
Chapter 8

Rule of Law, Governance, Elections 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.

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.

We will strive to implement citizen-centric e-Government services to provide quality services that benefit the public.

New Initiatives

We will:

District Administration

- In the light of the success of the District Administration Pilot Scheme in Sham Shui Po and Yuen Long districts, we will extend the scheme to all the 18 districts and rename it “District-led Actions Scheme”. The District Management Committees and DCs in the 18 districts will discuss the projects to be implemented under the scheme in the new term of DCs. (HAB)

Public Elections

- Introduce to the LegCo the legislative amendments required to finalise the arrangements for the 2016 Election Committee Subsector Elections and the 2017 Chief Executive Election. (CMAB)
- Work closely with the Electoral Affairs Commission to ensure that the 2016 LegCo Election, the 2016 Election Committee Subsector Elections and the 2017 Chief Executive Election will be conducted in a fair, open and honest manner in accordance with the relevant legislation. (CMAB)

Enhancing e-Government Services

- Enhance online government services by fully digitising the process of online submission of government forms to provide more user-friendly e-Government services for the public while enhancing the operational efficiency of government departments. (ITB)

Maintaining a Professional and Dedicated Civil Service

- Set up the sixth Families Clinic and enhance specialised dental services for civil service eligible persons. (CSB)
- Increase the number of awards under the Secretary for the Civil Service's Commendation Award Scheme. (CSB)

Maintaining Law and Order

- Conduct a comprehensive review of the strategy of handling non-refoulement claims and strive to enhance the capacity of the unified screening mechanism for addressing the issue of a large number of illegal immigrants who resist removal from Hong Kong by lodging a claim. (SB)

Legal Aid and Legal Advice Services

- Increase the fees payable to private solicitors and counsel undertaking criminal litigation work on behalf of the Legal Aid Department, with a view to attracting more legal professionals to provide legal representation for criminal legal aid cases and enhancing the quality of criminal law professionals in Hong Kong. (HAB)
- Regularise the Pilot Scheme to Provide Legal Advice for Litigants in Person and retitle it as the Legal Advice Scheme for Unrepresented Litigants on Civil Procedures to assist unrepresented litigants in the proper handling of relevant proceedings and maintain the smooth operation of judicial procedures. (HAB)

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. (HAB)
- Increasing progressively the provisions for the District Minor Works Programme to \$400 million per annum over the current term 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 DCs to implement community involvement activities, and providing an additional annual funding of \$20.8 million from 2015-16 to 2019-20 to further support DCs in promoting arts and cultural activities in the districts. (HAB)

- Continuing to facilitate communication between DCs and the Government through participation of relevant Heads of Departments in DC meetings or briefings for DC members on government policies. (HAB)
- Enhancing remuneration packages for DC members, which include increasing their honorarium by 15% in real terms, and providing each DC member with a new provision of \$10,000 per term to cover expenses for duty visits. (HAB)
- Strengthening the manpower of District Offices as appropriate to further enhance the district co-ordination work of District Officers. (HAB)

Promoting the Basic Law

- Continuing with our work on the active promotion of the Basic Law. We will make use of different channels 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 2016 LegCo Election and 2016 Election Committee Subsector Elections. 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)

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- Implement measures to enhance the voter registration system having regard to the results of public consultation. (CMAB)

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 work 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 and 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)
- 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

- Supporting the cross-sectoral Working Group on Class Actions in considering the Law Reform Commission's proposals on "Class Actions". (DoJ)
- Conducting 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)
- Conducting 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)

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- Conducting a 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 by giving the courts the discretionary power to admit hearsay evidence in criminal proceedings if the statutory "necessity" and "threshold reliability" criteria are satisfied. (DoJ)
 - Assisting the high level Inter-departmental Working Group on Gender Recognition, 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 judgement of the Court of Final Appeal in the *W Case (FACV 4/2012)*, and in conducting a public consultation on the first part of the study. (DoJ)

Human Rights

- Promoting a culture of diversity, tolerance and mutual respect in the community. Regarding the recommended strategies and measures put forward by the Advisory Group on Eliminating Discrimination Against Sexual Minorities to the Government, we will closely liaise with different stakeholders and consider how the recommendations should be followed up. (CMAB)
- Promoting children's rights through the Children's Rights Education Funding Scheme and the Children's Rights Forum etc. (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)

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 efforts against youth drug abuse to strengthen the resistance of young people and working youths against the temptation of drugs, including promoting the implementation of the Healthy School Programme with a drug testing component in secondary schools;
 - encouraging people with drug problems to seek help early, 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)

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- Promoting the establishment of a reporting system on the physical cross-boundary transportation of large quantities of currency and bearer negotiable instruments, pursuant to a recommendation of the Financial Action Task Force on Money Laundering and in view of public consultation results. (SB)
 - Continuing with the Sexual Conviction Record Check Scheme to step up protection of 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)

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

- Implementing measures to cope with population ageing and the Government's other long-term commitments, including setting up the Future Fund and making further injection to the Housing Reserve. (FSTB)

Strengthening Anti-corruption Efforts

- Launching the "Support Clean Elections" programme comprising a series of education and publicity activities to uphold integrity and fairness in public elections, including the LegCo election in 2016 and the Chief Executive election in 2017. Resources will continue to be dedicated to providing the authorities concerned with corruption prevention advice on the scrutiny and formulation of new electoral legislation, procedures and guidelines, and providing the organisations representative of the LegCo functional constituencies with similar advice on their membership administration systems. (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)

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- 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 the 2015 Starting Salaries Survey and the 2016 Pay Trend Survey 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 for civil service eligible persons. (CSB)
 - Expediting the departmental quarters construction projects for six disciplined forces. (SB)

e-Government

- Continuing to enhance and deliver more e-Government services on the Government Cloud Platform. (ITB)

- Upholding the Government's information security policies and practices by stepping up compliance checks on bureaux and departments, updating security best practices with reference to international standards, conducting health checks on web services and drills on information security incidents, and developing a strong information security culture in the Government. (ITB)
- Continuing to release free online government information in digital formats by various government departments to facilitate re-use of public sector information for the development of more innovative applications. (ITB)
- Revamping the layout of the GovHK portal and adopting a responsive web design to facilitate smooth public access to government information and use of e-Government services by different devices. (ITB)
- Building a government data centre complex to meet the demands of bureaux and departments for long-term IT development and data centre services. (ITB)

Government Records Management

- Ensuring proper records management in the Government, facilitating public access to archival records and promoting electronic records management in bureaux and departments progressively. (CSO)

Abbreviations

AIIB	Asian Infrastructure Investment Bank
BSAP	Biodiversity Strategy and Action Plan
CCF	Community Care Fund
CEDB	Commerce and Economic Development Bureau
CEF	Continuing Education Fund
CEPA	Mainland and Hong Kong Closer Economic Partnership Arrangement
CMAB	Constitutional and Mainland Affairs Bureau
CNERC(s)	Chinese National Engineering Research Centre(s)
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
DH	Department of Health

DoJ	Department of Justice
EDB	Education Bureau
ENB	Environment Bureau
ERB	Employees Retraining Board
ETO	Hong Kong Economic and Trade Office
FHB	Food and Health Bureau
FSTB	Financial Services and the Treasury Bureau
HA	Hospital Authority
HAB	Home Affairs Bureau
HKADC	Hong Kong Arts Development Council
HKSTPC	Hong Kong Science and Technology Parks Corporation
HOS	Home Ownership Scheme
ICAC	Independent Commission Against Corruption
ICT	information and communications technology
IEM	Inborn Errors of Metabolism
IT	information technology
ITB	Innovation and Technology Bureau

LCSD	Leisure and Cultural Services Department
LD	Labour Department
LegCo	Legislative Council
LIFA	Low-income Working Family Allowance
LWB	Labour and Welfare Bureau
MPF	Mandatory Provident Fund
MTRCL	MTR Corporation Limited
NCS	non-Chinese speaking
NGO(s)	non-governmental organisation(s)
OALA	Old Age Living Allowance
PRH	public rental housing
QF	Qualifications Framework
R&D	research and development
SB	Security Bureau
SCAs	Scheme of Control Agreements
SEN	special educational needs
SIE Fund	Social Innovation and Entrepreneurship Development Fund

THB	Transport and Housing Bureau
UGC	University Grants Committee
VPET	vocational and professional education and training
VTC	Vocational Training Council
WKCD	West Kowloon Cultural District