
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 Hong Kong's development as an international financial and commercial centre. We will continue to improve our legal system and enhance our legal infrastructure to ensure that the rule of law and justice are 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 lives and properties 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 District Councils (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 (CI) activities.

We will engage the public, including the Legislative Council (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

- Provide an additional \$100 million a year for the CI programmes to further enhance the implementation or sponsorship of CI projects by DCs, and to meet local needs. (HAB)

Public Elections

- Review the number of elected seats for the sixth term of DCs. (CMAB)

Maintaining a Professional and Dedicated Civil Service

- Set up additional specialised dental surgeries for civil service eligible persons, and enhance the clinical psychology service provided by Families Clinics. (CSB)

Maintaining Law and Order

- Continue to conduct a comprehensive review of the strategy of handling non-refoulement claims and put forward proposals for amending the Immigration Ordinance to improve the screening procedures for such claims and related matters. Pending implementation of the new screening mechanism, we will enhance the law enforcement capabilities of departments to tackle the acute problems of illegal immigration and overstaying, and strive to increase the number of claims to be handled under the unified screening mechanism for addressing the issue of a large number of claimants remaining in Hong Kong. (SB)

Strengthening the Legislation on Anti-terrorism and Enhancing Emergency Response

- Amend the United Nations (Anti-Terrorism Measures) Ordinance with a view to further improving the anti-terrorism regime of Hong Kong. (SB)
- Increase our capability in preventing and tackling terrorism-related activities; enhance emergency response and relevant training of the disciplined services in order to provide continued protection for Hong Kong people. (SB)

Strengthening Cross-jurisdiction Anti-corruption Efforts

- Fulfil Hong Kong's obligation under the United Nations Convention Against Corruption to assist other States Parties in developing and implementing corruption prevention measures, and expand Hong Kong's global anti-corruption network. Such exchanges with and assistance provided to the emerging markets, including countries along the Belt and Road, will benefit different sectors of Hong Kong for venturing into business in these countries. (ICAC)

Improving the Legal System and Enhancing the Legal Infrastructure

- Suggest legislative amendments to give the court a discretion, on its own motion or on application, to permit complainants of certain sexual offences to give evidence by way of a live television link, so as to enhance the protection for such complainants during court proceedings. (DoJ)

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 CI 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)

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- 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)
 - Providing an annual funding of \$63 million for the 18 districts to implement the District-led Actions Scheme. The 18 District Offices, in collaboration with DCs, local communities and related government departments, are forging ahead with dozens of projects on improving environmental hygiene and managing public spaces under the scheme. (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 enable the public to have a more comprehensive and thorough understanding of the “one country, two systems” policy and the Basic Law. (CMAB)

Public Elections

- Working closely with the Electoral Affairs Commission to ensure that the 2017 Chief Executive Election will be conducted in a fair, open and honest manner in accordance with the relevant legislation. (CMAB)

- Continuing with our publicity and checking efforts on voter registration 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)
- In the light of the public consultation results, following up on the longer-term measures which involve amendments to various pieces of electoral legislation as proposed in the Consultation Report on Enhancement of Voter Registration System published in January 2016. Specific proposals to be drawn up include improving the objection mechanism, raising the penalties for the offence of making false statements in voter registration, and introducing the requirement of submitting address proofs by electors. (CMAB)

Improving the Legal System and Enhancing Legal Infrastructure

- Enhancing the quality and effectiveness of criminal prosecution work, including raising the professionalism and standard of advocacy of our prosecutors through the provision of training programmes and better use of resources. (DoJ)
- Promoting co-operation among prosecutors at regional and international levels through active participation in international prosecuting organisations. (DoJ)

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- 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 in it and their appreciation of the importance of the rule of law, through visits, talks, mock court and different types of activities. (DoJ)
 - Continuing to further 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 work 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-sector 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 of Hong Kong. (DoJ)
- 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 on gender recognition issues. Upon completion of the first part of the study, the Working Group will move to the next stage of the study concerning post-recognition issues. (DoJ)

Human Rights

- Promoting a culture of diversity, inclusiveness and mutual respect in the community, including following up on the measures as listed below:
 - providing training and resources for personnel in specific fields to enhance their knowledge of and sensitivity towards sexual minorities;
 - drawing up a charter on non-discrimination of sexual minorities for voluntary adoption by relevant organisations and individuals;
 - enhancing public education and publicity to promote the message of non-discrimination;
 - reviewing and reinforcing the relevant support services; and
 - conducting further study on the experience of other jurisdictions in implementing anti-discrimination measures to provide a basis for future consultations. (CMAB)
- Initiating discussion with the LegCo on the prioritised recommendations under the Discrimination Law Review as proposed by the Equal Opportunities Commission. (CMAB)
- Continuing to promote 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)

Public Policy Research Funding Scheme

- Continuing to implement and promote the Public Policy Research Funding Scheme and Strategic Public Policy Research Funding Scheme, with a view to fostering a culture of evidence-based, rigorous, high-quality public policy research in Hong Kong, and nurturing local talent in this field to assist the Government in policy implementation. The scheme is funded by an annual provision of \$30 million. Since 2013-14, funding totalling around \$54 million has been granted to 103 applications, covering diverse research subjects including land and housing, poverty alleviation, care for the elderly, retirement protection, environmental protection, economic development, the Belt and Road Initiative, and Mainland, Taiwan and Hong Kong affairs etc. (CPU)

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;

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- 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)
- Taking forward the legislative work on 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)
 - 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

- Continuing to deploy resources, preserve the revenue base and manage the Future Fund in a prudent manner to ensure the sustainability of public finances and to cope with ageing population and the Government's other long-term commitments. (FSTB)

Strengthening Anti-corruption Efforts

- Continuing with the "Support Clean Elections" programme comprising a series of education and publicity activities; assisting the authorities concerned in the review of electoral legislation, procedures and guidelines (including the procedures and guidelines of the latest DC and LegCo elections) and providing corruption prevention advice; and enhancing enforcement actions with dedicated efforts against any conduct suspected to be in violation of the Elections (Corrupt and Illegal Conduct) Ordinance so as to uphold integrity and fairness in elections, including the Chief Executive election in 2017. (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)
- Continuing to carry out relevant pay 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)
- Continuing the preparatory work for setting up the sixth Families Clinic and 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 promote the delivery of 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; raising the overall awareness and capabilities of the Government regarding cyber security by setting up a cyber security information sharing platform to facilitate the sharing of information on risks of cyber threats and contingency arrangements among bureaux and departments. (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)
- Planning to build a government data centre complex to meet the demands of bureaux and departments for long-term information technology development and data centre services. (ITB)
- Continuing to enhance online government services, with various departments digitising the process of submission of government forms to provide more user-friendly e-Government services for the public while enhancing the operational efficiency of the departments. (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

AAHK	Airport Authority Hong Kong
AIIB	Asian Infrastructure Investment Bank
AQO	Air Quality Objective
ASEAN	Association of Southeast Asian Nations
BEAM	Building Environmental Assessment Method
BEPS	base erosion and profit shifting
BIM	Building Information Modelling
BRO	Belt and Road Office
CCF	Community Care Fund
CEDB	Commerce and Economic Development Bureau
CEF	Continuing Education Fund
CEPA	Mainland and Hong Kong Closer Economic Partnership Arrangement
CI	community involvement
CKR	Central Kowloon Route
CMAB	Constitutional and Mainland Affairs Bureau
CoP	Commission on Poverty

CPU	Central Policy Unit
CSB	Civil Service Bureau
CSO	Chief Secretary's Office
CSSA	Comprehensive Social Security Assistance
DC	District Council
DEVB	Development Bureau
DH	Department of Health
DMA	District Metering Area
DoJ	Department of Justice
DSS	Direct Subsidy Scheme
EDB	Education Bureau
EHC	Elderly Health Centre
ENB	Environment Bureau
ERB	Employees Retraining Board
ETO	Economic and Trade Office
FDH	foreign domestic helper
FHB	Food and Health Bureau
FSTB	Financial Services and the Treasury Bureau

GHMUA	Guangdong-Hong Kong-Macao University Alliance
GSH	Green Form Subsidised Home Ownership Pilot Scheme
HA	Hospital Authority
HAB	Home Affairs Bureau
HEL	hillside escalator links and elevator systems
HKADC	Hong Kong Arts Development Council
HKHA	Hong Kong Housing Authority
HKHS	Hong Kong Housing Society
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
IPRs	intellectual property rights
IT	information technology
ITB	Innovation and Technology Bureau
ITF	Innovation and Technology Fund

LCSD	Leisure and Cultural Services Department
LD	Labour Department
LegCo	Legislative Council
LIFA	Low-income Working Family Allowance
LSP	long service payment
LWB	Labour and Welfare Bureau
MCHK	Medical Council of Hong Kong
MPF	Mandatory Provident Fund
MPFSO	Mandatory Provident Fund Schemes Ordinance
MSW	municipal solid waste
MTRCL	MTR Corporation Limited
NCS	non-Chinese speaking
NGO	non-governmental organisation
NWNT	Northwest New Territories
OAA	Old Age Allowance
OALA	Old Age Living Allowance
OFC	open-ended fund company

OWTFs	Organic Waste Treatment Facilities
PLB	Public Light Bus
PRH	public rental housing
PRS	producer responsibility scheme
PTSS	Public Transport Strategy Study
QF	Qualifications Framework
R&D	research and development
RCHE	residential care home for the elderly
RE	renewable energy
SB	Security Bureau
SCA	Scheme of Control Agreement
SCOLAR	Standing Committee on Language Education and Research
SEN	special educational needs
SMW	Statutory Minimum Wage
SP	severance payment
THB	Transport and Housing Bureau
TSS	Targeted Scholarship Scheme

UGC	University Grants Committee
VPET	vocational and professional education and training
VTC	Vocational Training Council
WEEE	waste electrical and electronic equipment
WKCD	West Kowloon Cultural District
WKCDA	West Kowloon Cultural District Authority
XRL	Guangzhou-Shenzhen-Hong Kong Express Rail Link