

## Head 144 — GOVERNMENT SECRETARIAT: CONSTITUTIONAL AND MAINLAND AFFAIRS BUREAU

**Controlling officer:** the Permanent Secretary for Constitutional and Mainland Affairs will account for expenditure under this Head.

**Estimate 2008–09**..... **\$345.7m**

**Establishment ceiling 2008–09** (notional annual mid-point salary value) representing an estimated 81 non-directorate posts as at 31 March 2008 rising by 18 posts to 99 posts as at 31 March 2009 ..... **\$57.4m**

In addition, there will be an estimated 14 directorate posts as at 31 March 2008 rising by three posts to 17 posts as at 31 March 2009.

**Commitment balance** ..... **\$0.3m**

### Controlling Officer's Report

#### Programmes

<b>Programme (1) Director of Bureau's Office</b>	This programme contributes to Policy Area 27: Intra-Governmental Services (Secretary for Constitutional and Mainland Affairs).
<b>Programme (2) Constitutional and Mainland Affairs</b>	This programme contributes to Policy Area 28: Constitutional and Mainland Affairs (Secretary for Constitutional and Mainland Affairs).
<b>Programme (3) Mainland Offices</b>	This programme contributes to Policy Area 6: Commerce and Industry (Secretary for Commerce and Economic Development), Policy Area 10: Immigration Control (Secretary for Security) and Policy Area 28: Constitutional and Mainland Affairs (Secretary for Constitutional and Mainland Affairs).
<b>Programme (4) Rights of the Individual Programme (5) Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data</b>	These programmes contribute to Policy Area 28: Constitutional and Mainland Affairs (Secretary for Constitutional and Mainland Affairs).

#### Detail

##### Programme (1): Director of Bureau's Office

	2006–07 (Actual)	2007–08 (Original)	2007–08 (Revised)	<b>2008–09 (Estimate)</b>
Financial provision (\$m)	5.0	5.0	5.3 (+6.0%)	<b>10.9</b> (+105.7%)
				(or +118.0% on 2007–08 Original)

#### Aim

2 The aim is to ensure the smooth operation of the Office of the Secretary for Constitutional and Mainland Affairs.

#### Brief Description

3 The Office of the Secretary for Constitutional and Mainland Affairs is responsible for providing support to the Secretary for Constitutional and Mainland Affairs in undertaking political work. This includes the support provided by the Under Secretary and the Political Assistant. The Office is also responsible for providing administrative support to the Secretary for Constitutional and Mainland Affairs in carrying out his duties. The work includes the planning, co-ordination and implementation of all arrangements for the Secretary's public, media and community functions.

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### Programme (2): Constitutional and Mainland Affairs

	2006–07 (Actual)	2007–08 (Original)	2007–08 (Revised)	2008–09 (Estimate)
Financial provision (\$m)	44.7	48.9	50.2 (+2.7%)	78.0 (+55.4%)
				(or +59.5% on 2007–08 Original)

#### *Aim*

4 The aims are to maintain community confidence in the full and faithful implementation of the Basic Law; to facilitate the implementation of the “One Country, Two Systems” principle and demonstrate its success; to further cultivate and strengthen our cordial and constructive working relationship with the Central People’s Government (CPG), other Mainland authorities and the Government of the Macao Special Administrative Region (MSAR) in accordance with the principle of “One Country, Two Systems”; to facilitate the conduct of Hong Kong Special Administrative Region (HKSAR)’s external affairs; to co-ordinate liaison with Taiwan organisations in the HKSAR; to enhance community confidence in electoral arrangements and participation in the electoral process; to ensure that the electoral arrangements are open, fair, honest, acceptable to the community and in compliance with the Basic Law; and to continue to take forward Hong Kong’s constitutional development.

#### *Brief Description*

5 The Constitutional and Mainland Affairs Bureau’s main responsibilities under this programme are as follows:

- advise bureaux and departments on matters relating to the implementation of the Basic Law;
- facilitate the promotion of public awareness and understanding of the Basic Law;
- facilitate the implementation of the “One Country, Two Systems” principle and demonstrate its success;
- co-ordinate the promotion of closer ties with the Mainland, and facilitate exchanges and co-operation with Guangdong, the Pan-Pearl River Delta (PPRD) and other areas in the Mainland;
- advise other bureaux and departments on matters relating to the working relationship between the Government of the HKSAR and the CPG, other Mainland authorities and the Government of the MSAR;
- act as a focal point of contact between the Government of the HKSAR and the Mainland authorities as well as the Office of the Commissioner of the Ministry of Foreign Affairs in the HKSAR (MFA Office);
- facilitate the conduct of the HKSAR’s external affairs and ensure consistency with the relevant provisions of the Basic Law and the “One Country, Two Systems” principle;
- co-ordinate liaison with Taiwan organisations in the HKSAR; and
- ensure the development of the electoral systems in accordance with the relevant provisions of the Basic Law.

6 Since reunification, we have played a co-ordinating and advisory role in matters relating to the implementation of the Basic Law and the principle of “One Country, Two Systems”.

7 The Basic Law Promotion Steering Committee under the chairmanship of the Chief Secretary for Administration provides guidance in formulating policy and strategy for promoting public awareness and understanding of the Basic Law. The Bureau acts as the secretariat to the Steering Committee and co-ordinates the implementation of the action plans endorsed by the Steering Committee.

8 We have developed a good working relationship with the Hong Kong and Macao Affairs Office (HKMAO) of the State Council. This has facilitated official exchanges between the bureaux and departments of the Government of the HKSAR and the CPG and other Mainland authorities.

9 We have developed a good working relationship with the MFA Office on matters relating to the HKSAR’s external affairs. This has facilitated the HKSAR to continue to participate actively in the international arena and to maintain close contacts with our overseas partners in a manner which reflects our high degree of autonomy.

10 We have developed a good working relationship with the Government of the MSAR.

11 To enhance regional co-operation, we have provided support for the Hong Kong/Guangdong Co-operation Joint Conference (Joint Conference) which facilitates co-operation at a high level on issues of common interest in such areas as trade and investment, technology, food safety, environmental protection, cross-boundary arrangements and infrastructure, and the economic development of the Pearl River Delta (PRD). We have provided secretariat support for the Hong Kong/Shanghai Economic and Trade Co-operation Conference established in October 2003, as well as the Hong Kong/Beijing Economic and Trade Co-operation Conference established in September 2004.

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**12** Since the commencement of the PPRD regional co-operation in 2004, we have taken forward co-operation initiatives such as working with PPRD partners on the implementation of sector-specific co-operation plans on transportation, environmental protection, etc.. To promote tourism and linkages, the Individual Visit Scheme has been extended to cover all provincial capitals in the PPRD region since 1 May 2006. We are also encouraging Hong Kong invested factories in the PRD to restructure, upgrade and relocate to PPRD provinces. In the coming year, we will continue to co-ordinate the HKSAR's participation in PPRD co-operation.

**13** In April 2006, the Mainland Affairs Liaison Office was set up to enhance communication and exchanges between the Government of the HKSAR and the Central Authorities, and to oversee the operation of the HKSAR offices in the Mainland. Two new Economic and Trade Offices (ETOs) were established in Shanghai and Chengdu respectively in September 2006.

**14** Since 1 July 2002, we have taken on the responsibility of co-ordinating the Government's liaison with Taiwan organisations in the HKSAR.

**15** The 2007 District Council election was conducted in November 2007.

**16** The Legislative Council by-election for the Hong Kong Island geographical constituency was conducted in December 2007 to return a Member to fill a vacancy in the Hong Kong Island geographical constituency.

**17** We issued the Report on Further Development of the Political Appointment System in October 2007 to set out the way forward on the creation of two additional layers of politically appointed officials, after taking into account the views received from the public. The Finance Committee of the Legislative Council approved in December 2007 the creation of the proposed positions with effect from 1 April 2008.

**18** We issued the Green Paper on Constitutional Development in July 2007 to consult the public on the models, roadmap and timetable for implementing universal suffrage for the Chief Executive (CE) and the Legislative Council in accordance with the Basic Law. After conclusion of the three-month public consultation, we consolidated the views received during the public consultation period and submitted a report to the Standing Committee of the National People's Congress (NPCSC) on 12 December 2007 to reflect the views gathered. On 29 December 2007, the NPCSC adopted a decision on issues relating to the methods for selecting the CE and for forming the Legislative Council in the year 2012 and on issues relating to universal suffrage.

### ***Matters Requiring Special Attention in 2008–09***

**19** During 2008–09, the Bureau will:

- continue to advise bureaux and departments on matters relating to the implementation of the Basic Law;
- continue our efforts in the promotion of the Basic Law and conduct publicity to enhance public awareness and understanding of the Basic Law;
- continue to facilitate the implementation of the “One Country, Two Systems” principle and demonstrate its success;
- continue to advise bureaux and departments on developing and maintaining a good working relationship with their Mainland counterparts and the Government of the MSAR in line with the relevant provisions of the Basic Law and the “One Country, Two Systems” principle;
- continue to enhance our working relationships with the HKMAO and the MFA Office;
- continue to advise bureaux and departments on the conduct of the HKSAR's external affairs in accordance with the relevant provisions of the Basic Law and the “One Country, Two Systems” principle;
- continue to promote co-operation with Guangdong Province and co-ordinate efforts in taking forward co-operation initiatives agreed at the Joint Conference, including overseeing the work of the 20 Expert Groups and providing secretariat support to the Greater PRD Business Council set up under the Joint Conference;
- continue to facilitate liaison and co-operation with the Shanghai and Beijing Municipalities, as well as other provinces and regions in the PPRD region on matters of common interest;
- co-ordinate the Government's liaison with Taiwan organisations in the HKSAR;
- work closely with the Electoral Affairs Commission to put in place practical arrangements for the Legislative Council election to be held in 2008; and
- promote wide discussion and strive to forge consensus within the community to work out the most appropriate methods for selecting the CE and for forming the Legislative Council in 2012 within the framework of the NPCSC decision of 29 December 2007.

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### Programme (3): Mainland Offices

	2006–07 (Actual)	2007–08 (Original)	2007–08 (Revised)	2008–09 (Estimate)
Financial provision (\$m)#	105.6@	122.4	118.6 (–3.1%)	120.0 (+1.2%)

(or –2.0% on  
2007–08 Original)

# All the figures set out above include provisions for Head 35—Government Secretariat: Beijing Office (BJO), which will be subsumed under Head 144—Government Secretariat: Constitutional and Mainland Affairs Bureau with effect from 2008–09.

@ The figure for 2006–07 includes provisions for the ETOs in Shanghai and Chengdu which commenced operation in September 2006.

#### (i) Liaison, Economic and Trade, and Investment Promotion Affairs

##### Aim

20 The aims are to:

- enhance liaison and communication with the CPG, the provincial and municipal governments and other local authorities in the Mainland;
- represent and promote Hong Kong's trade and commercial interests in the Mainland;
- promote Hong Kong as a reliable trading partner and a premier location for doing business; and
- encourage and attract investments to Hong Kong, and to promote Hong Kong's many advantages as an investment and business hub in Asia. The objective is to ensure that companies have all the support they need to establish operations in Hong Kong.

##### Brief Description

21 The Government of the HKSAR has set up four offices in the Mainland, namely the BJO and the three ETOs in Guangdong, Shanghai and Chengdu. Under the present arrangement, the BJO is responsible for maintaining close contacts with the CPG ministries, and promoting commercial relations and investment promotion in the 15 provinces/regions/municipalities in the Circum-Bohai Sea, northern and northwestern regions (i.e. Beijing, Tianjin, Hebei, Henan, Shandong, Shanxi, Liaoning, Jilin, Heilongjiang, Inner Mongolia, Xinjiang, Gansu, Ningxia, Qinghai and Tibet). The coverage of the Guangdong ETO has been expanded to include Guangdong, Guangxi, Fujian, Jiangxi and Hainan. The Chengdu ETO covers Sichuan, Yunnan, Guizhou, Shaanxi, Hunan and the Municipality of Chongqing, whilst the Shanghai ETO covers Zhejiang, Jiangsu, Anhui, Hubei and the Municipality of Shanghai. The Bureau co-ordinates the work of these Mainland Offices. The main responsibilities of these offices under part (i) of this programme are:

- to enhance liaison and communication with the CPG, provincial and municipal governments and other local authorities in the Mainland;
- to enhance economic and trade relations between Hong Kong and the places concerned by co-operating closely with the CPG ministries, local governments and relevant organisations;
- to report to the Government of the HKSAR the development of the Mainland and to provide information on the HKSAR to the CPG, local governments and relevant organisations;
- to enhance co-operation with the places concerned and to take part in relevant activities, which include exploring co-operation opportunities and the implementation of co-operation initiatives;
- to advise the Government of the HKSAR on policies and initiatives on fostering relations between Hong Kong and the province/municipality concerned. Relevant tasks may include data collection, research, formulation of strategies, assessment of proposed initiatives, and monitoring progress etc.;
- to take necessary actions with the CPG ministries and governments of the provinces/regions/municipalities on specific issues on the basis of the instructions of the relevant bureaux and departments of the Government of the HKSAR;
- to approach proactively Hong Kong investors in the places concerned so as to enhance communication; to reflect and follow up issues of common concern among the Hong Kong investors through appropriate channels; to assist Hong Kong investors in obtaining information on business operation in the Mainland, particularly those relating to new laws and policies;

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- to provide proactively information and assistance to local enterprises, and to attract them to invest in Hong Kong;
- to boost Hong Kong's positive image as a supportive neighbour and an outstanding trade partner through local publicity; and to promote Hong Kong's professional services, so as to enhance trade relations between Hong Kong and the places concerned;
- to handle general enquiries and requests for assistance (other than those relating to immigration and personal safety matters covered under part (ii) of this programme); and
- to provide logistical support to delegations of the Government of the HKSAR visiting the Mainland.

**22** In 2007, the Mainland Offices continued to maintain close contact with the CPG and other Mainland authorities; and to promote official exchanges between the Government of the HKSAR and the Mainland authorities. They had arranged the itinerary for and provided logistical support to HKSAR Government delegations visiting the Mainland, as well as arranged visits of Mainland officials to the HKSAR. Major visits included the CE's three visits to Beijing (April, June, November 2007) and visit to Jiangxi Province (January 2007), as well as CE's attendance at the Expo Central China in Henan and meetings with the governors of the six provinces in central China (April 2007).

**23** The Mainland Offices also monitored closely major developments in the Mainland especially in the areas of economic and trade. To facilitate Hong Kong businessmen in tapping business opportunities in the Mainland, the Mainland Offices organised a number of business delegations to visit various provinces/municipalities/autonomous regions. Other activities organised included economic and trade seminars, study missions and researches. On investment promotion, the Investment Promotion Divisions of the Mainland Offices liaised closely with the Mainland enterprises intending to invest in Hong Kong, helping them to go through the necessary procedures.

**24** To promote Hong Kong and to celebrate the 10th Anniversary of the Establishment of the HKSAR in the Mainland, the Mainland Offices organised a series of activities throughout the year, including seminars, exhibitions, receptions, cultural performances, film festivals and youth exchange programmes. Besides the roving exhibitions held in over 40 major Mainland cities, a major exhibition entitled "A Decade of Achievements" was held in the Capital Museum of Beijing from 27 June to 17 July 2007 to showcase Hong Kong's achievement in various fronts. The exhibition had attracted 120,000 visitors and was visited by the senior leaders of the Central Authorities. As part of their regular promotion efforts, the BJO continued to sponsor the broadcasting of three weekly radio programmes to promote Hong Kong and to update Mainland residents on the latest developments in Hong Kong.

**25** The Mainland Offices handled a total of 375 requests for assistance from the general public in 2007 (other than those relating to immigration and personal safety matters handled by the Immigration Divisions of the BJO and the Guangdong ETO).

**26** The key performance measures are:

### *Indicators*

#### *Commercial relations*

	2006 (Actual)∇	2007 (Actual)∇	2008 (Estimate)∇
meetings on trade-related matters attended.....	188	296	365
visits to host governments and trade organisations.....	315	366	475
seminars, exhibitions and workshops			
organised.....	23	40	60
participated.....	111	172	165
public speeches given.....	25	41	55
media interviews/briefings given.....	46	64	95
circulars/newsletters/press releases issued.....	107	175	405

#### *Liaison and public relations*

	2006 (Actual)∇	2007 (Actual)∇	2008 (Estimate)∇
call on senior government officials/organisations.....	547	619	800
public relations functions/events			
organised.....	89	129	185
participated.....	122	201	300
newsletters, pamphlets, press releases issued.....	81	121	225
no. of visitors assisted.....	952	2 200	2 240
public speeches given.....	50	89	95
media interviews/briefings given.....	116	226	280
enquiries handled (excluding those related to immigration matters).....	7 187	8 823	13 130

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### *Investment promotion*

	2006 (Actual)∇	2007 (Actual)∇	2008 (Estimate)∇
projects pursued.....	115	146	235
projects completed§.....	25	29	54

∇ The figures for 2008 include those of Head 35—Government Secretariat: BJO which will be subsumed under Head 144—Government Secretariat: Constitutional and Mainland Affairs Bureau with effect from 2008–09. The figures for 2006 and 2007 only include those of the Guangdong ETO, Shanghai ETO and Chengdu ETO; the latter two were established in September 2006.

§ A completed project refers to an investment project resulting in a foreign/Mainland/Taiwan company setting up or expanding its business in Hong Kong.

### *Matters Requiring Special Attention in 2008–09*

27 During 2008–09, the Mainland Offices will:

- continue to assist in the implementation of the Government of the HKSAR's plan to foster closer liaison and co-operation between Hong Kong and the Mainland;
- strengthen economic and trade liaison with and enhance the investment promotion function in the Mainland; and
- promote Hong Kong in the Mainland, particularly those selected provinces/regions/municipalities for the promotion of the professional services sectors and taking into consideration the potential for developing business opportunities between Hong Kong and the Mainland locations concerned and interests of the various sectors of the HKSAR.

### *(ii) Immigration-related Matters*

#### *Aim*

28 The Immigration Divisions were established in the BJO and the Guangdong ETO. The aims are to:

- provide practical assistance to Hong Kong residents in distress or seeking assistance in the Mainland; and
- facilitate the application of foreign nationals in the Mainland for entry visas to the HKSAR and to maintain close liaison with relevant CPG departments as well as foreign diplomatic corps in Beijing on immigration matters (BJO only).

#### *Brief Description*

29 The Immigration Divisions of the BJO and the Guangdong ETO deal with the following HKSAR immigration-related matters:

- providing practical assistance to Hong Kong residents in distress in the Mainland; and
- providing information to and handling immigration-related enquiries from the general public.

The Immigration Division of the BJO also deals with the following matters:

- processing applications for entry to Hong Kong for visit, employment, investment, training, residence and education in accordance with approved immigration policies and procedures;
- conducting negotiations on visa-free access with foreign diplomatic missions which have embassies only in Beijing but do not have representation in the HKSAR;
- liaising with diplomatic corps in Beijing on HKSAR immigration matters; and
- liaising and maintaining contacts with counterparts in relevant CPG departments on immigration and nationality matters.

30 The Immigration Division of the Guangdong ETO provides practical assistance to Hong Kong residents in distress in Guangdong, Guangxi, Jiangxi, Fujian and Hainan provinces/region, and maintains close liaison with relevant Mainland provincial/municipal departments on related matters. The Immigration Division of the BJO provides practical assistance to Hong Kong residents in distress in areas outside the Guangdong ETO's coverage in the Mainland. For individual cases that occur in areas covered by the Guangdong ETO but require follow-up actions by the Central Authorities, the BJO will provide facilitation taking account of the circumstances.

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**31** In 2007, the Immigration Divisions of the BJO and the Guangdong ETO received a total of 383 requests for assistance from Hong Kong residents in distress in the Mainland. Of these, 89 cases involved the loss of travel documents or monies, and 229 cases were from persons who were in danger, involved in traffic accidents, injured or whose relatives had passed away in the Mainland, etc.. The remaining 65 cases involved the detention of Hong Kong residents in the Mainland.

**32** For cases involving the loss of travel documents and monies, the BJO or the Guangdong ETO concerned would assist in confirming the identity of the Hong Kong residents in order to facilitate their return to Hong Kong and contact their families in Hong Kong to assist for remittance to meet the needs of the assistance seekers in the Mainland. In the event that assistance could not be sought immediately from their family members, the BJO/Guangdong ETO could advance a reasonable amount of money to the persons in question subject to their undertaking to repay the advanced sum in full and return to Hong Kong immediately.

**33** For Hong Kong residents seeking assistance due to traffic accidents, injuries, illness, dangerous situations or fatal cases requiring follow-up actions with their families, etc., the BJO/Guangdong ETO would contact the relevant Mainland authorities to ensure that the following assistance is promptly provided:

- confirming the identity of the Hong Kong residents who have lost their travel documents and assisting them in applying for entry and exit permits;
- contacting family/travel agencies to arrange for the expeditious return of the injured person(s) to Hong Kong for treatment;
- co-ordinating with relevant departments of the Government of the HKSAR regarding the necessary arrangements relating to the reception of the injured person(s) in Hong Kong; and
- assisting the families and/or relatives of the deceased Hong Kong residents in completing the procedures for the transportation of their corpses back to Hong Kong and applying for death notarial certificates etc..

**34** For those Hong Kong residents being detained in the Mainland, the BJO/Guangdong ETO would follow up the cases by conveying and reflecting their requests or their family members' requests to the relevant authorities, including the Public Security Departments, General Administration of Customs, Committee of Political Science and Law under the Communist Party of China Central Committee, People's Procuratorates, People's Courts, and Bureau for Letters and Calls etc.. In 2007, the number of detention cases for which assistance was sought from the BJO and the Guangdong ETO were 28 and 37 respectively.

**35** The key performance measures in respect of HKSAR immigration-related matters are:

### *Targets*

	Targets	2006 (Actual)	2007 (Actual)	<b>2008 (Plan)</b>
average processing time per case (BJO only)				
unreferred visas/entry permits within three working days (%) .....	95	98	98	<b>98</b>
referred visas/entry permits within six weeks upon receipt of supporting documents (%).....	80	85	85	<b>85</b>
normal response time per case (BJO/Guangdong ETO)				
assistance to Hong Kong residents in distress in the Mainland within same day upon request (%) .....	95	96	96	<b>96</b>

### *Indicators*

	2006 (Actual)	2007 (Actual)	<b>2008 (Estimate)</b>
unreferred visa/entry permit cases (BJO only)			
received.....	3 745	5 644	<b>5 700</b>
processed .....	3 726	5 652	<b>5 700</b>
referred visa/entry permit cases (BJO only)			
received.....	1 849	1 893	<b>1 900</b>
processed .....	1 796	1 973	<b>1 900</b>
provide practical assistance to Hong Kong residents in distress in the Mainland, including handling of cases involving the detention of Hong Kong residents, by the Immigration Divisions of the BJO/Guangdong ETO (no. of cases) .....	393	383	<b>390</b>

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	2006 (Actual)	2007 (Actual)	2008 (Estimate)
no. of enquiries handled by the Immigration Divisions of the BJO/Guangdong ETO .....	18 062	20 941	<b>21 870</b>

### *Matters Requiring Special Attention in 2008–09*

36 During 2008–09, the Immigration Divisions of the BJO and the Guangdong ETO will continue to provide practical assistance to Hong Kong residents in distress in the Mainland including handling of more complicated cases involving detention of Hong Kong residents, and follow up cases which have been referred to the appropriate Mainland authorities. The BJO will also maintain its service to the public by processing 98 per cent of unrefereed visa/entry permit applications within three working days and 85 per cent of referred visa/entry permit applications within six weeks upon receipt of supporting documents.

### **Programme (4): Rights of the Individual**

	2006–07 (Actual)	2007–08 (Original)	2007–08 (Revised)	2008–09 (Estimate)
Financial provision (\$m)#	16.7	21.8	19.9 (–8.7%)	<b>24.2</b> (+21.6%)
				(or +11.0% on 2007–08 Original)

# For comparison purpose, the figures include relevant provisions for matters relating to rights of the individual which have been transferred from Head 53—Government Secretariat: Home Affairs Bureau due to the re-organisation of the Government Secretariat with effect from 1 July 2007.

### *Aim*

37 The aim is to co-ordinate and to oversee the implementation of Government policies on the rights of the individual.

### *Brief Description*

38 The Bureau focuses attention on the rights of the individual in respect of privacy protection for personal data and human rights; promotion of equal opportunities on grounds of gender, family status, race and sexual orientation. It also promotes public education and encourages community participation to enhance public awareness and respect for the rights of the individual. Following the introduction of the Race Discrimination Bill into the Legislative Council in December 2006, the Bureau will continue to assist the Legislative Council in scrutiny of the Bill.

39 The Bureau oversees compliance with the reporting requirements under five human rights treaties which apply to the HKSAR. In 2007, the Bureau submitted through the CPG the follow-up response to Concluding Observations of the United Nations Human Rights Committee on the HKSAR's second report in the light of the International Covenant on Civil and Political Rights. It also provided input to the CPG in preparation of China's next report under the International Convention on the Elimination of All Forms of Racial Discrimination.

40 The key performance measures are:

### *Indicators*

	2006 (Actual)	2007 (Actual)	2008 (Estimate)
no. of project grants approved under the Equal Opportunities (Race) Funding Scheme <sup>Ψ</sup> .....	24	24	<b>24</b>
no. of project grants approved under the Children's Rights Education Funding Scheme <sup>Ψ</sup> .....	20	25	<b>25</b>
no. of enquiries/complaints on race relations handled .....	439	402	<b>410</b>

<sup>Ψ</sup> New indicators as from 2008.

### *Matters Requiring Special Attention in 2008–09*

41 During 2008–09, the Bureau will continue to:

- provide guidance to bureaux and departments relating to the compliance with the provisions of the Personal Data (Privacy) Ordinance;
- oversee compliance with the reporting requirements under five human rights treaties which apply to the HKSAR;



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- co-ordinate attendance of the Government of the HKSAR delegations at meetings of the United Nations human rights treaty monitoring bodies as when required;
- implement the on-going administrative and educational measures to promote awareness of racial harmony and equality;
- continue with the legislative programme of the Race Discrimination Bill;
- promote the rights of children;
- promote equal opportunities for people of different sexual orientations through various publicity and educational measures; and
- provide bureaux and departments with advice and guidance on matters related to compliance with the Code on Access to Information.

### Programme (5): Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data

	2006–07 (Actual)	2007–08 (Original)	2007–08 (Revised)	<b>2008–09 (Estimate)</b>
Financial provision (\$m)#				
Equal Opportunities Commission	71.2	71.4	73.5 (+2.9%)	<b>73.5</b> (—)  (or +2.9% on 2007–08 Original)
Office of the Privacy Commissioner for Personal Data	35.2	35.2	36.3 (+3.1%)	<b>39.1</b> (+7.7%)  (or +11.1% on 2007–08 Original)
<b>Total</b>	<b>106.4</b>	<b>106.6</b>	<b>109.8</b> (+3.0%)	<b>112.6</b> (+2.6%)  (or +5.6% on 2007–08 Original)

# For comparison purpose, the figures include relevant provisions for the subventions to the Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data which have been transferred from Head 53—Government Secretariat: Home Affairs Bureau due to the re-organisation of the Government Secretariat with effect from 1 July 2007.

#### *Equal Opportunities Commission*

##### **Aim**

**42** The aim is to oversee the implementation of the Sex Discrimination Ordinance (SDO), the Disability Discrimination Ordinance (DDO) and the Family Status Discrimination Ordinance (FSDO) which prohibit discrimination on the grounds of sex, marital status, pregnancy, disability and family status.

##### **Brief Description**

**43** The Equal Opportunities Commission (EOC) is an independent statutory body established in 1996. The main functions of the EOC are to:

- work towards the elimination of discrimination on the grounds of sex, marital status, pregnancy, disability and family status;
- promote equality of opportunities between men and women, between persons with a disability and persons without a disability, and irrespective of family status;
- work towards the elimination of sexual harassment, and harassment and vilification on the grounds of disability;
- conduct investigation into complaints lodged under the SDO, the DDO and the FSDO and encourage conciliation between the parties in dispute;
- take action on other complaints including discriminatory advertisements and cases outside section 84 of the SDO, section 80 of the DDO and section 62 of the FSDO;

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- develop and issue codes of practice under the SDO, the DDO and the FSDO;
- keep under review the workings of the SDO, the DDO and the FSDO and when necessary, draw up proposals for amendments; and
- conduct research on issues relevant to discrimination and equal opportunities.

44 The performance targets and indicators of the EOC are as follows:

**Targets**

	Target	2006 (Actual)	2007 (Actual)	2008 (Plan)
interviewing a walk-in enquirer within 30 minutes (%).....	95.0	99.6	99.5	<b>99.0</b>
replying to written enquiries on simple issues within five working days (%) .....	95	100	100	<b>100</b>
replying to written enquiries on complex issues within 14 working days (%) .....	95	100	100	<b>100</b>
concluding a complaint case within six months (%).....	75.0	79.8	78.8	<b>77.0</b>

**Indicators**

	2006 (Actual)	2007 (Actual)	2008 (Estimate)
enquiries			
general enquiries from hotline .....	6 623	6 579	<b>7 240</b>
interactive voice response system .....	4 971	5 390	<b>5 930</b>
specific enquiries .....	7 612	8 184	<b>9 000</b>
visits to website.....	597 821	816 165 <sup>Ψ</sup>	<b>816 165<sup>Ψ</sup></b>
complaint investigation <sup>β</sup>			
complaints received			
under the SDO .....	251	311	<b>340</b>
DDO.....	383	466	<b>510</b>
FSDO .....	24	34	<b>40</b>
complaints handled			
under the SDO .....	318	395	<b>470</b>
DDO.....	515	601	<b>690</b>
FSDO .....	31	37	<b>50</b>
active cases at year end			
under the SDO .....	84	132	<b>105</b>
DDO.....	135	172	<b>155</b>
FSDO .....	3	9	<b>10</b>
complaints where legal assistance was granted			
under the SDO .....	5	8	— <sup>¶</sup>
DDO.....	10	4	— <sup>¶</sup>
FSDO .....	1	1	— <sup>¶</sup>
complaints taken to court			
under the SDO .....	2	0	— <sup>¶</sup>
DDO.....	6	4	— <sup>¶</sup>
FSDO .....	0	0	— <sup>¶</sup>
self-initiated investigation <sup>Ω</sup>			
cases processed .....	66	65	<b>80</b>
cases resolved .....	43	52	<b>60</b>
cases taken to court.....	0	0	— <sup>¶</sup>
promotional/training activities			
major promotional events .....	40	49	<b>60</b>
talks/visits/workshops/seminars/drama performances (audience) .....	553	662	<b>660</b>
	(61 391)	(85 094)	<b>(85 090)</b>
copies of codes of practice issued.....	9 000	8 500 <sup>Δ</sup>	<b>8 500<sup>Δ</sup></b>
on-line resource centre hit rates .....	20 036 107	18 670 837	<b>18 670 840</b>

<sup>Ψ</sup> Website revamped in May 2006. Web structure is more user-friendly and streamlined to facilitate navigation. Hence, increase popularity in access.

<sup>β</sup> Including complaints lodged under section 84, section 80 and section 62 of the SDO, the DDO and the FSDO respectively.

<sup>¶</sup> Difficult to estimate.

## Head 144 — GOVERNMENT SECRETARIAT: CONSTITUTIONAL AND MAINLAND AFFAIRS BUREAU

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Ω Investigation on complaints other than those under the indicator “complaint investigation”

Δ The reduction in hard copies printed is due to the anticipated change in readership pattern, e.g. downloading from website.

### *Matters Requiring Special Attention in 2008–09*

45 During 2008–09, the Commission will pay special attention to:

- working with the Government to anchor equal opportunities in the policy-making process;
- promoting equal opportunities principles as a key component of sustainable development for a community;
- assisting the public and private sectors in acquiring in-depth understanding of equal opportunities legislation through training programmes and public education;
- building relationships with equivalent bodies in the Mainland and overseas through proactive networking and co-operation;
- promoting the concept of equal pay for work of equal value in the context of gender equality;
- following up on the recommendations of the review of the EOC’s direction and work to ensure an efficient and effective operation;
- preparing for the implementation of the legislation on racial discrimination once it is decided for the EOC to take up this statutory function; and
- following up on the recommendations on the formal investigation on accessibility for disabled persons.

### *Office of the Privacy Commissioner for Personal Data*

#### *Aim*

46 The aim is to oversee the implementation of the Personal Data (Privacy) Ordinance which protects the individual’s privacy with respect to personal data.

#### *Brief Description*

47 The Privacy Commissioner for Personal Data (the Privacy Commissioner) is an independent statutory authority established in 1996. The Privacy Commissioner has the following key functions and powers:

- monitoring and supervising compliance with the provisions of the Personal Data (Privacy) Ordinance;
- approving and issuing codes of practice to give practical guidance for compliance with the provisions of the Personal Data (Privacy) Ordinance;
- promoting awareness and understanding of the provisions of the Personal Data (Privacy) Ordinance;
- carrying out inspections of personal data systems, including those of government departments and statutory corporations; and
- investigating, upon receipt of complaints from data subjects or on his own initiative, suspected breaches of requirements of the Personal Data (Privacy) Ordinance.

48 The performance targets and indicators of the Privacy Commissioner’s Office are as follows:

#### *Targets*

	Target	2006 (Actual)	2007 (Actual)	<b>2008 (Plan)</b>
handling public complaints				
acknowledgement of a complaint within two working days of receipt (%) .....	95	99	97	<b>95</b>
closing a complaint case within 180 days of receipt (%).....	90α	92	94	<b>90</b>
handling public enquiries				
call back to a telephone enquiry within two working days of receipt (%) .....	95	99	99	<b>95</b>
acknowledgement of a written enquiry within two working days of receipt (%).....	95	99	98	<b>95</b>

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	Target	2006 (Actual)	2007 (Actual)	2008 (Plan)
substantive reply to a written enquiry within 28 working days of receipt (%).....	95	96	93	95

α Target revised from 87% for 2006 and 2007 to 90% as from 2008.

**Indicators**

	2006 (Actual)	2007 (Actual)	2008 (Estimate)
public enquiries received .....	14 614	13 170	14 000
complaints received .....	1 025	937	980
complaints brought forward.....	183	137	153
cases of complaints for disposal .....	1 208	1 074	1 133
investigations completed.....	1 071	921	1 000
investigations in progress@ .....	137	153	133
matching procedure consent applications .....	9	15	12

@ Where investigation of “cases of complaints for disposal” in a year has not been completed, the outstanding cases will be reflected as “investigations in progress”.

**Matters Requiring Special Attention in 2008–09**

49 During 2008–09, the Privacy Commissioner will:

- continue to enforce proactively privacy compliance for the protection of the individual’s personal data privacy right;
- continue to promote public awareness and understanding of the Ordinance and the functions of the Privacy Commissioner’s Office;
- enlist public support in protecting personal data privacy through publicity and training programmes; and
- continue to participate in regional privacy developments having impact on cross-border data protection, such as the Asia-Pacific Economic Cooperation Privacy Framework.

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**ANALYSIS OF FINANCIAL PROVISION**

<b>Programme</b>	2006–07 (Actual) (\$m)	2007–08 (Original) (\$m)	2007–08 (Revised) (\$m)	<b>2008–09 (Estimate) (\$m)</b>
(1) Director of Bureau’s Office.....	5.0	5.0	5.3	<b>10.9</b>
(2) Constitutional and Mainland Affairs .....	44.7	48.9	50.2	<b>78.0</b>
(3) Mainland Offices.....	105.6	122.4	118.6	<b>120.0</b>
(4) Rights of the Individual.....	16.7	21.8	19.9	<b>24.2</b>
(5) Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data .....	106.4	106.6	109.8	<b>112.6</b>
	278.4	304.7	303.8 (–0.3%)	<b>345.7 (+13.8%)</b>
				<b>(or +13.5% on 2007–08 Original)</b>

**Analysis of Financial and Staffing Provision**

**Programme (1)**

Provision for 2008–09 is \$5.6 million (105.7%) higher than the revised estimate for 2007–08. This is mainly due to the increased provisions for salary and general departmental expenses arising from the creation of one position of Under Secretary and one position of Political Assistant, both under the Political Appointment System, the creation of one post for strengthening support to the office, and other related expenses for administrative support.

**Programme (2)**

Provision for 2008–09 is \$27.8 million (55.4%) higher than the revised estimate for 2007–08. This is mainly due to the increased provisions for the promotion of Basic Law, matters relating to Expo Shanghai 2010 and 12th Five-Year Plan, as well as increased salary provision for the creation of four new posts to strengthen support for the above initiatives.

**Programme (3)**

Provision for 2008–09 is \$1.4 million (1.2%) higher than the revised estimate for 2007–08. This is mainly due to the increased provision for the general departmental expenses. There will be a net increase of 15 posts mainly due to the transfer of posts from the BJO.

**Programme (4)**

Provision for 2008–09 is \$4.3 million (21.6%) higher than the revised estimate for 2007–08. This is mainly due to the increased operating expenses for the promotion of human rights, as well as increased salary provision for one new post to be created.

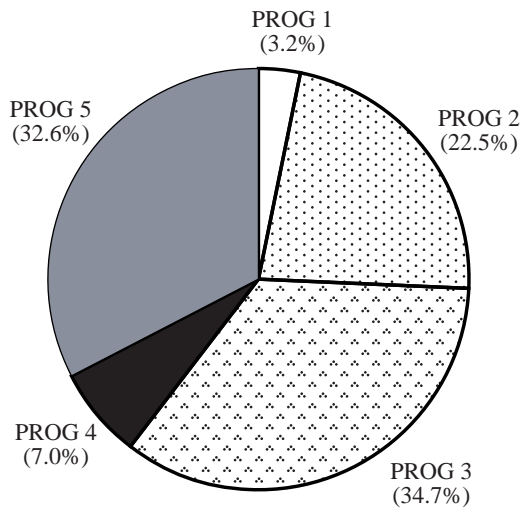
**Programme (5)**

Provision for 2008–09 is \$2.8 million (2.6%) higher than the revised estimate for 2007–08. This is mainly due to the additional subvention for stepping up enforcement of the Personal Data (Privacy) Ordinance and for organising programmes to enhance public awareness of personal data protection.

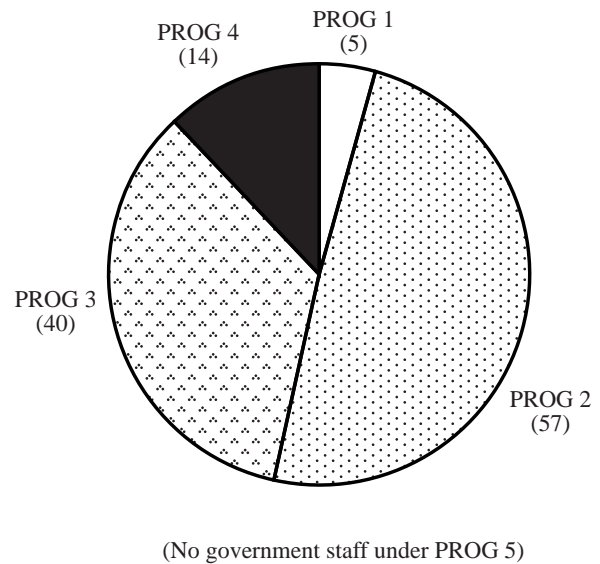
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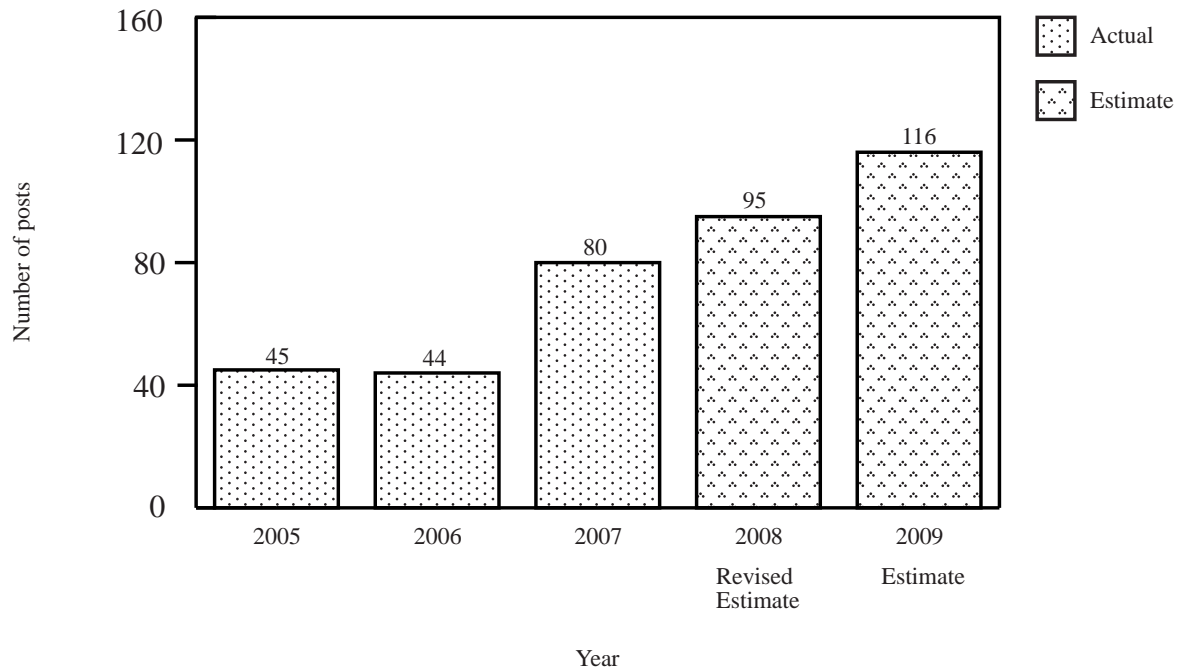
*Allocation of provision  
to programmes  
(2008-09)*



*Staff by programme  
(as at 31 March 2009)*



*Changes in the size of the establishment  
(as at 31 March)*



**Head 144 — GOVERNMENT SECRETARIAT: CONSTITUTIONAL AND  
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Sub-head (Code)	Actual expenditure 2006-07	Approved estimate 2007-08	Revised estimate 2007-08	<b>Estimate 2008-09</b>	
	\$'000	\$'000	\$'000	<b>\$'000</b>	
<b>Operating Account</b>					
Recurrent					
000	Operational expenses .....	102,086	123,349	219,532	<b>345,421</b>
	Total, Recurrent.....	102,086	123,349	219,532	<b>345,421</b>
Non-Recurrent					
700	General non-recurrent .....	11,384	—	675	<b>263</b>
	Total, Non-Recurrent.....	11,384	—	675	<b>263</b>
	Total, Operating Account .....	113,470	123,349	220,207	<b>345,684</b>
	Total Expenditure .....	113,470	123,349	220,207	<b>345,684</b>

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### Details of Expenditure by Subhead

The estimate of the amount required in 2008–09 for the salaries and expenses of the Constitutional and Mainland Affairs Bureau is \$345,684,000. This represents an increase of \$125,477,000 over the revised estimate for 2007–08 and of \$232,214,000 over actual expenditure in 2006–07.

#### *Operating Account*

##### Recurrent

**2** Provision of \$345,421,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Constitutional and Mainland Affairs Bureau. The increase of \$125,889,000 (57.3%) over the revised estimate for 2007–08 is mainly due to the full-year effect of the provisions transferred from Head 53—Government Secretariat: Home Affairs Bureau following the re-organisation of the Government Secretariat with effect from 1 July 2007, and the provision transferred from Head 35—Government Secretariat: Beijing Office which will be subsumed under Constitutional and Mainland Affairs Bureau with effect from 2008–09. In addition, there will be an increase in provisions for the promotion of Basic Law and matters relating to Expo Shanghai 2010 and 12th Five-Year Plan.

**3** The establishment as at 31 March 2008 will be 95 permanent posts. It is expected that there will be a net increase of 21 posts in 2008–09. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2008–09, but the notional annual mid-point salary value of all such posts must not exceed \$57,378,000.

**4** An analysis of the financial provision under *Subhead 000 Operational expenses* is as follows:

	2006–07 (Actual) (\$'000)	2007–08 (Original) (\$'000)	2007–08 (Revised) (\$'000)	2008–09 (Estimate) (\$'000)
Personal Emoluments				
- Salaries .....	45,710	51,261	58,789	<b>83,923</b>
- Allowances .....	5,748	6,292	6,869	<b>12,569</b>
- Job-related allowances .....	—	2	—	<b>2</b>
Personnel Related Expenses				
- Mandatory Provident Fund contribution .....	102	115	124	<b>204</b>
- Civil Service Provident Fund contribution .....	109	397	220	<b>558</b>
- Disturbance allowance.....	910	362	171	<b>1,678</b>
Departmental Expenses				
- General departmental expenses .....	41,620	64,920	52,326	<b>109,204</b>
Other Charges				
- Publicity .....	7,887	—	12,934	<b>15,081</b>
- Activities to promote equal opportunities and human rights .....	—	—	6,546	<b>9,622</b>
Subventions				
- Equal Opportunities Commission.....	—	—	54,356	<b>73,476</b>
- Office of the Privacy Commissioner for Personal Data .....	—	—	27,197	<b>39,104</b>
	102,086	123,349	219,532	<b>345,421</b>



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**Commitments**

Sub-head (Code)	Item (Code)	Ambit	Approved commitment	Accumulated expenditure to 31.3.2007	Revised estimated expenditure for 2007-08	Balance
			\$'000	\$'000	\$'000	\$'000
<b><i>Operating Account</i></b>						
700		<i>General non-recurrent</i>				
	285	Promotion of human rights .....	750	337	150	263
		Total .....	750	337	150	263
			<u>750</u>	<u>337</u>	<u>150</u>	<u>263</u>