

## 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.

<b>Estimate 2012–13</b> .....	<b>\$459.6m</b>
<b>Establishment ceiling 2012–13</b> (notional annual mid-point salary value) representing an estimated 118 non-directorate posts as at 31 March 2012 rising by nine posts to 127 posts as at 31 March 2013 .....	<b>\$79.3m</b>
In addition, there will be an estimated 20 directorate posts as at 31 March 2012 and as at 31 March 2013.	
<b>Commitment balance</b> .....	<b>\$2.3m</b>

### 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 and Taiwan 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

	2010–11 (Actual)	2011–12 (Original)	2011–12 (Revised)	<b>2012–13 (Estimate)</b>
Financial provision (\$m)	8.1	10.2	8.3 (–18.6%)	<b>10.3</b> (+24.1%)
				(or +1.0% on 2011–12 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

	2010–11 (Actual)	2011–12 (Original)	2011–12 (Revised)	<b>2012–13 (Estimate)</b>
Financial provision (\$m)	237.1	100.5	100.7 (+0.2%)	<b>100.8</b> (+0.1%)
				(or +0.3% on 2011–12 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 cordial and constructive working relationships 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 exchanges and co-operation with Taiwan, including liaison with Taiwan organisations in the HKSAR and provide secretariat support to the Hong Kong-Taiwan Economic and Cultural Co-operation and Promotion Council (ECCPC); 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;
- oversee the operation of the Beijing Office (BJO), the Hong Kong Economic and Trade Offices (ETOs) in Guangdong, Shanghai and Chengdu (the Mainland Offices) and the Hong Kong Economic, Trade and Cultural Office (HKETCO) in Taiwan;
- co-ordinate the promotion of closer ties with the Mainland, and facilitate exchanges and co-operation with the Pan-Pearl River Delta (PPRD) Region, Guangdong (including Shenzhen) and other areas including Beijing and Shanghai in the Mainland and the MSAR;
- follow up with the relevant Mainland authorities on how the HKSAR could complement the preparation and implementation of the National Five-Year Plans under the principle of “One Country, Two Systems”;
- advise bureaux and departments on matters relating to working relationships 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 and enhance exchanges and co-operation with Taiwan, including liaison with Taiwan organisations in the HKSAR and act as the secretariat to the ECCPC; and
- ensure the development of the electoral systems in accordance with the relevant provisions of the Basic Law.

6 Co-operation between Hong Kong and Guangdong was elevated to the national strategic level with the signing of the Framework Agreement on Hong Kong/Guangdong Co-operation (Framework Agreement) in April 2010 and incorporation of key development positions set out therein into the National 12th Five-Year Plan. As a result of further deepening of co-operation with Shenzhen, including co-operation under the Framework Agreement to develop Qianhai and the Lok Ma Chau Loop, a Shenzhen Liaison Unit was established under the ETO in Guangdong in August 2010 to enhance liaison with the Shenzhen authorities and to serve Hong Kong residents there.

7 Besides taking part in the annual PPRD Regional Co-operation and Development Forum, the Bureau organised initiatives with PPRD provinces on various fronts, such as cross-boundary infrastructure projects, trade promotion, environmental protection, tourism, etc. In October 2011, the Bureau organised a visit to Hong Kong by the Secretary Generals of the Governments of the PPRD Region which promoted exchanges among Governments of the PPRD Region and the HKSAR.

8 Since the Sichuan Wenchuan earthquake in May 2008, the Bureau has assisted in co-ordinating cross-bureaux efforts and liaising with the relevant Sichuan authorities in support of the reconstruction of the earthquake stricken areas.

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The Bureau acts as the secretariat for the Steering Committee on the HKSAR Support for Reconstruction in the Sichuan Earthquake Stricken Areas (Steering Committee), chaired by the Chief Secretary for Administration, to oversee and co-ordinate the HKSAR's efforts in support of the reconstruction works.

9 Within the framework of the decision of the Standing Committee of the National People's Congress (NPCSC) promulgated in December 2007 on issues relating to the methods for selecting the Chief Executive (CE) and for forming the Legislative Council (LegCo) in the year 2012 and on issues relating to universal suffrage and taking into account the views received during the public consultations, the Government put forth a package of proposals concerning the methods for selecting the CE and for forming the LegCo in 2012. On 24 and 25 June 2010, the LegCo passed by a two-thirds majority the motions put forth by the Government concerning the draft amendments to the method for selecting the CE and the method for forming the LegCo in 2012. On 29 June 2010, the CE gave consent to the draft amendments. On 28 August 2010, the NPCSC approved or recorded respectively the amendments to Annexes I and II to the Basic Law concerning the two electoral methods. The Government introduced two bills to amend the relevant local legislation to implement the two electoral methods for 2012. The amendment bills were passed by the LegCo in March 2011.

### ***Matters Requiring Special Attention in 2012–13***

10 During 2012–13, the Bureau will:

- continue to advise bureaux and departments on matters relating to the implementation of the Basic Law;
- continue 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 provide housekeeping and policy support to the Mainland Offices and the HKETCO newly established in Taiwan in December 2011;
- 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 co-ordinate the HKSAR's inputs to complement the implementation of the National 12th Five-Year Plan;
- continue to enhance working relationships with the Hong Kong and Macao Affairs Office of the State Council 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 strengthen co-operation with Guangdong Province, including in particular the Shenzhen Municipality and co-ordinate efforts in taking forward co-operation initiatives agreed at the Hong Kong/Guangdong Co-operation Joint Conference (Joint Conference) and measures related to Hong Kong/Guangdong co-operation under the CPG's package of supportive measures on Hong Kong social and economic developments announced in August 2011, including the implementation of the Framework Agreement and the drawing up of an annual work plan, development of Qianhai and Nansha, overseeing the work of the relevant Expert Groups, and providing secretariat support to the Greater Pearl River Delta Business Council set up under the Joint Conference;
- continue to facilitate liaison and co-operation with the Beijing and Shanghai Municipalities and other provinces and regions in the PPRD Region, as well as the MSAR, on matters of common interest;
- co-ordinate and enhance exchanges and co-operation with the Chengdu-Chongqing Economic Zone and the Economic Zone on the West Coast of the Taiwan Strait;
- continue to co-ordinate and enhance exchanges and co-operation with Taiwan, including the Government's liaison with Taiwan organisations in the HKSAR and support the work of the ECCPC;
- continue to work closely with the relevant stakeholders and the Sichuan authorities in taking forward the reconstruction work in the earthquake stricken areas of Sichuan, and take forward further co-operation with Sichuan in various areas;
- seek LegCo's approval of miscellaneous legislative amendments to the electoral legislation introduced by the Administration to make amendments relating to organisations which are constituents of the functional constituencies of LegCo or subsectors of the Election Committee and improve the electoral arrangements for the LegCo election in 2012, such as the requirements applicable to election advertisements; and
- work closely with the Electoral Affairs Commission to make and implement practical arrangements to ensure that the LegCo election to be held in 2012 will be conducted in a fair, open and honest manner in accordance with the relevant legislation and to take measures to improve the arrangements for voter registration in order to safeguard a clean and honest voter registration system.

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### Programme (3): Mainland and Taiwan Offices

	2010–11 (Actual)	2011–12 (Original)	2011–12 (Revised)	<b>2012–13 (Estimate)</b>
Financial provision (\$m)	114.9	124.2	125.4 (+1.0%)	<b>181.4#</b> (+44.7%)
				(or +46.1% on 2011–12 Original)

# The estimate for 2012–13 includes the provision for the HKETCO.

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

##### **Aim**

**11** The aims are to:

- enhance liaison and communication with the CPG, the provincial and municipal governments and other local authorities in the Mainland, and relevant authorities and organisations in Taiwan;
- represent and promote Hong Kong's trade and commercial interests in the Mainland and Taiwan;
- enhance cultural, tourism, health and food safety, as well as other priority areas of co-operation between Hong Kong and Taiwan;
- promote Hong Kong as a reliable trading partner and a premier location for doing business; and
- encourage and attract investments to Hong Kong, and 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**

**12** 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 Guangdong ETO covers Fujian, Jiangxi, Guangdong, Guangxi and Hainan. The Chengdu ETO covers Sichuan, Yunnan, Guizhou, Shaanxi, Hunan and Chongqing; whilst the Shanghai ETO covers Zhejiang, Jiangsu, Anhui, Hubei and Shanghai. In December 2011, the HKETCO was established in Taiwan. The Bureau co-ordinates the work of the Mainland Offices and the HKETCO. 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, and relevant authorities and organisations in Taiwan;
- 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 in the Mainland, as well as relevant authorities and organisations in Taiwan;
- to report to the Government of the HKSAR the development of the Mainland and Taiwan and to provide information on the HKSAR to the CPG, local governments and relevant organisations in the Mainland, as well as relevant authorities and organisations in Taiwan;
- 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 Mainland provinces/municipalities concerned, and those between Hong Kong and Taiwan. Relevant tasks may include data collection, research, formulation of strategies, assessment of proposed initiatives, monitoring progress, etc;
- to take necessary actions with the CPG ministries and governments of the provinces/regions/municipalities in the Mainland, and with relevant authorities and organisations in Taiwan on specific issues on the basis of the instructions of the relevant bureaux and departments of the Government of the HKSAR;
- to approach Hong Kong investors in the places concerned so as to enhance communication; to reflect and follow up issues of common concern among Hong Kong investors through appropriate channels; and to assist Hong Kong investors in obtaining information on business operation in the Mainland and Taiwan, particularly those relating to new laws and policies;

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- to provide proactively information and assistance to local enterprises in the Mainland and Taiwan, and to attract them to invest in Hong Kong;
- to boost Hong Kong's positive image as a supportive neighbour and an outstanding trading 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 the HKSAR Government delegations visiting the Mainland and Taiwan.

**13** In 2011, 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 arranged the itinerary for and provided logistical support to the HKSAR Government delegations visiting the Mainland, and arranged visits of the Mainland officials to the HKSAR. Major visits included the CE's visits to Beijing (March and December 2011), as well as attendance at the Boao Forum for Asia Annual Conference in Hainan (April 2011), the opening ceremony of the 26th Summer Universiade in Shenzhen (August 2011), the first China-Eurasia Expo held in Xinjiang (September 2011), and the opening ceremony of the 110th China Import and Export Fair in Guangdong (October 2011). The Mainland Offices also arranged the itinerary for and rendered support to various visits of the other principal officials of the HKSAR Government to the Mainland, such as the Chief Secretary for Administration's visit to Sichuan in May 2011.

**14** The HKETCO was established in December 2011. Its major areas of work include establishing contact with relevant authorities and organisations in Taiwan; introducing the work of the HKETCO to the Taiwan community; enhancing mutual understanding and promoting further exchanges by providing logistical support to HKSAR Government officials and delegations visiting Taiwan; facilitating Hong Kong businessmen in tapping business opportunities in Taiwan by organising economic and trade seminars; organising promotional events to publicise Hong Kong in Taiwan; and promoting cultural and tourism attractions in Hong Kong.

**15** Regarding the HKSAR's support for the post-quake reconstruction works in Sichuan, the Chengdu ETO assisted in the liaison between the HKSAR and Sichuan authorities at various levels, and handled matters relating to co-ordination and logistical support to the Steering Committee and delegations from the HKSAR, and liaison with the Mainland authorities, Hong Kong professional and non-governmental organisations. It also assisted in the arrangements for work site visits and meetings for the relevant HKSAR Government officials and the independent professional consultants engaged by the Government. In 2011, the Chengdu ETO called on 101 senior Sichuan government officials for liaison on reconstruction-related matters, provided support to 391 man trips of visits from Hong Kong, and assisted 57 man trips of Mainland officials visiting Hong Kong on such matters. Also, Chengdu ETO organised 16 reconstruction-related meetings and functions and participated in nine such meetings and functions, and handled 247 public enquiries.

**16** The Mainland Offices handled a total of 196 requests for assistance from the general public in 2011 (other than those relating to immigration and personal safety matters handled by the Immigration Divisions of the BJO and the Guangdong ETO).

**17** The key performance measures are:

### *Indicators*

#### *Commercial relations*

	2010 (Actual)	2011 (Actual)	2012 (Estimate)@
meetings on trade-related matters attended.....	394	388	400
visits to Mainland/Taiwan authorities and trade organisations .....	475	463	500
seminars, exhibitions and workshops organised.....	61	64	70
participated .....	181	191	200
public speeches given .....	40	50	50
media interviews/briefings given .....	107	117	120
circulars/newsletters/press releases issued.....	516	579	580

#### *Liaison, public relations and cultural promotion*

	2010 (Actual)	2011 (Actual)	2012 (Estimate)@
call on senior officials/personnel/organisations .....	1 033	1 269	1 380
public relations/cultural functions/events organised.....	254	260	260
participated .....	412	371	390
newsletters, pamphlets, press releases issued.....	420	320	320
no. of visitors assisted.....	4 257	4 269	4 520

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	2010 (Actual)	2011 (Actual)	2012 (Estimate)@
public speeches given .....	95	98	<b>110</b>
media interviews/briefings given .....	484	386	<b>400</b>
enquiries handled (excluding those related to immigration matters).....	17 933	16 626	<b>16 980</b>
<i>Investment promotion</i>			
	2010 (Actual)	2011 (Actual)	2012 (Estimate)@
projects pursued.....	218	217	<b>257</b>
projects completed§.....	52	56	<b>67</b>

@ Starting from 2012, the figures also cover the HKETCO in Taiwan upon its establishment in December 2011.

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

***Matters Requiring Special Attention in 2012–13***

**18** During 2012–13, the Mainland and Taiwan Offices will:

- continue to assist in the implementation of the HKSAR Government’s plan to foster closer liaison and co-operation between Hong Kong and the Mainland, and between Hong Kong and Taiwan;
- strengthen economic and trade liaison with and enhance the investment promotion function in the Mainland and in Taiwan;
- 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;
- promote Hong Kong in Taiwan, with a view to further enhancing Hong Kong-Taiwan relations;
- assist in co-ordinating and enhancing exchanges and co-operation with the Chengdu-Chongqing Economic Zone and the Economic Zone on the West Coast of the Taiwan Strait by setting up dedicated liaison units in Chongqing and Fujian respectively; and
- continue to support liaison with the Sichuan authorities with regard to the HKSAR’s involvement in the reconstruction of the earthquake stricken areas in Sichuan.

*(ii) Immigration-related Matters*

***Aim***

**19** The Immigration Divisions are 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***

**20** 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.

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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.

**21** The Immigration Division of the Guangdong ETO provides practical assistance to Hong Kong residents in distress in Fujian, Jiangxi, Guangdong, Guangxi 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 at the CPG level, the BJO will provide facilitation taking account of the circumstances.

**22** In 2011, the Immigration Divisions of the BJO and the Guangdong ETO received a total of 501 requests for assistance from Hong Kong residents in distress in the Mainland. Of these, 70 cases involved the loss of travel documents or monies, and 409 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 22 cases involved the detention of Hong Kong residents in the Mainland.

**23** For cases involving the loss of travel documents and monies, the BJO/Guangdong ETO 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.

**24** 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 families/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.

**25** For 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, People's Procuratorates, People's Courts, Bureau for Letters and Calls, etc. In 2011, the numbers of detention cases for which assistance was sought from the BJO and the Guangdong ETO were five and 17 respectively.

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

### *Targets*

	Target	2010 (Actual)	2011 (Actual)	<b>2012 (Plan)</b>
average processing time per case upon receipt of supporting documents (BJO only)				
unreferred visas/entry permits within three working days (% of cases)....	95	98	98	<b>98</b>
referred visas/entry permits within six weeks (% of cases).....	85	90	90	<b>90</b>

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	Target	2010 (Actual)	2011 (Actual)	2012 (Plan)
normal response time per case (BJO/Guangdong ETO) assistance to Hong Kong residents in distress in the Mainland within the same day upon request (% of cases).....	95	96	96	96

**Indicators**

	2010 (Actual)	2011 (Actual)	2012 (Estimate)
unreferred visas/entry permit cases (BJO only)			
received.....	2 974	3 160	3 320
processed .....	3 011	3 159	3 320
referred visas/entry permit cases (BJO only)			
received.....	1 694	2 253	2 370
processed .....	1 678	2 251	2 370
provision of 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) .....	357	501	500
no. of enquiries handled by the Immigration Divisions of the BJO/Guangdong ETO .....	21 083	22 985	24 000

**Matters Requiring Special Attention in 2012–13**

27 During 2012–13, 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.

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

	2010–11 (Actual)	2011–12 (Original)	2011–12 (Revised)	2012–13 (Estimate)
Financial provision (\$m)	44.8	15.8	15.0 (–5.1%)	16.0 (+6.7%)
				(or +1.3% on 2011–12 Original)

**Aim**

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

**Brief Description**

29 The Bureau focuses attention on the rights of the individual in respect of privacy protection for personal data and human rights, and 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. The Bureau published the Report on Further Public Discussions on Review of the Personal Data (Privacy) Ordinance (Cap. 486) (PDPO) in April 2011, setting out the views received during the further public discussions conducted in 2010 and the legislative proposals to be implemented. Subsequently, the Bureau introduced an amendment bill into the LegCo in July 2011 to effect the proposals to be implemented. The Bureau launched a public consultation on the Law Reform Commission's recommendation for anti-stalking legislation to afford better protection to victims of stalking. The Bureau continued to oversee the implementation of the administrative guidelines to facilitate relevant bureaux and departments to promote racial equality in formulating policies and measures.

30 The Bureau oversees compliance with the reporting requirements under five human rights treaties which apply to the HKSAR. In 2011, with the input of the Government of the HKSAR as co-ordinated by the Bureau, the CPG submitted the HKSAR's report in the light of the International Covenant on Civil and Political Rights to the United Nations (UN).



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31 The key performance measures are:

### *Indicators*

	2010 (Actual)	2011 (Actual)	<b>2012 (Estimate)</b>
no. of project grants approved under the Children's Rights Education Funding Scheme.....	23	23	<b>25</b>
participants benefited from projects under Children's Rights Education Funding Scheme with enhanced knowledge of or respect for children's rights (% of participants) <sup>λ</sup> .....	90	91	<b>90</b>

λ New indicator as from 2011.

### *Matters Requiring Special Attention in 2012–13*

32 During 2012–13, the Bureau will:

- continue to oversee compliance with the reporting requirements under the five human rights treaties which apply to the HKSAR;
- continue to co-ordinate attendance of the HKSAR Government delegations at meetings of the UN human rights treaty monitoring bodies as and when required;
- continue to promote racial harmony and equality, including overseeing the implementation of administrative guidelines on promotion of racial equality;
- continue to promote the rights of children;
- continue to promote equal opportunities for people of different sexual orientations through various publicity and educational measures;
- continue to provide bureaux and departments with advice and guidance on matters related to compliance with the Code on Access to Information;
- continue to provide guidance to bureaux and departments relating to the compliance with the provisions of the PDPO;
- work closely with the LegCo to facilitate passage of the legislative amendments to the PDPO with a view to enacting them; and
- study the views received during the public consultation on the Law Reform Commission recommendations on stalking and formulate the way forward.

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

	2010–11 (Actual)	2011–12 (Original)	2011–12 (Revised)	<b>2012–13 (Estimate)</b>
Financial provision (\$m)				
Equal Opportunities Commission	83.5	84.7	88.2 (+4.1%)	<b>90.8</b> (+2.9%)  (or +7.2% on 2011–12 Original)
Office of the Privacy Commissioner for Personal Data	49.9	52.7	54.9 (+4.2%)	<b>60.3</b> (+9.8%)  (or +14.4% on 2011–12 Original)
Total	133.4	137.4	143.1 (+4.1%)	<b>151.1</b> (+5.6%)  (or +10.0% on 2011–12 Original)

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### *Equal Opportunities Commission*

#### **Aim**

**33** The aim is to oversee the implementation of the Sex Discrimination Ordinance (Cap. 480) (SDO), the Disability Discrimination Ordinance (Cap. 487) (DDO), the Family Status Discrimination Ordinance (Cap. 527) (FSDO) and the Race Discrimination Ordinance (Cap. 602) (RDO) which prohibit discrimination on the grounds of sex, marital status, pregnancy, disability, family status and race.

#### **Brief Description**

**34** 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, family status and race;
- promote equality of opportunities between men and women, between persons with a disability and persons without a disability, among persons of different races and irrespective of family status;
- work towards the elimination of sexual harassment, and harassment and vilification on the grounds of disability and race;
- conduct investigation into complaints lodged under the SDO, the DDO, the FSDO and the RDO 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, section 62 of the FSDO and section 78 of the RDO;
- develop and issue codes of practice under the SDO, the DDO, the FSDO and the RDO;
- keep under review the workings of the SDO, the DDO, the FSDO and the RDO and when necessary, draw up proposals for amendment; and
- conduct research on issues relevant to discrimination and equal opportunities.

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

#### **Targets**

	Target	2010 (Actual)	2011 (Actual)	<b>2012 (Plan)</b>
interviewing a walk-in enquirer within 30 minutes (% of cases).....	95	100	100	<b>100</b>
replying to written enquiries on simple issues within five working days (% of cases) <sup>θ</sup> .....	95	100	N.A. <sup>Ω</sup>	<b>100</b>
replying to written enquiries on complex issues within 14 working days (% of cases) <sup>θ</sup> .....	95	100	100	<b>100</b>
concluding a complaint case within six months (% of cases) .....	75	78	80	<b>80</b>
responding to requests for guided group visits within five working days (% of cases) .....	95	100	100	<b>100</b>
major promotional events convened (no. of events).....	60	70	94	<b>94</b>
participants satisfied with the training services provided by the EOC (% of participants) .....	80 <sup>Λ</sup>	100	100	<b>90</b>

<sup>θ</sup> Due to the small number of written enquiries on simple issues expected, the targets for written enquiries on simple and complex issues will be merged as from 2012.

<sup>Ω</sup> No written enquiry on simple issues was received in 2011.

<sup>Λ</sup> The target is revised from 70 per cent to 80 per cent as from 2011.

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*Indicators*

	2010 (Actual)	2011 (Actual)	2012 (Estimate)
enquiries			
general enquiries from hotline .....	7 328	7 713	8 500
interactive Voice Response System .....	4 831	5 022	5 500
specific enquiries .....	6 487	8 105	8 900
visits to website.....	972 443	929 456	976 000
complaint investigation <sup>β</sup>			
complaints received			
under the SDO .....	284	239	290
DDO .....	447	434	480
FSDO.....	34	35	40
RDO.....	64	54	65
complaints handled			
under the SDO .....	402	352	354
DDO .....	609	599	606
FSDO.....	41	45	46
RDO.....	74	66	70
active cases at year end			
under the SDO .....	113	64	70
DDO .....	165	126	135
FSDO.....	10	6	10
RDO.....	12	5	10
complaints where legal assistance was granted			
under the SDO .....	6	14	— ¶
DDO .....	5	10	— ¶
FSDO.....	0	0	— ¶
RDO.....	2	0	— ¶
complaints taken to court			
under the SDO .....	3	0	— ¶
DDO .....	3	3	— ¶
FSDO.....	0	0	— ¶
RDO.....	0	0	— ¶
self-initiated investigation <sup>^</sup>			
cases processed .....	107	125	135
cases resolved .....	92	111	120
cases taken to court.....	0	0	— ¶
conciliation and settlement			
complaints conciliated .....	280	262	290
complaints successfully conciliated after proceeding to conciliation stage (%).....	69	62	65
average time taken to reach a successful conciliation (days).....	54.0	66.5	65.0
favourable court ruling/settlement for cases with legal assistance granted from the EOC (%).....	100	83	— ¶
promotional/training activities			
visits/seminars/drama performances/ training activities (audience) .....	894 (115 414)	900 (119 445)	900 (119 500)
average cost of conducting training activities (HK\$ per session).....	3 735	4 837	4 900
participants in the EOC's training activities accepting equal opportunities issues in workplace (%).....	97	97	90
funding programme (no. of applications approved).....	51	64	60
copies of codes of practice issued.....	20 000	20 000	10 000 <sup>γ</sup>
on-line resource centre hit rates .....	50 695 739	40 291 528	42 300 000
customer satisfaction			
parties involved in the complaints satisfied with the service provided to them by the EOC (%).....	51	55	55
participants satisfied with activities held under the funding programme (%) .....	90	93	90

β Including complaints lodged under section 84, section 80, section 62 and section 78 of the SDO, the DDO, the FSDO and the RDO respectively.

¶ Difficult to estimate.

^ Investigation on complaints other than those under the indicator "complaint investigation".

γ Decrease in circulation as no new code of practice is expected to be issued in 2012.

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

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### *Matters Requiring Special Attention in 2012–13*

36 During 2012–13, the EOC 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;
- enforcement and promoting public understanding and compliance of the RDO;
- promoting the revised Code of Practice on Employment under the DDO and reviewing the Code of Practice on Employment under the SDO;
- building relationships with equivalent bodies in the Mainland and overseas through proactive networking and co-operation;
- advocating education for all to ensure equal education opportunities for ethnic minority students in Hong Kong;
- advocating accessibility for all in publicly accessible premises and continuing to follow up on the recommendations of the relevant Formal Investigation Report released in 2010;
- studying the Integrated Education development in Hong Kong and its impact on equal learning opportunities to disabled and ethnic minority students; and
- making continuous improvements on management capabilities through staff training and development activities and implementing the recommendations of management and operational reviews conducted from time to time.

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

#### *Aim*

37 The aim is to oversee the implementation of the PDPO which protects the privacy of individuals in relation to personal data.

#### *Brief Description*

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

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

39 The performance targets and indicators of the Office of the Privacy Commissioner for Personal Data (Privacy Commissioner's Office) are as follows:

#### *Targets*

	Target	2010 (Actual)	2011 (Actual)	2012 (Plan)
handling public complaints				
acknowledgement of a complaint within two working days of receipt (% of cases) .....	97	99	99	97
closing a complaint case within 180 days of receipt (% of cases)....	88Φ	94	88	88

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	Target	2010 (Actual)	2011 (Actual)	2012 (Plan)
handling public enquiries				
call back to a telephone enquiry				
within two working days of receipt (% of cases) .....	99	100	99	<b>99</b>
acknowledgement of a written enquiry within two working days of receipt (% of cases) .....	99	99	99	<b>99</b>
substantive reply to a written enquiry within 28 working days of receipt (% of cases) .....	95	99	99	<b>95</b>

Φ The target is revised from 92 per cent to 88 per cent as from 2012 in view of the increasing complexity of cases and the increasing caseload, particularly after implementation of the new provisions in the Personal Data (Privacy) (Amendment) Bill 2011 now being scrutinised by the LegCo.

**Indicators**

	2010 (Actual)	2011 (Actual)	2012 (Estimate)
public enquiries			
public enquiries received .....	18 000	18 680	<b>19 400</b>
complaints			
complaints received .....	1 179	1 486	<b>1 570</b>
complaints brought forward .....	259	362	<b>398</b>
cases of complaints for disposal .....	1 438	1 848	<b>1 968</b>
investigations completed .....	1 076	1 450	<b>1 450</b>
investigations in progress <sup>α</sup> .....	362	398	<b>518</b>
cases of complaints resolved after remedial/follow-up actions taken by a complaine <sup>e</sup> .....	150	214	<b>214</b>
average time taken for handling cases			
average time taken to settle a simple complaint case (days) .....	44	37	<b>44</b>
average time taken to settle a complicated complaint case (days) .....	148	162	<b>160</b>
enforcement actions			
warning notices issued .....	18	32	<b>25</b>
enforcement notices issued .....	10	1 <sup>Ψ</sup>	<b>5</b>
undertakings received after investigations .....	2	15 <sup>#</sup>	<b>25</b>
referral to prosecution .....	12	12	<b>15</b>
compliance			
matching procedure consent applications .....	23	22	<b>56</b>
inspections of personal data systems .....	1	1	<b>1</b>
compliance checks .....	127	154	<b>177</b>
self-initiated investigations .....	8	11	<b>14</b>
recommendations given			
cases with recommendations given on the implementation of the PDPO .....	192	192	<b>192</b>
codes of practice/guidance notes			
codes of practice/guidance notes issued .....	3	3	<b>3</b>
promotional and educational activities			
major promotional activities (participants) .....	26φ (2 449)	16 (17 316)	<b>16 (36 850)</b>
industry specific privacy campaigns (participants) .....	1 (2 182)	1 (1 158)	<b>1 (1 160)</b>
talks, seminars and workshops (participants) .....	114 (8 672)	264 (21 141)	<b>180 (11 000)</b>

α 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”.

Ψ In the light of the Administrative Appeals Board decision (AAB 37/2009) handed down in December 2010, the Privacy Commissioner decided not to issue an enforcement notice unless the data user concerned refuses to give a written undertaking. Hence, fewer enforcement notices were issued in 2011 compared with the previous years.

# More data users are willing to remedy the contravention of the requirements under the PDPO by voluntary compliance (e.g. written undertaking). Hence, the number of undertakings in 2011 increased to 15.

φ One of the major promotional activities was a series of television episodes of Infomercial on protection of personal data, with an estimate of 1 720 980 television viewers, which has not been included in the figure of 2 449 above.

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*Matters Requiring Special Attention in 2012–13*

40 During 2012–13, the Privacy Commissioner will:

- prepare for implementation of the new provisions of the amended PDPO;
- continue to step up proactive enforcement of the PDPO for better protection of the individual's personal data privacy;
- continue to promote public awareness and understanding of the PDPO including the new provisions of the amended PDPO and the functions of the Privacy Commissioner's Office;
- continue to participate in regional privacy developments having impact on cross-border data protection, such as the Asia-Pacific Economic Co-operation Privacy Framework; and
- prepare for implementation arrangements of the Data User Returns Scheme.

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**ANALYSIS OF FINANCIAL PROVISION**

<b>Programme</b>	<b>2010-11 (Actual) (\$m)</b>	<b>2011-12 (Original) (\$m)</b>	<b>2011-12 (Revised) (\$m)</b>	<b>2012-13 (Estimate) (\$m)</b>
(1) Director of Bureau's Office.....	8.1	10.2	8.3	<b>10.3</b>
(2) Constitutional and Mainland Affairs .....	237.1	100.5	100.7	<b>100.8</b>
(3) Mainland and Taiwan Offices .....	114.9	124.2	125.4	<b>181.4</b>
(4) Rights of the Individual.....	44.8	15.8	15.0	<b>16.0</b>
(5) Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data.....	133.4	137.4	143.1	<b>151.1</b>
	<hr/> 538.3	<hr/> 388.1	<hr/> 392.5 (+1.1%)	<hr/> <b>459.6</b> (+17.1%)
				<b>(or +18.4% on 2011-12 Original)</b>

**Analysis of Financial and Staffing Provision**

**Programme (1)**

Provision for 2012-13 is \$2 million (24.1%) higher than the revised estimate for 2011-12. This is mainly due to the provision required for filling the position of Political Assistant.

**Programme (2)**

Provision for 2012-13 is \$0.1 million (0.1%) higher than the revised estimate for 2011-12. There will be a net increase of three posts in 2012-13.

**Programme (3)**

Provision for 2012-13 is \$56.0 million (44.7%) higher than the revised estimate for 2011-12. This is mainly due to the increased provision for the operation of the HKETCO and the dedicated liaison units in Chongqing and Fujian, and for enhancing publicity and promotion activities in the Mainland. In addition, there will be a net increase of five posts in 2012-13.

**Programme (4)**

Provision for 2012-13 is \$1 million (6.7%) higher than the revised estimate for 2011-12. This is mainly due to a net increase of one post in 2012-13.

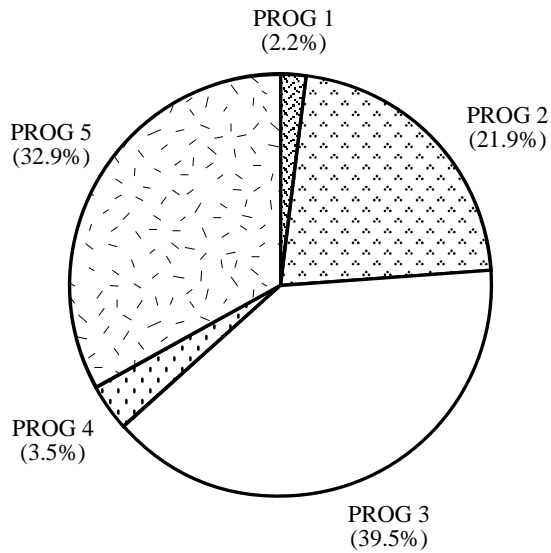
**Programme (5)**

Provision for 2012-13 is \$8 million (5.6%) higher than the revised estimate for 2011-12. This is mainly due to the additional subvention for the Privacy Commissioner's Office to prepare for and implement the new regulatory provisions arising from amendments to the PDPO, and for further strengthening the manpower of the EOC to enhance its training and promotion work.

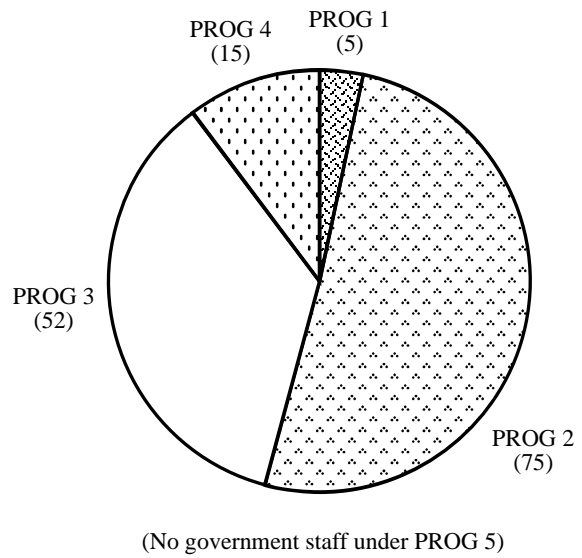
**Head 144 — GOVERNMENT SECRETARIAT: CONSTITUTIONAL AND  
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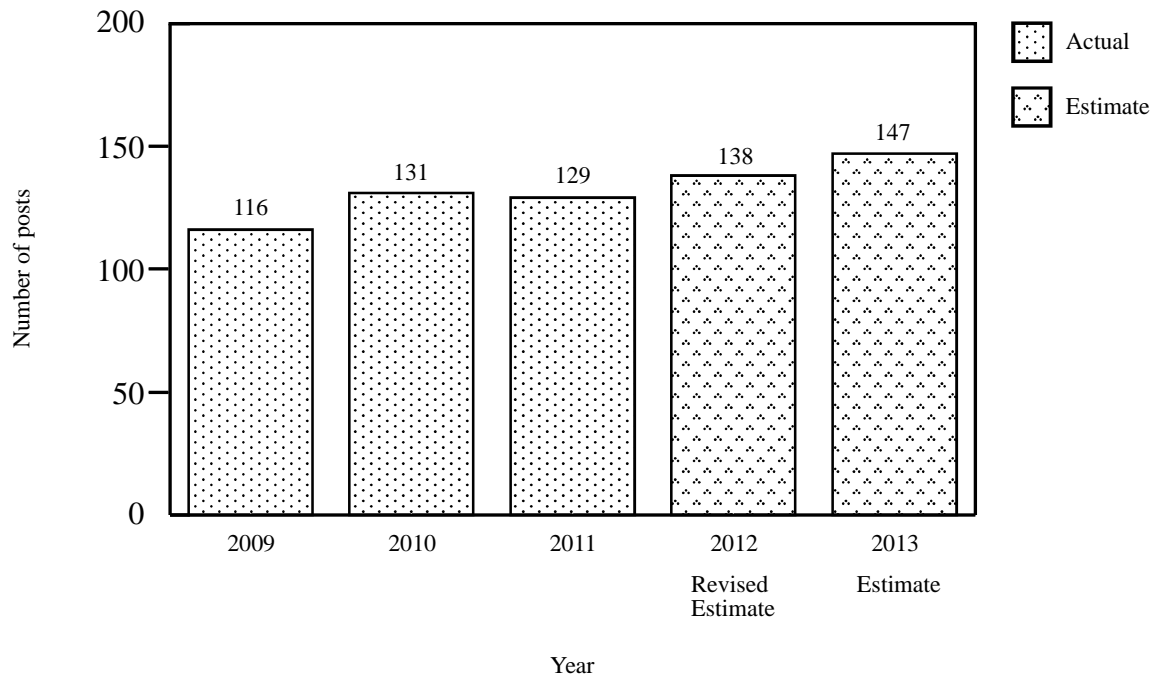
*Allocation of provision  
to programmes  
(2012-13)*



*Staff by programme  
(as at 31 March 2013)*



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





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Sub-head (Code)		Actual expenditure 2010–11	Approved estimate 2011–12	Revised estimate 2011–12	Estimate 2012–13
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Operating Account</b>					
Recurrent					
000	Operational expenses .....	389,451	388,055	389,033	<b>457,332</b>
003	Recoverable salaries and allowances (General)..... 4,200				
	Deduct reimbursements..... <u>Cr.4,200</u>	—	—	—	—
	Total, Recurrent .....	<u>389,451</u>	<u>388,055</u>	<u>389,033</u>	<u><b>457,332</b></u>
Non-Recurrent					
700	General non-recurrent .....	147,850	—	3,500	<b>2,300</b>
	Total, Non-Recurrent .....	<u>147,850</u>	<u>—</u>	<u>3,500</u>	<u><b>2,300</b></u>
	Total, Operating Account .....	<u>537,301</u>	<u>388,055</u>	<u>392,533</u>	<u><b>459,632</b></u>
<b>Capital Account</b>					
Subventions					
	Office of the Privacy Commissioner for Personal Data.....	1,020	—	—	—
	Total, Subventions .....	<u>1,020</u>	<u>—</u>	<u>—</u>	<u>—</u>
	Total, Capital Account .....	<u>1,020</u>	<u>—</u>	<u>—</u>	<u>—</u>
	Total Expenditure .....	<u><u>538,321</u></u>	<u><u>388,055</u></u>	<u><u>392,533</u></u>	<u><u><b>459,632</b></u></u>

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

### Details of Expenditure by Subhead

The estimate of the amount required in 2012–13 for the salaries and expenses of the Constitutional and Mainland Affairs Bureau is \$459,632,000. This represents an increase of \$67,099,000 over the revised estimate for 2011–12 and a decrease of \$78,689,000 against the actual expenditure in 2010–11.

#### *Operating Account*

#### Recurrent

**2** Provision of \$457,332,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Constitutional and Mainland Affairs Bureau. The increase of \$68,299,000 (17.6%) over the revised estimate for 2011–12 is mainly due to the increased provision for the operation of the Hong Kong Economic, Trade and Cultural Office in Taiwan and the dedicated liaison units in Chongqing and Fujian, additional subvention for the Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data, as well as increased provision for salaries arising from the creation of new posts.

**3** The establishment as at 31 March 2012 will be 136 permanent posts and two supernumerary posts. It is expected that there will be a net increase of nine posts in 2012–13. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2012–13, but the notional annual mid-point salary value of all such posts must not exceed \$79,250,000.

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

	2010–11 (Actual) (\$'000)	2011–12 (Original) (\$'000)	2011–12 (Revised) (\$'000)	2012–13 (Estimate) (\$'000)
Personal Emoluments				
- Salaries .....	88,666	92,181	92,806	<b>108,161</b>
- Allowances .....	12,194	15,796	17,341	<b>20,190</b>
- Job-related allowances.....	—	2	2	<b>2</b>
Personnel Related Expenses				
- Mandatory Provident Fund contribution .....	198	93	162	<b>111</b>
- Civil Service Provident Fund contribution .....	1,310	2,561	1,682	<b>2,817</b>
- Disturbance allowance.....	1,193	1,730	2,038	<b>2,356</b>
Departmental Expenses				
- General departmental expenses .....	107,055	116,782	112,496	<b>146,094</b>
Other Charges				
- Publicity .....	17,152	19,868	17,731	<b>24,733</b>
- Activities to promote equal opportunities and human rights .....	29,250	1,687	1,655	<b>1,765</b>
Subventions				
- Equal Opportunities Commission.....	83,540	84,660	88,209	<b>90,807</b>
- Office of the Privacy Commissioner for Personal Data .....	48,893	52,695	54,911	<b>60,296</b>
	389,451	388,055	389,033	<b>457,332</b>

**5** Gross provision of \$4,200,000 under *Subhead 003 Recoverable salaries and allowances (General)* is for the salaries and allowances of civil servants involved in support of the Sichuan earthquake reconstruction projects funded under the Trust Fund in Support of Reconstruction in the Sichuan Earthquake Stricken Areas. The gross provision must not be exceeded without the prior approval of the Secretary for Financial Services and the Treasury. Expenditure under this subhead is to be reimbursed by the Trust Fund.

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**Commitments**

Sub-head (Code)	Item (Code)	Ambit	Approved commitment	Accumulated expenditure to 31.3.2011	Revised estimated expenditure for 2011-12	Balance
			\$'000	\$'000	\$'000	\$'000
<b><i>Operating Account</i></b>						
700		<i>General non-recurrent</i>				
	825	One-off setting up cost for the Hong Kong Economic, Trade and Cultural Office .....	5,800	—	3,500	2,300
		Total .....	<u>5,800</u>	<u>—</u>	<u>3,500</u>	<u>2,300</u>