

Message

The Hong Kong Special Administrative Region (HKSAR) Government is fully committed to the protection of the rights of the individual. In presenting this booklet, I wish to give an overview of the relevant constitutional, legal and administrative framework.

We protect human rights by –

- observing closely the Basic Law, which includes extensive provisions specifically safeguarding citizens' rights and freedoms;
- maintaining the rule of law and the independence of the Judiciary;
- maintaining an open, transparent and accountable government; and
- enforcing legislation and adopting administrative measures to protect the individual's rights.

To achieve the Policy Objective, it is important to have the necessary inputs of all Government bureaux and departments.

The Home Affairs Bureau (HAB) is responsible for co-ordinating the submission of reports under the six United Nations human rights treaties which are applicable to Hong Kong, namely :

- the International Covenant on Civil and Political Rights;
- the International Covenant on Economic, Social and Cultural Rights;
- the International Convention on the Elimination of All Forms of Racial Discrimination;
- the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- the Convention on the Rights of the Child; and
- the Convention on the Elimination of All Forms of Discrimination against Women.

In addition, HAB has policy responsibility for :

- the Hong Kong Bill of Rights Ordinance;
- the Sex Discrimination Ordinance;
- the Family Status Discrimination Ordinance; and
- the Personal Data (Privacy) Ordinance.

The Health and Welfare Bureau, on the other hand, has policy responsibility for the remaining anti-discrimination ordinance, namely :

- the Disability Discrimination Ordinance.

The Equal Opportunities Commission (EOC), an independent statutory authority, has been established to promote and enforce the three anti-discrimination ordinances while the Privacy Commissioner for Personal Data (PC), another independent statutory authority, is to promote and enforce the Personal Data (Privacy) Ordinance.

In addition to the efforts of the EOC and PC, HAB adopts public education, publicity and other administrative measures to enhance people's awareness of their rights and also, their obligations to respect other people's rights.

Finally, HAB co-ordinates compliance with an administrative Code on Access to Information, which applies to all Government bureaux and departments.

A handwritten signature in black ink, appearing to read "David H T Lan". The signature is fluid and cursive, with a large initial "D" and a stylized "Lan".


(David H T Lan)

Secretary for Home Affairs

The Rights of the Individual

Our Policy Objective is to protect and promote the rights of the individual.

Our targets in pursuing this Policy Objective are –

- to achieve community perception that rights are safeguarded
- to achieve international community perception that the rights of the individual in Hong Kong are adequately protected

Key Result Areas (KRAs)

To ensure that this Policy Objective can be achieved, we must deliver results in a number of key areas, that is, we must –

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The following sections of this booklet explain the importance of these KRAs, describe the broad thrust of our efforts, and outline the indicators which we are using to assess progress. Each section lists the new key initiatives being taken to achieve our objectives and pinpoints the agency accountable for each initiative and the specific targets which we intend to meet.

I

Keep under review the rights of the individual

We are committed to safeguarding the rights of the individual and discouraging and prohibiting discrimination. In this regard we must ensure that our laws, policies and practices are consistent with the extensive provisions to safeguard the rights of the individual found in the Basic Law.

We regularly review our legislation to identify areas for improvement in the protection of individual rights and the prohibition of discrimination. To protect the individual's right to information, we monitor legislative or administrative measures which may infringe upon freedom of expression, and we remove any provisions which impose unjustified restrictions.

We also constantly review measures to enhance public access to Government information (e.g. by improving the Code on Access to Information and Government homepages on the Internet).

We are committed to fulfilling our obligations under the six United Nations (UN) human rights treaties which apply to the HKSAR. These include the submission of periodic reports.

We also attend the examinations ('hearings') of these reports to answer questions by the UN treaty monitoring bodies.

We will continue to submit reports and to attend the related hearings as they fall due.

Indicator

The indicator we will use to measure progress in this area is the number of legislative and administrative reviews conducted as planned.

Initiatives	Targets
<p>To review the Sex Discrimination Ordinance and Disability Discrimination Ordinance to identify areas for improvement</p> <p><i>(Equal Opportunities Commission)*</i></p>	<p>To formulate recommendations to the relevant bureaux by early 1999</p>
<p>To review the Personal Data (Privacy) Ordinance to address difficulties that have been encountered in its operation</p> <p><i>(Home Affairs Bureau (HLAB) / Office of the Privacy Commissioner for Personal Data (PCO))</i></p>	<p>To complete drafting instructions to amend the Ordinance by early 1999</p>
<p>To review the existing law and administrative practices which affect divorcees and children who live on alimony to identify areas for improvement</p> <p><i>(HLAB)</i></p>	<p>To formulate recommendations by end 1999</p>

* the brackets denote the agency with lead responsibility for the initiative

Initiatives	Targets
<p>To step up liaison with interested parties to identify possible improvements to the Code on Access to Information and Government homepages on the Internet</p> <p><i>(HAB)</i></p>	<p>To draw up, by mid-1999, a list of areas where improvements can be made</p>
<p>To review the legislative and administrative measures that are in place to implement the international human rights treaties</p> <p><i>(HAB)</i></p>	<p>To report on the measures in the HKSAR's reports to the UN in 1998-1999</p>
<p>To step up dialogue with non-governmental organisations (NGOs) on human rights protection in the HKSAR</p> <p><i>(HAB)</i></p>	<p>To report on the views of NGOs in reports to the UN under the human rights treaties in 1998-1999</p>

II

Create and maintain necessary legal and administrative measures

We take legal and administrative measures to safeguard the rights of the individual, such as enacting –

- the Sex Discrimination Ordinance
- the Disability Discrimination Ordinance
- the Family Status Discrimination Ordinance in respect of equal opportunities
- the Personal Data (Privacy) Ordinance to protect privacy in respect of personal data

In April 1998, we issued two administrative codes of practice to address racial discrimination and discrimination on the ground of sexual orientation.

To enhance public access to Government information, all bureaux and departments observe the Code on Access to Information. Also, they all have homepages on the Internet.

To protect the right of divorcees and their children, current legislation facilitates maintenance payees' legal actions to enforce maintenance orders. Legal aid and Comprehensive Social Security Assistance are available to maintenance payees who are in need.

Indicators

The indicators we will use to measure progress in this area are –

- the extent of local and international consultation on these measures
- timely revision to existing legislation and administrative measures as necessary

Initiatives

Targets

To amend the Personal Data (Privacy) Ordinance to address difficulties that have been encountered in its operation

(Home Affairs Bureau (HAB))

To have an amendment bill ready by the end of 1999 for introduction into the Legislative Council

To amend the Code on Access to Information to improve its operation and enhance public access to Government information

(HAB)

To issue amendments to the Code and the accompanying guidelines by the third quarter of 1999



Build community awareness and ownership

We adopt educational, publicity and administrative measures in order to enhance the public's awareness of their rights and responsibilities. We also promote community awareness of rights under the six UN human rights treaties which apply to the HKSAR.

Through a variety of educational and publicity programmes, including Announcements of Public Interest and docu-drama series on television, seminars and exhibitions, we aim to –

- promote equal opportunities for all, regardless of sex, marital status, pregnancy, disability, family status, race or sexual orientation
- protect personal data privacy by promoting compliance with the Personal Data (Privacy) Ordinance
- enhance public awareness of the Code on Access to Information and Government homepages on the Internet

We carry out regular surveys to assess the public's awareness of their rights and obligations.

Indicators

The indicators we will use to measure progress in this area are –

- the level of community awareness of the Sex Discrimination Ordinance, Disability Discrimination Ordinance, Family Status Discrimination Ordinance and Personal Data (Privacy) Ordinance
- the level of community awareness of individual rights

Initiatives	Targets
<p>To organise promotional activities on equal opportunities targeting children and students at school</p> <p><i>(Equal Opportunities Commission (EOC))</i></p>	<p>Organise 70 activities in 1999-2000</p>
<p>To build networks with different sectors of the community to enlist their support in the elimination of discrimination</p> <p><i>(EOC)</i></p>	<p>To meet 30 groups in 1999-2000</p>
<p>To develop seven educational leaflets on the Disability Discrimination Ordinance for rehabilitation groups and the general public</p> <p><i>(EOC)</i></p>	<p>To produce the leaflets in 1999</p>
<p>To increase the extent to which we provide advice and guidance for data users in both the public and private sectors with regard to the protection of privacy in relation to human resources management practices</p> <p><i>(Office of the Privacy Commissioner for Personal Data (PCO))</i></p>	<p>To publish the Code of Practice for Human Resources Management by early 1999</p>

Initiatives	Targets
<p>To publicise the amendments to the Personal Data (Privacy) Ordinance which address difficulties that have been encountered in its operation</p> <p><i>(Home Affairs Bureau (HAB) / PCO)</i></p>	<p>To achieve an increased level of awareness as reflected by opinion surveys</p>
<p>To increase publicity on the Code on Access to Information and Government homepages on the Internet</p> <p><i>(HAB / Information Services Department)</i></p>	<p>To have the number of requests under the Code and number of visits to Government homepages increased in 1999-2000</p>

IV

Pursue legislative and administrative arrangements to protect the rights of the individual

The Equal Opportunities Commission handles complaints and takes enforcement action under the current anti-discrimination legislation (namely, the Sex Discrimination Ordinance, the Disability Discrimination Ordinance and the Family Status Discrimination Ordinance). Several Codes of Practice are in place to facilitate compliance with the legislation.

The Office of the Privacy Commissioner for Personal Data is responsible for enforcing and promoting compliance with the Personal Data (Privacy) Ordinance.

All Government bureaux and departments disseminate information in accordance with the Code on Access to Information while the Ombudsman investigates any complaints about non-compliance with the Code. As much government information as practicable is put on the Internet to facilitate access by the public.

Indicators

The indicators we will use to measure progress in this area are –

- the number of cases handled in the implementation of the relevant ordinance and the Code on Access to Information
- the number of improvements implemented

Initiatives	Targets
<p>To develop a training module on equal opportunities for children <i>(Equal Opportunities Commission)</i></p>	<p>To have the module in place in 1999</p>
<p>To implement the changes provided for in the amendments to the Personal Data (Privacy) Ordinance <i>(Home Affairs Bureau (HAB) / Office of the Privacy Commissioner for Personal Data)</i></p>	<p>To implement all changes as soon as possible after enactment of the legislative amendments in 2000</p>
<p>To implement the improvements to the Code on Access to Information <i>(HAB)</i></p>	<p>To have all Government bureaux and departments observe the revised Code by the third quarter of 1999</p>
<p>To improve the user-friendliness of Government homepages <i>(HAB / Information Services Department)</i></p>	<p>To have all Government homepages in both English and Chinese by early 1999</p>