from 2015 to facilitate re-use of public sector information for the development of more innovative applications. (CEDB)

On-going Initiatives

We are:

Working with the Legislative Council

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

District Administration

- Continuing to work with the 18 DCs 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 DCs. 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 take forward the action plan of the Summit on District Administration to enhance district administration. (HAB)
- Continuing to provide funds for the DCs to implement community involvement activities. (HAB)

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

Promoting the Basic Law

- Continuing with our work on the promotion of the Basic Law. We will organise a number of activities on the 25th anniversary of the promulgation of the Basic Law in 2015 to allow the public to have a more comprehensive and thorough understanding of the “One Country, Two Systems” policy and the Basic Law. (CMAB)

Public Elections

- Strengthening publicity and checking efforts on voter registration to tie in with the 2015 DC Election. Efforts are made 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 closely with the Electoral Affairs Commission to conduct the 2015 Rural Ordinary Election in a fair, open and honest manner in accordance with the relevant laws. (HAB)

Improving the Legal System and Enhancing Legal Infrastructure

- Improving the quality and efficiency of legal services, including advisory work and preparation and presentation of criminal cases, as well as raising the standards of advocacy through the provision of comprehensive training programmes for prosecutors and better use of resources. (DoJ)
- Enhancing the capability and effectiveness of the prosecution 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 among prosecutors at regional and international levels through active participation in international prosecuting organisations. (DoJ)
- Continuing with the annual “Prosecution Week” event and “Meet the Community” programme to further enhance public understanding (in particular that of young people) of the criminal justice system, their role therein and their appreciation of the importance of the rule of law, through activities such as visits, talks, mock court as well as different types of competitions. (DoJ)
- Furthering the work on the establishment of an electronic database of Hong Kong legislation with legal status. We are implementing the Legislation Publication Ordinance in stages. (DoJ)

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- Enhancing the quality of legislative drafting services by providing on-the-job training and professional development programmes for drafters, and by fostering their contact and exchange with local and overseas experts. (DoJ)

Law Reform Proposals

- Taking forward publicity and promotional work after the passage of the Contracts (Rights of Third Parties) Bill in end last year so that parties to a contract can make the best use of the rights provided under the ordinance. (DoJ)
- Supporting the cross-sectoral Working Group on Class Actions in considering the Law Reform Commission's proposals on "Class Actions". (DoJ)
- Preparing to 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 proposed bill aims 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)
- Assisting the high level inter-departmental working group, chaired by the Secretary for Justice, in undertaking a detailed study on possible legislation to deal with various aspects of gender recognition in the light of the observations made in the judgment of the Court of Final Appeal in the *W Case* (FACV 4/2012). (DoJ)

Human Rights

- Promoting elimination of discrimination on grounds of sexual orientation or gender identity through, inter alia –
 - enhanced publicity and public education;
 - promotions targeted at the domain of employment; and
 - continued efforts by the Advisory Group on Eliminating Discrimination Against Sexual Minorities to study the issue in depth with stakeholders. (CMAB)
- Promoting children’s rights through, inter alia, publicity, the Children’s Rights Education Funding Scheme and the Children’s Rights Forum. (CMAB)

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 pilot scheme launched in March 2013 to provide legal advice for litigants in person. (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 –

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- continuing with the territory-wide campaign against youth drug abuse to prevent young people from falling prey to drugs, including promoting the implementation of the Healthy School Programme with a voluntary drug testing component in secondary schools;
 - encouraging people with drug problems to seek help early, as well as promoting community and parental awareness and mobilising support of different sectors to facilitate early identification and intervention to tackle the hidden drug abuse problem;
 - encouraging the development of various drug treatment and rehabilitation programmes to meet the challenges of the evolving drug scene as well as the treatment and rehabilitation needs of different drug abusers in a more holistic manner; and
 - continuing with rigorous law enforcement action and bringing new types of drugs under statutory control where appropriate. (SB)
- Continuing with the Sexual Conviction Record Check Scheme to step up 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 which match the needs of persons in custody, and organising market-oriented vocational programmes to increase their employability. (SB)

- Continuing to discuss with the Mainland and other jurisdictions on bilateral co-operation relating to transfer of sentenced persons. (SB)
- Reducing the Frontier Closed Area. The first and second stages were implemented in February 2012 and June 2013 respectively, releasing more than 1 450 hectares of land from the Frontier Closed Area. The last stage, covering the section of the boundary between Ng Tung River and Lin Ma Hang, is scheduled for implementation in 2015. (SB)

Emergency Support

- Enhancing emergency ambulance service and educating the public on the proper use of the service. (SB)
- Continuing to implement 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 the working group tasked with exploring ways to make more comprehensive planning for our public finances to cope with the ageing population and the Government's other long-term commitments. The working group will –

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- explore and propose feasible options for the establishment of a long-term savings scheme; and
 - advise on how the Government can step up the management of its assets. (FSTB)

Strengthening Anti-corruption Efforts

- Continuing to assist government bureaux and departments as well as individual public bodies in revising their internal codes of practice, with a view to achieving the highest standard of integrity. (ICAC)

Maintaining a Professional and Dedicated Civil Service

- Giving due consideration to additional manpower needs where justified for delivering effective services to the public. (CSB)
- Providing 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 manner, which takes into account the needs of civil servants of different levels and work nature. (CSB)
- Maintaining a rigorous, 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, including continuing the preparatory work for setting up a new Families Clinic. (CSB)
- Expediting the departmental quarters construction projects for six disciplined forces. (SB)

E-Government

- Continuing to make available and deliver more e-Government services on the Government Cloud Platform. (CEDB)
- 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)

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- 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 for the public on-the-go. (CEDB)
 - Building a government data centre complex to meet the demands of bureaux and departments for long-term information technology development and data centre services. (CEDB)

Government Records Management

- Ensuring proper records management in the Government, facilitating public access to archival records and continuing to follow up the recommendations of the Direct Investigation on public records management in Hong Kong made by the Office of the Ombudsman. (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 Agreement
CMAB	Constitutional and Mainland Affairs Bureau
CoP	Commission on Poverty
CSB	Civil Service Bureau
CSO	Chief Secretary's Office
CSSA	Comprehensive Social Security Assistance
DC(s)	District Council(s)
DEVB	Development Bureau
DoJ	Department of Justice
EDB	Education Bureau
EM(s)	ethnic minority (minorities)
ENB	Environment Bureau

ERB	Employees Retraining Board
FHB	Food and Health Bureau
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
LD	Labour Department
LegCo	Legislative Council
LWB	Labour and Welfare Bureau
MPF	Mandatory Provident Fund
MTRCL	MTR Corporation Limited
NCS	non-Chinese speaking
NGO(s)	non-governmental organisation(s)
NPCSC	Standing Committee of the National People's Congress
OALA	Old Age Living Allowance

PRH	public rental housing
QF	Qualifications Framework
R&D	research and development
SB	Security Bureau
SEN	special educational needs
THB	Transport and Housing Bureau
UGC	University Grants Committee
VTC	Vocational Training Council
WKCD	West Kowloon Cultural District