

## MESSAGE

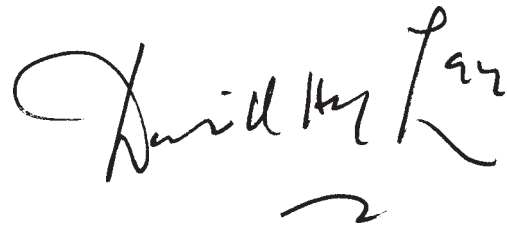
Human rights are everyone's rights. They are ours, not by dispensation, but by the simple fact of our existence. It is the task of governments to ensure that there is no unreasonable impediment to the enjoyment of those rights.

A key role of the Home Affairs Bureau is to monitor the implementation of the rights defined in the international human rights treaties that apply to Hong Kong. We do that through the process of co-ordinating and drafting the reports submitted to the United Nations under the six major treaties and in the course of our daily work. For example, the treaties require governments to ensure that people are aware of their rights and of the treaties themselves. We meet that requirement through the efforts of the Committee on the Promotion of Civic Education and the Commission on Youth, through messages on television, and through the educational literature that we distribute to the public free of charge. At the same time, through the work of the Equal Opportunities Commission and the Privacy Commissioner for Personal Data, we give practical effect to the Ordinances that guarantee equal opportunities in relation to sex, family status, and disability and protect the right to privacy in relation to personal data.

The last 12 months have seen some important landmarks in the ongoing development of these processes. In December 1998, we marked the 50th Anniversary of the Universal Declaration of Human Rights with a special edition of the Declaration. In February this year, we attended the hearing of our initial report under the Convention on the Elimination of All Forms of Discrimination against Women. Earlier this year, we submitted our reports under the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture, and the International Covenant on Economic, Social and Cultural Rights. And, in a few weeks time, I shall be leading a Hong Kong delegation to Geneva for the hearing of our ICCPR report.

I mentioned our efforts in respect of civic education and youth. Essentially, our aim is to foster among our young people the awareness of their rights and of the fact that those rights entail responsibilities, that is, their duties towards the society at large. The concept derives from Article 29.2 of the Universal Declaration of Human Rights which states (among other things) that the enjoyment of rights is subject to each of us according "due recognition and respect for the rights and freedoms of others". Our message to the young is that these principles are the best guarantee for a safe and civil society and for their own future security.

There is always room for improvement and we must always be on our guard against complacency. But we are in this business for the long term and it is in that perspective that the progress we are making must be seen. When I look back over the years, I am astonished at how much we have achieved. This has been accomplished, not with loud fanfare but quietly, through prudent advances that take full account of the views of our community. This has ensured that what we have is well founded and soundly based. We will continue that steady advance into the new millennium.

A handwritten signature in black ink, reading "David H T Lan". The signature is written in a cursive style with a large initial "D" and a stylized "L".

(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 this year 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

## Progress Made

Over the last 12 months, we have achieved most of the objectives we set ourselves in 1998. Our reports to the United Nations under four human rights treaties have all been submitted though, in two cases, we were rather later than we originally expected to be. We have completed a review of the Code on Access to Information and the review of the Personal Data (Privacy) Ordinance is at an advanced stage, albeit behind schedule. Additionally, the Equal Opportunities Commission completed reviews of two of the anti-discrimination laws under its purview. Our efforts to disseminate the message of equal opportunities and to improve the quality and accessibility of the information we disseminate have continued, with pledges being met in good time. On the whole, a satisfactory year. But we are not complacent and will do everything we can to do better as we advance into the new millennium.

# 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 –

<b>1</b>	<b>Keep under review the rights of the individual</b>	<b>Page 3</b>
<b>2</b>	<b>Create and maintain necessary legal and administrative measures</b>	<b>Page 7</b>
<b>3</b>	<b>Build community awareness and ownership</b>	<b>Page 10</b>
<b>4</b>	<b>Pursue legislative and administrative arrangements to protect the rights of the individual</b>	<b>Page 14</b>

# 1

## Keep under review the rights of the individual

We are committed to safeguarding the rights of the individual and to discouraging and prohibiting discrimination. This means ensuring that our laws, policies and practices are consistent with the Basic Law, Chapter III of which sets out the fundamental rights and duties of Hong Kong residents.

We keep the laws under constant review to identify areas for improvement. To protect the individual's right to information, we monitor legislative or administrative measures that may infringe the freedom of expression. And we remove any provisions that impose unjustified restrictions.

We also keep under constant review the measures already in place to enhance public access to Government information. Recent improvements to the Code on Access to Information and to the various Government homepages are examples of changes made in the light of the review process.

Through the Office of the Privacy Commissioner for Personal Data, we enforce and promote compliance with the Personal Data (Privacy) Ordinance (PDPO).

We are committed to fulfilling our obligations under the United Nations (UN) human rights treaties that apply to the Hong Kong Special Administrative Region. In respect of six of those treaties<sup>1</sup>, our obligations 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.

### Progress Made

In 1998, we undertook to review the PDPO and the Code on Access to Information with a view to identifying areas for improvement. We also undertook to submit reports to the UN under the four human rights treaties and to step-up our ongoing dialogue with non-governmental organisations (NGOs) on human rights protection in the HkSAR. Additionally, the Equal Opportunities Commission (EOC) undertook to review the Sex Discrimination

<sup>1</sup> The International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Ordinance (SDO) and the Disability Discrimination Ordinance (DDO).

Our review of the Code and the EOC’s review of the SDO and the DDO were completed on schedule. That of the PDPO has slipped because the issues requiring consideration have proved more extensive and complicated than we originally expected.

The UN reports all took full account of the views expressed by NGOs in response to our (now standard) invitation for views. The CEDAW report was examined at the UN Headquarters, New York, in early February. A Hong Kong team attended under the leadership of the Secretary for Home Affairs as part of the Chinese delegation.

The report under the ICCPR was submitted in January, and those under the CAT and the ICESCR followed in May and June respectively. The latter was behind our original schedule. The fact was that we had under-estimated the sheer extent of the exercise and the drafting process took longer than we originally expected. We will attend the hearing of the ICCPR report on 29 October this year. We have not formally been advised of a hearing date for the CAT report, though informal indications are that it is likely to be heard in April/May 2000. We still await a hearing date for the ICESCR report. We stand ready to submit reports under the CRC and the ICERD when we are called on to do so.

To achieve results in this area, various initiatives have been undertaken in the past years. Details are set out below –

Initiative *	Target #	Present Position +
To review the Sex Discrimination Ordinance and Disability Discrimination Ordinance to identify areas for improvement  <i>(Equal Opportunities Commission (EOC))</i>	To formulate recommendations to the relevant bureaux by early 1999  <i>(1998)</i>	The EOC completed its review and submitted its report for the Government’s consideration in February 1999.  <i>(Action Completed)</i>

\* the bracketed information denotes the agency with lead responsibility for the initiative  
 # the bracketed information denotes the year in which the target was set  
 + the bracketed information denotes the status of the target

Initiative	Target	Present Position
<p>To review the Personal Data (Privacy) Ordinance to address difficulties that have been encountered in its operation</p> <p><i>(Home Affairs Bureau (HAB)/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><i>(1998)</i></p>	<p>As at 30 September 1999, we were revising our draft drafting instructions to take account of new proposals and comments.</p> <p><i>(Action in Progress: Behind Schedule)</i></p>
<p>With a view to identifying areas for improvement, to review the existing law and the administrative practices that affect divorcees and children living on alimony</p> <p><i>(HAB)</i></p>	<p>To formulate recommendations by end-1999</p> <p><i>(1998)</i></p>	<p>As at 30 September 1999, we had collected views of the Legislative Council Panel on Home Affairs, Provisional District Boards, non-governmental organisations (NGOs) and professional bodies. The areas requiring attention had been identified and an inter-departmental working group was considering what improvements to recommend.</p> <p>Recommendations are expected to be ready by end-1999.</p> <p><i>(Action in Progress: On Schedule)</i></p>
<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><i>(1998)</i></p>	<p>In August 1999, we revised the Code itself, our internal 'Guidelines for Departments' on the Code, and our 'Guidelines on Government Homepages'.</p> <p><i>(Action Completed)</i></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><i>(1998)</i></p>	<p>The measures taken were addressed in the reports submitted under the CEDAW and the ICCPR. They were also addressed in the reports submitted under the CAT and the ICESCR (in May and June 1999 respectively).</p> <p><i>(Action Completed)</i></p>

Initiative	Target	Present Position
To step-up dialogue with NGOs on human rights protection in the HKSAR (HAB)	To report on the views of NGOs in reports to the UN under the human rights treaties in 1998-1999 (1998)	We invited NGOs to comment on the implementation of the ICCPR, the ICESCR, the CEDAW and the CAT. Their views were addressed in the reports submitted in 1998-1999 (CEDAW and ICCPR). They were also addressed in the reports under the CAT and the ICESCR (submitted respectively in May and June 1999). <i>(Action Completed)</i>
To submit further reports to the UN under the UN treaties (HAB)	We aim to submit further reports later in 1998 under treaties governing civil and political rights, and economic, social and cultural rights (1998)	We submitted our reports under the CAT and the ICESCR in 1999. <i>(Action Completed)</i>

## Looking Forward

In the next 12 months, we will assess our performance in respect of this KRA against the following indicator –

Indicator	1999 Target
Conducting legislative and administrative reviews on measures safeguarding human rights	To ensure that such reviews as may be necessary are conducted in good time

We will undertake the following initiative to deliver results in this area –

Initiative	1999 Target
To prepare for the UN hearings of our reports under the ICCPR, the ICESCR and the CAT	To be ready in good time before the hearings to respond promptly and comprehensively to any questions that the UN Treaty Monitoring Bodies may ask



## 2

### Create and maintain necessary legal and administrative measures

We take legal and administrative measures to safeguard the rights of the individual. Among other things, previous measures of this kind have included the enactment of –

- 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 relation to personal data

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.

### Progress Made

In 1998, we undertook to give practical effect to the reviews of the Personal Data (Privacy) Ordinance (PDPO) and the Code on Access to Information which we pledged to undertake as part of our activities under the first Key Result Area. As we have stated in respect of those pledges, the review of the Code was completed in August, when we distributed the amended Code and guidelines to all bureaux and departments. In the course of reviewing the PDPO, we have identified issues that are more extensive and complicated than we originally envisaged. We are now revising our draft drafting instructions prior to starting work on the draft amendment bill itself.

To achieve results in this area, various initiatives have been undertaken in the past years. Details are set out below –

Initiative	Target	Present Position
To amend the Personal Data (Privacy) Ordinance to address difficulties that have been encountered in its operation <i>(Home Affairs Bureau (HAB))</i>	To have an amendment bill ready by the end of 1999 for introduction into the Legislative Council <i>(1998)</i>	As at 30 September 1999, we were revising our draft drafting instructions to take account of new proposals and comments. <i>(Action in Progress: Behind Schedule)</i>
To amend the Code on Access to Information to improve its operation and enhance public access to Government information <i>(HAB)</i>	To issue amendments to the Code and the accompanying guidelines by the third quarter of 1999 <i>(1998)</i>	We issued the amended Code and guidelines in August 1999. <i>(Action Completed)</i>

## Looking Forward

In the next 12 months, we will assess our performance in respect of this KRA against the following indicators –

Indicator	1999 Target
The extent of local and international consultation on these measures	To hold consultations as the need arises
Timely revision to existing legislation and administrative measures as necessary	To catch up on the preparation of the drafting instructions for the amendment bill on personal data

We will undertake the following initiatives to deliver results in this area –

Initiative	1999 Target
To devise and promote a Personal Data (Privacy) Ordinance compliance self-assessment scheme <i>(Office of the Privacy Commissioner for Personal Data)</i>	To launch the scheme in the first quarter of 2000
To prepare a Code of Practice on Education under the Disability Discrimination Ordinance to provide practical guidelines for the elimination of discrimination, harassment and vilification in the education field <i>(Equal Opportunities Commission)</i>	To issue the Code of Practice in 2000-2001

# 3

## Build community awareness and ownership

Through educational, publicity and administrative measures we seek to increase people's awareness of their rights and responsibilities. We also promote community awareness of rights under the United Nations human rights treaties that apply to the Hong Kong Special Administrative Region. Through a variety of programmes, including Announcements of Public Interest, television docu-drama, 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 (PDPO)
- 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.

### Progress Made

In 1998, we undertook to give greater publicity to the issues pertaining to equal opportunities, the PDPO and the Code on Access to Information. Readers will see from the table below that most of our pledges in regard to that undertaking are either on schedule or are already complete. We will endeavour to maintain this level of performance during the coming year.

To achieve results in this area, various initiatives have been undertaken in the past years. Details are set out below –

Initiative	Target	Present Position
To organise promotional activities on equal opportunities targeting children and students at school <i>(Equal Opportunities Commission (EOC))</i>	To organise 70 activities in 1999-2000 <i>(1998)</i>	As at 30 September 1999, the EOC had organised 120 activities. It expects to organise a further 30 by the end of 1999-2000. <i>(Action in Progress: On Schedule)</i>

Initiative	Target	Present Position
<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><i>(1998)</i></p>	<p>As at 30 September 1999, the EOC had met 25 groups. It expects to meet a further five by the end of 1999-2000.</p> <p><i>(Action in Progress: On Schedule)</i></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><i>(1998)</i></p>	<p>The EOC has produced all seven leaflets.</p> <p><i>(Action Completed)</i></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> <p><i>(1998)</i></p>	<p>In September 1999, the PCO published a draft Code of Practice for public consultation.</p> <p><i>(Action in Progress: Behind Schedule)</i></p>
<p>To publicise the amendments to the Personal Data (Privacy) Ordinance (PDPO) 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><i>(1998)</i></p>	<p>As at 30 September 1999, we were revising our draft drafting instructions for these amendments. The aim is to take account of new proposals and comments.</p> <p><i>(Action in Progress: Under Review)</i></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> <p><i>(1998)</i></p>	<p>Between 1 January and 31 August 1999, there were a total of 1 444 requests under the Code (27% up on the corresponding period in 1998) and about 96.3 million visits to Government homepages (336% up on the corresponding period in 1998).</p> <p><i>(Action Completed)</i></p>

## Looking Forward

In the next 12 months, we will assess our performance in respect of this KRA against the following indicators –

Indicator	1999 Target
The level of community awareness of the Sex Discrimination Ordinance, Disability Discrimination Ordinance, Family Status Discrimination Ordinance and Personal Data (Privacy) Ordinance	The EOC and the Privacy Commissioner for Personal Data to conduct awareness surveys every two-to-three years
The level of community awareness of the right to data privacy	To maintain a high level of awareness of the right to data privacy as borne out by opinion surveys or other feedback mechanisms

We will undertake the following initiatives to deliver results in this area –

Initiative	1999 Target
To establish and manage a Privacy Officers' Club, i.e. a club of individuals with responsibility for implementing and co-ordinating compliance with the PDPO within their organisations in the private and public sectors (PCO)	To launch the initiative in the first quarter of 2000
To produce a television docu-drama series in promoting the protection of personal data privacy (PCO)	To broadcast a four-episode series in 2000
To organise community roadshows in districts to promote equal opportunities (EOC)	To organise roadshows in six districts in 1999-2000

Initiative	1999 Target
<p>To promote the Training Module for children on Equal Opportunities and organising workshops for kindergarten teachers</p> <p><i>(EOC)</i></p>	<p>To organise three workshops for kindergarten teachers in 1999-2000</p>
<p>To organise an Equal Opportunities Month</p> <p><i>(EOC)</i></p>	<p>To publicise and support at least ten activities to promote equal opportunities in 1999-2000</p>
<p>To produce a docu-drama series in promoting equal opportunities</p> <p><i>(EOC)</i></p>	<p>To broadcast a nine-episode series in 1999-2000</p>

# 4

## 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 (PDPO).

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.

### Progress Made

In 1998, we undertook to develop a training module on equal opportunities for children, to implement the improvements resulting from the reviews of the PDPO and the Code on Access to Information. We also pledged to make our homepages more user-friendly.

The training module is ready on time; the revised Code is now observed by all Government bureaux and departments; and our homepages are now more user-friendly than they used to be. Because the review of the PDPO has proved more complex and extensive than expected, we will need more time to complete it and to prepare drafting instructions for the amendment of the Ordinance. This has inevitably meant that the timetable for the implementation of those changes has had to be reviewed. We will ensure that, once the amendments are in place, they will be given practical effect without delay.

To achieve results in this area, various initiatives have been undertaken in the past years. Details are set out below –

Initiative	Target	Present Position
To develop a training module on equal opportunities for children <i>(Equal Opportunities Commission (EOC))</i>	To have the module in place in 1999 <i>(1998)</i>	The training module is now in place. <i>(Action Completed)</i>



Initiative	Target	Present Position
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>	To implement all changes as soon as possible after enactment of the legislative amendments in 2000 <i>(1998)</i>	As at 30 September 1999, we were revising our draft drafting instructions for this amendment. The aim is to take account of new proposals and comments. <i>(Action in Progress: Under Review)</i>
To implement the improvements to the Code on Access to Information <i>(HAB)</i>	To have all Government bureaux and departments observe the revised Code by the third quarter of 1999 <i>(1998)</i>	We revised the Code and issued revised guidelines for observation by all bureaux and departments in August 1999. <i>(Action Completed)</i>
To improve the user-friendliness of Government homepages <i>(HAB/Information Services Department)</i>	To have all Government homepages in both English and Chinese by early 1999 <i>(1998)</i>	The target was met in April 1999. <i>(Action Completed)</i>

## Looking Forward

In the next 12 months, we will assess our performance in respect of this KRA against the following indicator –

Indicator	1999 Target
The number of cases handled in good time in the implementation of the relevant ordinances and the Code on Access to Information	To exceed last year's performance

We will undertake the following initiative to deliver results in this area –

<b>Initiative</b>	<b>1999 Target</b>
To improve the user-friendliness of the Equal Opportunities Commission's homepage <i>(EOC)</i>	To complete the exercise in 1999-2000