





Chapter II

Upholding and Improving the “One Country, Two Systems” Practice

My Belief

“... In view of the increasingly pronounced national security risks faced by the HKSAR, the enactment of a national security law at the state level is both necessary and urgent in order to plug the loophole in national security in Hong Kong... I am confident that after the implementation of the national security law, the social unrest which has troubled Hong Kong people for nearly a year will be eased and stability will be restored, thereby enabling Hong Kong to start anew, focus on economic development and improve people’s livelihood.”

The Hong Kong Special Administrative Region (HKSAR), being an inalienable part of the People’s Republic of China, is directly under the Central People’s Government and exercises a high degree of autonomy. The Chief Executive is accountable to both the HKSAR and the Central People’s Government. Under this “dual responsibility”, the Chief Executive is required to comprehensively, accurately and firmly implement the “One Country, Two Systems” principle, uphold the Basic Law, defend the rule of law and promote the relationship between the Central Government and the HKSAR.

The “One Country, Two Systems” is the best institutional arrangement to ensure Hong Kong’s long-term prosperity and stability after our return to the Motherland. It is a workable solution and an achievable goal welcomed by the people. Thus, everybody with a passion for Hong Kong has the responsibility to ensure that, here in Hong Kong, “One Country, Two Systems” advances in the right direction, the obligation to say “no” to any attempt to threaten our country’s sovereignty, security and development interests, as well as the duty to nurture our next generation into citizens with a sense of national identity, an affection for Hong Kong and a sense of social responsibility.

The National Security Law is the turning point for Hong Kong to find a way out of the impasse and restore order from chaos. The HKSAR Government has the primary responsibility in the implementation of the National Security Law, and will spare no effort in fulfilling it. By establishing and improving the legal system and enforcement mechanisms to safeguard national security, Hong Kong will be able to stay clear of riots and return to stability.

Judicial independence is the linchpin in upholding the rule of law. The Basic Law clearly stipulates that the HKSAR enjoys independent judicial power, including that of final adjudication, and that our courts shall exercise judicial power independently, free from any interference. We will continue to steadfastly safeguard judicial independence.

Statistics related to the social unrest since the second half of 2019



Arrest:
**over
10 000**



Prosecution:
**over
2 200**



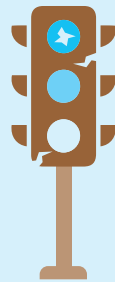
With legal
consequence:
**about
530**



Rioters hurled
**over 5 000
petrol bombs**
during the violent
incidents

with over 10 000 petrol bombs seized by the Police: 3 900 of them were seized in one single incident.

740
traffic lights



were damaged

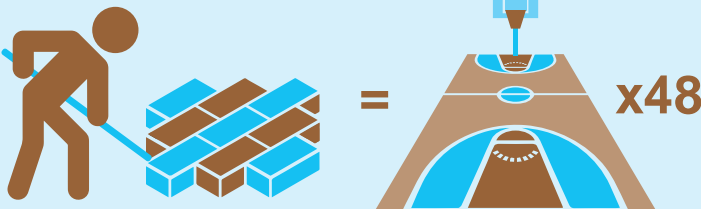
1 521
traffic bollards



87
traffic signs

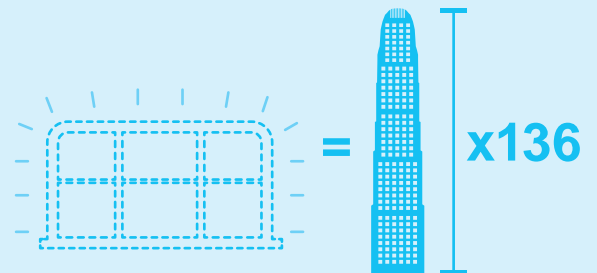


22 000 square metres
of paving blocks of footpaths
were removed



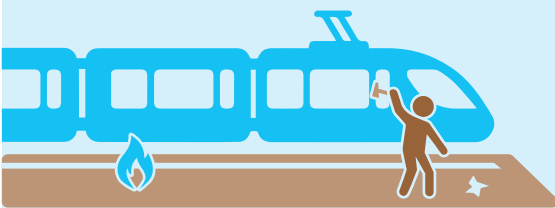
enough to fill 48 basketball courts.

60 kilometres
of railings were removed

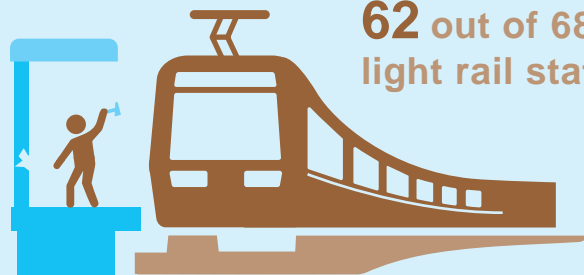


= 136 times the height of Two IFC.

85 out of 93
heavy rail stations



62 out of 68
light rail stations

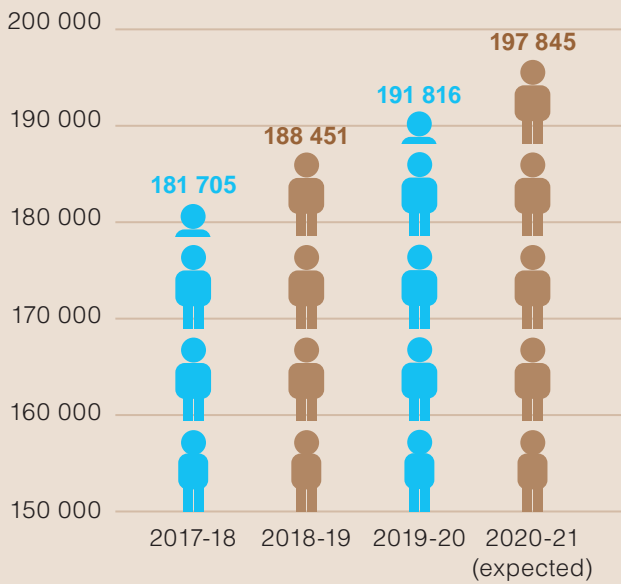


were vandalised, with numerous facilities repeatedly damaged.



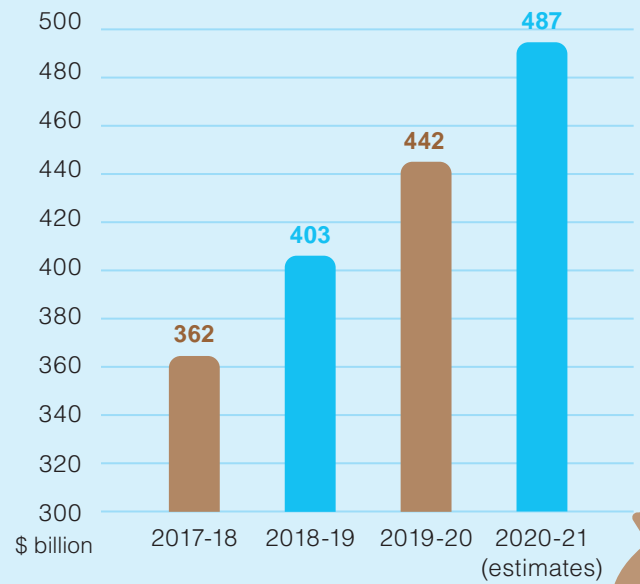
Civil Service Establishment (2017-18 to 2020-21)

from
2017-18
to
2020-21
+11%

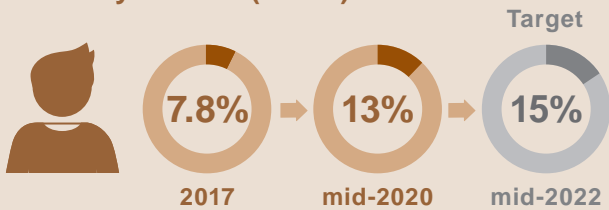


Government Recurrent Expenditure (2017-18 to 2020-21)

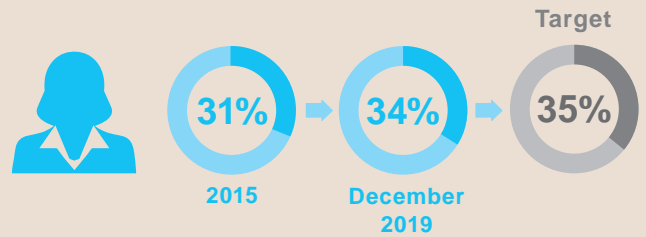
from
2017-18
to
2020-21
+35%



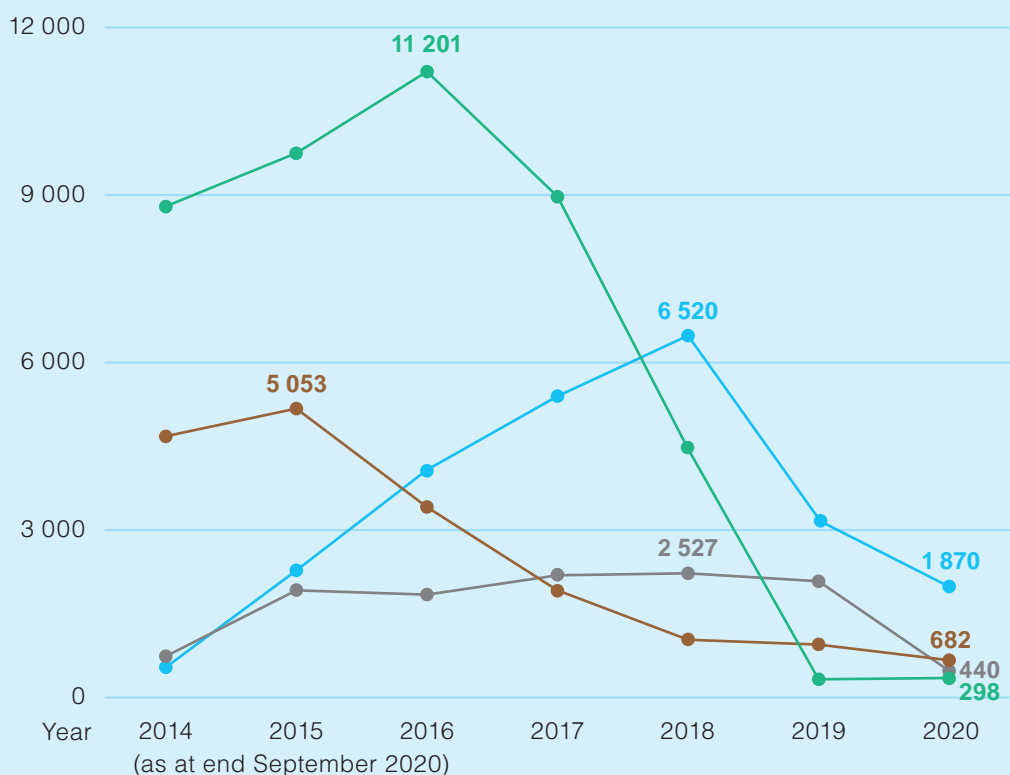
Youth members in advisory and statutory bodies (ASBs)



Women members in ASBs



Non-refoulement Claims



- New claims received
- Claims pending screening by Immigration Department
- Appeal cases pending handling by Torture Claims Appeal Board
- Number of claimants repatriated

As at end September 2020, there are still some 13 000 claimants / claimants whose claims had been rejected, pending either screening of their claims, determination of their appeals, repatriation, or being stranded in Hong Kong for various reasons (e.g. imprisoned or pending judicial review).

Progress Made

A total of 54 new initiatives were announced since July 2017 under “Good Governance”, of which 49 have been completed or are progressing on schedule.

Key initiatives completed or major progress made are as follows:

National Security

- On 30 June 2020, The Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (NSL) was promulgated for implementation by the HKSAR Government. The Committee for Safeguarding National Security of the HKSAR chaired by the Chief Executive held its first meeting on 6 July 2020 and enacted the Implementation Rules, which came into effect on 7 July 2020, to enhance enforcement capability. (SB)
- Set up dedicated offices in the Hong Kong Police Force (Police Force) and Department of Justice to implement the NSL, which provides the legal basis to prevent, suppress and punish four types of offences endangering national security; as well as established co-ordination mechanisms, strengthened intelligence collection and analysis, and stepped up the work on preventing terrorist activities. (SB, DoJ)
- Set up in April 2018 an inter-departmental Counter-terrorism Unit led by the Police Force to strengthen capacity in combating terrorist activities. (SB)
- Invoked in September 2018 relevant provisions in the Societies Ordinance (Cap. 151) to prohibit the operation of the Hong Kong National Party which was advocating independence of Hong Kong. (SB)

National Anthem Ordinance

- Enacted the National Anthem Ordinance on 12 June 2020, signifying the HKSAR Government’s fulfilment of its constitutional responsibility to implement the National Anthem Law locally in accordance with Article 18 of the Basic Law. (CMAB)

The Central Military Dock

- Handed over the Central Military Dock to the Hong Kong Garrison on 29 September 2020, marking the completion of the responsibilities according to the arrangements for the use of military sites in Hong Kong. (SB)

Promotion of the Constitution and the Basic Law

- Organised in 2020 special publicity and education programmes in celebration of the 30th anniversary of the promulgation of the Basic Law, in addition to year-round activities to promote understanding of the Constitution, the Basic Law and “One Country, Two Systems”, under the auspices of the Basic Law Promotion Steering Committee. (CMAB)
- Arranged since 2017 seminars, exhibitions and publicity on the Constitution Day and the National Security Education Day which fall on 4 December and 15 April respectively. (CMAB, SB)

Strengthening National and Chinese History Education

- Strengthened school curriculum and life-wide learning activities to help students understand the history, culture and developments of our country and the constitutional order established under the Constitution and the Basic Law. (EDB)

- Included Chinese History as an independent compulsory subject for the junior secondary level since the 2018/19 school year. (EDB)

Boosting Implementation Capabilities of the Civil Service

- Increased the civil service establishment by about 19 600 posts (11%) between 2017–18 and 2020–21 to implement new initiatives and ensure steady development of the civil service. The projected establishment by end-March 2021 will be 197 845 posts. (CSB)
- Invited in July 2018 all serving civil servants joining the service between 1 June 2000 and 31 May 2015 to choose to retire at 65 (for civilian grades) or 60 (for disciplined services grades). At the end of the option period, some 47 000 civil servants, representing about 83% of those eligible have opted to retire later. (CSB)
- Set up the new Civil Service College in a composite development on a site in Kwun Tong. Construction is expected to commence in 2022. Meanwhile, a civil service training advisory board has been set up. (CSB)
- Increased the number of short-term internship placements from 2 890 to 3 600 in 2020 to expose more post-secondary students to the work of the Government and public organisations. (CSB)
- Tightened the scrutiny of probationary civil servants to instil a stronger sense of discipline and integrity among civil servants, especially in light of a number of civil servants being arrested during the social unrest. (CSB)
- Completed four projects in recent years to provide staff quarters for eligible disciplinary staff. Another four projects are under construction. Provision of car parking spaces has been increased in these quarters to meet operational needs. The rank and file quarters for the Fire Services Department at Pak Shing Kok is the first government building project constructed using Modular Integrated Construction technology. (SB)
- Continued to enhance Government licensing services to facilitate businesses. Of the 277 measures committed in 2018–19 and 2019–20 under the “Be the Smart Regulator” Programme, 76% have been implemented. (EffO/ITB)
- Launched the “Streamlining of Government Services” Programme in 2019. In the year, 36 bureaux and departments proposed 74 streamlining measures covering about 110 government services, with an estimated total annual transaction volume of 27 million. (EffO/ITB)
- Set up the Policy Innovation and Co-ordination Office in April 2018 to assist in co-ordinating major government initiatives and provide “first-stop” and “one-stop” consultation services for non-governmental organisations. (PICO/CSO)
- Upgraded the Project Cost Management Office (PCMO) in April 2019 to the Project Strategy and Governance Office (PSGO) to implement various measures to optimise the performance of infrastructure projects. In the past four years, the PCMO/PSGO scrutinised more than 280 public works projects of a total estimated cost of \$520 billion and achieved cost savings of \$70 billion through optimising project designs. (DEVB)

The Judiciary

- Continued to appoint eminent judges from other common law jurisdictions as non-Permanent Judges (CLNPs) of the Court of Final Appeal (CFA) in accordance with the Basic Law. Since July 2017, three CLNPs have been appointed by the Chief Executive, including the first two lady judges to sit on the CFA. (CSO)
- Maintained oversight of the implementation of the new High Court and District Court projects by the central steering committee established under the Judiciary. The statutory rezoning procedures for the latter's development site is expected to be completed within 2020. (CSO, DEVB)
- Enacted the relevant legislative amendments to extend the retirement ages of Judges at the High Court and above as well as Magistrates generally by five years. (CSO)

Public Participation

- The Chief Executive has chaired six summits on different policy areas since 2017, including new directions of taxation, poverty alleviation, disability inclusion and quality education, to exchange views with stakeholders directly on the relevant strategies, policies and measures. (Relevant bureaux)
- Increased the overall ratio of appointed youth members in advisory and statutory bodies (ASBs) from 7.8% in 2017 to 13% as at mid-2020, with a view to reaching the 15% target by end-June 2022. (HAB)
- Increased the proportion of female non-official members in ASBs from 31% in 2015 to about 34% as at December 2019, very close to the target of 35%. (LWB)

- Encouraged bureaux and departments to identify more suitable ethnic minority talents for appointment to ASBs and provided more opportunities for ethnic minorities to seek employment in the Government. (CSO, CSB)

District Administration

- Completed in end-September 2019 the pilot of district visits by Secretaries of Department and Directors of Bureau, with a total of 276 visits conducted (i.e. one visit every two working days on average). (HAB)
- Implemented 27 projects under the Signature Project Scheme spearheaded by the respective District Councils (DCs) with 24 of them in operation. (HAB)
- Regularised the additional dedicated allocation of \$20.8 million for the promotion of arts and cultural activities under the community involvement programme and provided additional resources to enhance the manpower support for DCs. (HAB)
- Increased the annual recurrent provision for District-led Actions Scheme from \$63 million to \$80 million from 2020–21 onwards to further address long-standing problems and capitalise on opportunities in the districts. (HAB)

Integrity

- Launched an e-learning platform in 2020 to enhance the integrity training for government officers on common corruption pitfalls. (ICAC)
- Launched in 2019 the “Youth-for-Youth” Co-creation Project to engage young people as partners in creative multi-media production to reinforce the core value of integrity in the younger generation. (ICAC)

- Organised a series of commemorative events for the 45th anniversary of the Independent Commission Against Corruption in 2019, including a television drama series. (ICAC)
- Launched in 2019 an Ethics Promotion Campaign for the Insurance Industry and offered other tailor-made anti-corruption services to individual insurance companies to enhance an integrity culture in the industry. (ICAC)
- Launched in 2018 a youth promotional programme to disseminate anti-corruption messages via multi-media platforms. (ICAC)
- Strengthened international efforts since 2017 to promote Hong Kong's robust anti-corruption regime and probity environment and provided advice and assistance to other jurisdictions. Established connections with anti-corruption institutions of over 50 countries and conducted training courses for over 400 graft fighters from all over the world. (ICAC)
- Held the first tripartite meeting involving the anti-corruption agencies in the Guangdong Province, Hong Kong and Macao in May 2019 and worked with the Shenzhen Qianhai Anti-Corruption Bureau to jointly launch pilot training programmes in Qianhai for the Guangdong-Hong Kong-Macao Greater Bay Area (GBA). (ICAC)
- Completed a review of works supervision system of the Development Bureau and works departments and recommended a series of corruption prevention measures for reducing the possible risk of corruption in the system. (ICAC)
- Developed an Integrity Management System (IMS) covering elements on integrity policy and requirements, integrity capacity building and integrity risk management to enhance public works contractors' awareness of and capabilities in integrity management and corruption prevention. (ICAC)
- Completed the second round consultation with the industry on the extent of adopting IMS as a listing requirement of Government's approved public works contractors by 30 September 2020. (DEVB, ICAC)

Non-refoulement Claims

- Largely completed the screening of pending non-refoulement claims (which once accumulated to over 11 000 in early 2019) and substantially reduced the number of appeal cases pending the handling of the Torture Claims Appeal Board (TCAB) (from the peak of 6 500 to about 2 000 in end-August 2020). It is expected that TCAB could complete the handling of these cases by mid-2021 the earliest. In 2019, the number of new claims dropped significantly by around 80% from the peak. (SB)

Crimes Ordinance

- Commenced the preparation of legislation to amend the Crimes Ordinance (Cap. 200) to introduce new criminal offences on voyeurism, non-consensual photography of intimate parts and distribution of intimate images, etc. (SB)

Public Elections

- Worked with the Electoral Affairs Commission (EAC) to conduct the 2019 DC Ordinary Election in a fair, open and honest manner in accordance with the law amid very difficult circumstances caused by the social unrest. (CMAB)
- Reviewed the subsidy rate of financial assistance and the election expenses limits for the seventh-term Legislative Council (LegCo) General Election and introduced subsidiary legislation to effect the required legislative amendments. (CMAB)
- Put forward two sets of subsidiary legislation that aim to revise the requirement on disclosure of personal data in the LegCo and DC elections. (CMAB)
- Secured in November 2019 the passage of necessary technical legislative amendments for public elections. (CMAB)
- Worked with EAC to follow up on the postponement of the 2020 LegCo General Election as a result of the Coronavirus Disease-2019 (COVID-19) pandemic. (CMAB)

Public Finance

- Increased recurrent government expenditure from \$361.8 billion to \$486.6 billion between 2017–18 and 2020–21, representing an average annual growth of 10.4%. As at end-March 2020, the fiscal reserves stood at \$1,160.3 billion. (FSTB)
- Continued to invest in infrastructure to meet Hong Kong’s needs and create jobs. From 2017–18 to 2020–21, the average capital works expenditure per year amounted to \$75.5 billion. (FSTB, DEVB)

- Rolled out three rounds of measures under the Anti-epidemic Fund and measures in the 2020–21 Budget totalling over \$300 billion to provide relief to businesses and individuals hard hit by the COVID-19 pandemic. (FSTB)

Legal Aid

- Increased the financial eligibility limits for legal aid applicants by 36.9% with effect from 26 June 2020. The limit for Ordinary Legal Aid Scheme increased from \$307,130 to \$420,400 while the limit for Supplementary Legal Aid Scheme increased from \$1,535,650 to \$2,102,000. (CSO)

Records Keeping and Archives

- The Law Reform Commission (LRC) completed in March 2019 a public consultation on archives law. The Government will examine in detail the recommendations after receiving the report from LRC. (CSO)
- Provided records management training for over 3 000 government officers from January to September 2020. The target number of persons trained will increase to 10 000 per annum by 2021. (CSO)
- Making preparations for rolling out the electronic record-keeping system to all government bureaux and departments by end-2025 to enhance efficiency in preserving and managing government records. (CSO)

Access to Information

- The LRC completed in March 2019 a public consultation on access to information. The Government will examine in detail the recommendations and consider how to further improve the access to information regime after receiving the report from LRC. (CMAB)

New Initiatives

National Flag and National Emblem Ordinance

- Introduce amendments to the National Flag and National Emblem Ordinance upon the enactment of the amendments to the Law of the People's Republic of China on the National Flag and the Law of the People's Republic of China on the National Emblem by the Standing Committee of the National People's Congress. (CMAB)

Rule of Law

Vision 2030 for Rule of Law

- Launch the 10-year initiative "Vision 2030 for Rule of Law" during the Hong Kong Legal Week 2020 to enhance the community's understanding and practice of the rule of law. (DoJ)

The Legal Hub

- Open the Hong Kong Legal Hub in November 2020. The project, which comprises the former Central Government Offices and the former French Mission Building, aims to attract reputable international legal services and dispute resolution institutions to provide services or set up offices in Hong Kong. Around 20 selected local, regional and international law-related organisations are gradually moving in and commencing operations. (DoJ)

Oath-taking by Public Officers

- Put in place the oath-taking requirement for public officers in accordance with Article 6 of the NSL. (Relevant bureaux)

- Revise and improve the relevant local legislation to better implement the Interpretation of Article 104 of the Basic Law by the National People's Congress Standing Committee in November 2016. (CMAB)
- Require civil servants to take an oath or sign a declaration that they will uphold the Basic Law, bear allegiance to the HKSAR, and be responsible to the HKSAR Government to genuinely manifest the established responsibilities of civil servants under the Basic Law and the Civil Service Code. (CSB)

Enhancing National Studies Training for Civil Servants

- Enhance national studies training for civil servants by further increasing the number of training places in the national studies programmes jointly organised with nine institutions in the Mainland, and extend the Civil Service Staff Exchange Programme between Hong Kong and the Mainland to cover the Mainland municipalities in the GBA, and continue to enhance the contents of the thematic visits to the Mainland municipalities in the GBA. (CSB)

Better Use of Government Funds

- Optimise the use of funding schemes/funds set up by the Government by cutting red tape, streamlining application and vetting procedures, strengthening promotion and focusing on how to help the target beneficiaries utilise the existing funding schemes. (Relevant bureaux)

Public Sector Reform

- Adopt innovation and technology and streamline business processes to meet the rising expectations and changing needs of businesses and the public under the “new normal”. Measures include:
 - implement e-licensing for all licensing applications by mid-2022 under the “Be the Smart Regulator” programme. Past examples include licensing services for 31 licences/certifications in respect of lift, electricity and gas safety, and third party certification mechanism on the building safety requirements for educational premises and child care centres; (Relevant bureaux)
 - reform some 900 government services under the “Streamlining of Government Services” programme to reduce documentation requirements, share application information among different bureaux/departments and schemes, and adopt people-centric design and end-to-end process re-engineering; and (Relevant bureaux)
 - introduce smart elements in prisons; apply artificial intelligence, big data analytics, etc., to further enhance the effectiveness of passenger, vehicle and cargo clearance; explore the introduction of innovative immigration clearance mode; and make better use of technology for monitoring stock level of dangerous drugs as well as formulating better firefighting and rescue strategies. (SB)

Integrity

- Publish by end-2020 a corruption prevention guide for reference by non-disciplined service departments and public bodies with regulatory or enforcement functions, containing recommendations on corruption prevention measures. (ICAC)

- Issue in end-2020 a Corruption Prevention Guide on Works Supervision to non-works departments and public bodies for use in the administration of their works projects. (ICAC)
- Produce in 2020 a series of picture books under the “Reading for Integrity” Project to instil moral values into young children. (ICAC)

Electoral Arrangements

- Explore the use of electronic poll registers in Hong Kong public elections to verify the identity of electors and distribute ballot papers (i.e. electronic mode of ballot paper distribution) with a view to implementing the relevant measure in the 2021 LegCo General Election. (CMAB)
- Explore the setting up of polling-cum-counting stations in the Mainland to facilitate registered electors to vote in the 2021 LegCo General Election. (CMAB)

The Hong Kong Chronicles Project

- Support the Hong Kong Chronicles Project undertaken by the Hong Kong Chronicles Institute to record the development of Hong Kong to promote the inheritance of history, culture and convention of the city. The compilation work is expected to take about eight years and its first volume, Overview & Chronology, is scheduled for release in December 2020. (HAB)