

## 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 2009–10** ..... **\$465.2m**

**Establishment ceiling 2009–10** (notional annual mid-point salary value) representing an estimated 99 non-directorate posts as at 31 March 2009 rising by 14 posts to 113 posts as at 31 March 2010 ..... **\$66.8m**

In addition, there will be an estimated 17 directorate posts as at 31 March 2009 rising by two posts to 19 posts as at 31 March 2010.

**Commitment balance** ..... **\$198.6m**

### Controlling Officer's Report

#### Programmes

**Programme (1) Director of Bureau's Office** This programme contributes to Policy Area 27: Intra-Governmental Services (Secretary for Constitutional and Mainland Affairs).

**Programme (2) Constitutional and Mainland Affairs** This programme contributes to Policy Area 28: Constitutional and Mainland Affairs (Secretary for Constitutional and Mainland Affairs).

**Programme (3) Mainland Offices** 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).

**Programme (4) Rights of the Individual  
Programme (5) Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data** 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

	2007–08 (Actual)	2008–09 (Original)	2008–09 (Revised)	<b>2009–10 (Estimate)</b>
Financial provision (\$m)	5.3	10.9	8.0 (–26.6%)	<b>10.5</b> (+31.3%)

(or –3.7% on  
2008–09 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

	2007–08 (Actual)	2008–09 (Original)	2008–09 (Revised)	2009–10 (Estimate)
Financial provision (\$m)	51.6	78.0	73.8 (–5.4%)	163.3 (+121.3%)
				(or +109.4% on 2008–09 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 exchanges and co-operation with Taiwan, including 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 the Pan-Pearl River Delta (PPRD), Guangdong (including Shenzhen), and other areas including Beijing and Shanghai in the Mainland and MSAR;
- 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 and enhance exchanges and co-operation with Taiwan, including 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 the establishment of the HKSAR, 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 (CS) 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

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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.

**12** Since the commencement of the PPRD regional co-operation in 2004, we have taken forward co-operation initiatives with PPRD on various fronts, such as cross-boundary infrastructure projects, trade promotion, 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 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 the communication and exchanges between the Government of 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 exchanges and co-operation with Taiwan, including the Government's liaison with Taiwan organisations in the HKSAR. The Steering Committee on Enhancing Hong Kong-Taiwan Economic Relations under the chairmanship of the Financial Secretary examines and co-ordinates the overall strategy and action plan on promoting closer economic and trade ties with Taiwan. The Bureau acts as the secretariat to the Steering Committee.

**15** The 2008 Legislative Council (LegCo) election was conducted in September 2008. The fourth term LegCo commenced operation on 1 October 2008.

**16** Pursuant to the Report on Further Development of the Political Appointment System issued in October 2007 and the approval of the Finance Committee of the LegCo in December 2007, 24 new political appointment positions (comprising 11 Under Secretary positions and 13 Political Assistant positions) have been created with effect from 1 April 2008. In May 2008, the Government announced the first batch appointments of eight Under Secretaries and nine Political Assistants. The appointees started to report for duty from June 2008.

**17** Following 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 LegCo in the year 2012 and on issues relating to universal suffrage, the CE appointed the Task Group on Constitutional Development under the Commission on Strategic Development in February 2008 to discuss the methods for selecting the CE and for forming LegCo in 2012 within the framework of the NPCSC's decision. The Constitutional and Mainland Affairs Bureau provided support to facilitate discussion of the Task Group. The Task Group concluded its discussions in June 2008.

**18** Since the Sichuan Wenchuan earthquake in May 2008, we have assisted in co-ordinating cross-bureaux efforts and liaison with the relevant Sichuan authorities in support of the reconstruction of the earthquake stricken areas.

### ***Matters Requiring Special Attention in 2009–10***

**19** During 2009–10, 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 23 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 Beijing, Shanghai and Shenzhen Municipalities, other provinces and regions in the PPRD region, as well as MSAR, on matters of common interest;
- co-ordinate and enhance exchanges and co-operation with Taiwan, including the Government's liaison with Taiwan organisations in the HKSAR;
- consult the public in the fourth quarter of 2009 on the possible options on the electoral methods for selecting the CE and for forming the LegCo in 2012;

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- continue to work closely with the relevant stakeholders and Sichuan authorities in taking forward the reconstruction work at the earthquake stricken areas in Sichuan;
- follow-up on the introduction of Adaptation of Laws Bill 2009 to amend four ordinances, which currently bind the HKSAR Government, to make them applicable to both the HKSAR Government and the three offices set up by the CPG in the HKSAR; and
- conduct public consultation and enact necessary legislation to implement the court's judgement on judicial review cases relating to prisoners' right to vote.

### Programme (3): Mainland Offices

	2007–08 (Actual)	2008–09 (Original)	2008–09 (Revised)	<b>2009–10 (Estimate)</b>
Financial provision (\$m)	118.7#	120.0	115.7 (–3.6%)	<b>121.0</b> (+4.6%)
				(or +0.8% on 2008–09 Original)

# For comparison purpose, the figure of actual expenditure in 2007–08 includes provisions for Head 35—Government Secretariat: Beijing Office, which has been subsumed under Head 144—Government Secretariat: Constitutional and Mainland Affairs Bureau with effect from 2008–09.

#### (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 Beijing Office (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 government 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, 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;

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- 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;
- to provide proactively information and assistance to local enterprises in the Mainland, 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 2008, 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 HKSAR Government delegations visiting the Mainland, and arranged visits of Mainland officials to the HKSAR. Major visits included the CE's four visits to Beijing (March (twice), August and December 2008), visit to the northeast provinces of Heilongjiang, Jilin and Liaoning with a 100-strong delegation of Hong Kong business leaders (July 2008), visit to Shanghai (May 2008) and Chengdu (June 2008), as well as CE's attendance at the Boao Forum for Asia in Hainan (April 2008), the Third Expo Central China in Hubei and meetings with the governors of four provinces in central China (April 2008) and the Guangdong/Hong Kong Co-operation meeting in Guangzhou (August 2008).

**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, as well as proactively approached Mainland enterprises that have potentials to invest in Hong Kong to brief them on the business opportunities of Hong Kong.

**24** As an on-going effort to promote Hong Kong, the Mainland Offices had organised various promotional events to publicise Hong Kong in the Mainland. Taking the opportunity of the 2008 Beijing Olympics, particularly our role as host to the Olympic and Paralympic Equestrian Events, exhibitions were held in 23 major trade fairs/expos/events in various Mainland cities. 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. The BJO also worked jointly with the People's Online to produce a Hong Kong webpage to reach out to Internet users.

**25** The HKSAR will participate in the World Exposition 2010 Shanghai China (Expo) to be held from 1 May to 31 October 2010 by constructing a stand-alone "Hong Kong Pavilion", setting up an exhibition in the "Urban Best Practices Area" (UBPA) to showcase the application of smart card technology to everyday life, building an Internet version of "Hong Kong Pavilion" on the "Expo Shanghai Online", and organising a "Hong Kong Week" and other cultural activities. The Shanghai ETO acted as the HKSARG's liaison office responsible for day-to-day communication with the Expo organisers regarding the HKSAR's participation. During the year, the Shanghai ETO arranged the agreement signing ceremonies for the HKSAR's participation in the Expo and the UBPA exhibition in May and October respectively, and set up various meetings with and visits to the Bureau of Shanghai World Expo Co-ordination for HKSARG officials.

**26** In the weeks following the Sichuan Wenchuan earthquake in May 2008, Chengdu ETO, assisted by the immigration teams from BJO and Guangdong ETO, was involved in providing relief to visitors from Hong Kong to Sichuan who were in distress. Such assistance included securing medical care for the injured and arranging for family members to visit from Hong Kong, locating missing persons, helping persons who had lost travel documents, etc. The office made prompt reports concerning relief requirements in Sichuan, and received professional teams from Hong Kong to engage in search and rescue, infection prevention, medical care and rehabilitation training and services. The office also facilitated customs clearance and relief supplies from non-governmental organisations. In the months following the earthquake, it arranged visits including CE's visit in June, visits by LegCo Members in July and the CS's two visits in August and November. It also assisted in the liaison between the Government of the HKSAR and the relevant Sichuan authorities concerning the HKSAR's support in the identification, selection and implementation of reconstruction projects in Sichuan.

**27** The Mainland Offices handled a total of 267 requests for assistance from the general public in 2008 (other than those relating to immigration and personal safety matters handled by the Immigration Divisions of the BJO and the Guangdong ETO).

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28 The key performance measures are:

### *Indicators*

#### *Commercial relations*

	2007 (Actual)Δ	2008 (Actual)Δ	2009 (Estimate)Δ
meetings on trade-related matters attended .....	296	363	<b>360</b>
visits to host governments and trade organisations .....	366	462	<b>470</b>
seminars, exhibitions and workshops			
organised.....	40	57	<b>60</b>
participated .....	172	184	<b>180</b>
public speeches given .....	41	56	<b>50</b>
media interviews/briefings given.....	64	123	<b>110</b>
circulars/newsletters/press releases issued.....	175	469	<b>430</b>

#### *Liaison and public relations*

	2007 (Actual)Δ	2008 (Actual)Δ <sup>^</sup>	2009 (Estimate)Δ
call on senior government officials/organisations .....	619	930	<b>760</b>
public relations functions/events			
organised.....	129	248	<b>210</b>
participated .....	201	508	<b>330</b>
newsletters, pamphlets, press releases issued .....	121	233	<b>230</b>
no. of visitors assisted.....	2 200	5 412	<b>3 930</b>
public speeches given .....	89	96	<b>90</b>
media interviews/briefings given.....	226	285	<b>250</b>
enquiries handled (excluding those related to immigration matters).....	8 823	19 260	<b>15 900</b>

#### *Investment promotion*

	2007 (Actual)Δ	2008 (Actual)Δ	2009 (Estimate)Δ
projects pursued.....	146	217	<b>220</b>
projects completed§.....	29	54	<b>54</b>

Δ The figures for 2008 and 2009 include those of Head 35—Government Secretariat: BJO which has been subsumed under Head 144—Government Secretariat: Constitutional and Mainland Affairs Bureau with effect from 2008–09. The figures for 2007 only include those of the Guangdong ETO, Shanghai ETO and Chengdu ETO.

<sup>^</sup> There had been an upsurge of liaison and public relations activities for the BJO and Chengdu ETO in 2008 due to one-off events including the 2008 Beijing Olympics and the Sichuan Wenchuan earthquake relief work.

§ 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 2009–10*

29 During 2009–10, 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;
- 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;
- Shanghai ETO will continue to act as a contact point for day-to-day communication with the organisers of the World Exposition 2010 Shanghai China regarding the HKSAR's participation; and
- Chengdu ETO will continue to support liaison with Sichuan authorities with regard to HKSAR's involvement in the reconstruction of the earthquake stricken areas in Sichuan.

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

#### **Aim**

**30** 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**

**31** 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.

**32** 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.

**33** In 2008, the Immigration Divisions of the BJO and the Guangdong ETO received a total of 398 requests for assistance from Hong Kong residents in distress in the Mainland. Of these, 54 cases involved the loss of travel documents or monies, and 298 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 46 cases involved the detention of Hong Kong residents in the Mainland.

**34** 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.

**35** 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.

**36** 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, Bureau for Letters and Calls, etc. In 2008, the number of detention cases for which assistance was sought from the BJO and the Guangdong ETO were 20 and 26 respectively.

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

**Targets**

	Targets	2007 (Actual)	2008 (Actual)	2009 (Plan)
average processing time per case (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 upon receipt of supporting documents (% of cases) .....	85@	85	90	<b>90</b>
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	<b>96</b>

@ Target revised from 80 per cent to 85 per cent as from 2009.

**Indicators**

	2007 (Actual)	2008 (Actual)	2009 (Estimate)
unreferred visas/entry permit cases (BJO only)			
received.....	5 644	4 351	<b>4 600</b>
processed .....	5 652	4 267	<b>4 600</b>
referred visas/entry permit cases (BJO only)			
received.....	1 893	2 317	<b>2 500</b>
processed .....	1 973	2 296	<b>2 500</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) .....	383	398	<b>400</b>
no. of enquiries handled by the Immigration Divisions of the BJO/Guangdong ETO .....	20 941	23 337	<b>24 660</b>

**Matters Requiring Special Attention in 2009–10**

38 During 2009–10, 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 services to the public, and continues to pledge to process 98 per cent of unreferred visa/entry permit applications within three working days and 90 per cent of referred visa/entry permit applications within six weeks upon receipt of supporting documents.

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

	2007–08 (Actual)	2008–09 (Original)	2008–09 (Revised)	2009–10 (Estimate)
Financial provision (\$m)	17.9#	24.2	25.8 (+6.6%)	<b>49.8</b> (+93.0%)

(or +105.8% on  
2008–09 Original)

# For comparison purpose, the figure for 2007–08 includes provisions for matters relating to rights of the individual which were under Head 53—Government Secretariat: Home Affairs Bureau before their transfer to Head 144 due to re-organisation of the Government Secretariat with effect from 1 July 2007.



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### *Aim*

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

### *Brief Description*

40 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 enactment of the Race Discrimination Ordinance in July 2008, the Bureau will follow up with the Equal Opportunities Commission (EOC) on the implementation of the Ordinance.

41 The Bureau oversees compliance with the reporting requirements under five human rights treaties which apply to the HKSAR. In 2008, the Bureau provided input to the CPG in preparation of China's report under the International Convention on the Elimination of All Forms of Racial Discrimination. It also provided input to the CPG in preparation of China's report under the United Nations Human Rights Council Universal Periodic Review Mechanism.

42 The key performance measures are:

#### *Indicators*

	2007 (Actual)	2008 (Actual)	2009 (Estimate)
no. of project grants approved under the Equal Opportunities (Race) Funding Scheme <sup>Ψ</sup> .....	24	27	N.A.
no. of project grants approved under the Children's Rights Education Funding Scheme .....	25	17	25
no. of enquiries/complaints on race relations handled <sup>Ψ</sup> .....	402	322	N.A.

Ψ The subject activities will be transferred to the EOC upon full implementation of the Race Discrimination Ordinance, which is expected to take place in mid-2009.

### *Matters Requiring Special Attention in 2009–10*

43 During 2009–10, the Bureau will:

- continue to provide guidance to bureaux and departments relating to the compliance with the provisions of the Personal Data (Privacy) Ordinance;
- continue to oversee compliance with the reporting requirements under five human rights treaties which apply to the HKSAR;
- continue to co-ordinate attendance of the Government of the HKSAR delegations at meetings of the United Nations human rights treaty monitoring bodies as when required;
- continue to promote racial harmony including the compilation of administrative guidelines to promote awareness of racial harmony and 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;
- oversee the establishment and operation of the four regional support service centres for ethnic minorities;
- consult the public on the findings of our review of the Personal Data (Privacy) Ordinance; and
- consider how the relevant parties could be consulted on the recommendations of the Law Reform Commission on stalking.

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

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

	2007–08 (Actual)#	2008–09 (Original)	2008–09 (Revised)	<b>2009–10 (Estimate)</b>
Financial provision (\$m)				
Equal Opportunities Commission	73.1	73.5	76.5 (+4.1%)	<b>76.1</b> (–0.5%)  (or +3.5% on 2008–09 Original)
Office of the Privacy Commissioner for Personal Data	36.2	39.1	42.9 (+9.7%)	<b>44.5</b> (+3.7%)  (or +13.8% on 2008–09 Original)
<b>Total</b>	<b>109.3</b>	<b>112.6</b>	<b>119.4</b> (+6.0%)	<b>120.6</b> (+1.0%)  (or +7.1% on 2008–09 Original)

# For comparison purpose, the figures for 2007–08 include provisions for subventions to the EOC and Office of the Privacy Commissioner for Personal Data which were under Head 53—Government Secretariat: Home Affairs Bureau before their transfer to Head 144 due to re-organisation of the Government Secretariat with effect from 1 July 2007.

#### *Equal Opportunities Commission*

##### **Aim**

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

##### **Brief Description**

**45** The 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, 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 amendments; and
- conduct research on issues relevant to discrimination and equal opportunities.

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

**Targets**

	Target	2007 (Actual)	2008 (Actual)	2009 (Plan)
interviewing a walk-in enquirer within 30 minutes (% of cases).....	95.0	99.5	100	<b>99.0</b>
replying to written enquiries on simple issues within five working days (% of cases).....	95	100	100	<b>100</b>
replying to written enquiries on complex issues within 14 working days (% of cases).....	95	100	100	<b>100</b>
concluding a complaint case within six months (% of cases).....	75.0	78.8	75.0	<b>75.0</b>

**Indicators**

	2007 (Actual)	2008 (Actual)	2009 (Estimate)
enquiries			
general enquiries from hotline.....	6 579	6 453	<b>7 740\$</b>
Interactive Voice Response System.....	5 390	5 292	<b>6 350\$</b>
specific enquiries.....	8 184	6 748	<b>10 750\$</b>
visits to website.....	816 165	756 008	<b>831 600</b>
complaint investigation <sup>β</sup>			
complaints received			
under the SDO.....	311	318	<b>350</b>
DDO.....	466	420	<b>460</b>
FSDO.....	34	29	<b>30</b>
RDO#.....	N.A.	N.A.	<b>100</b>
complaints handled			
under the SDO.....	395	450	<b>470</b>
DDO.....	601	592	<b>635</b>
FSDO.....	37	38	<b>40</b>
RDO#.....	N.A.	N.A.	<b>100</b>
active cases at year end			
under the SDO.....	132	118	<b>120</b>
DDO.....	172	176	<b>170</b>
FSDO.....	9	7	<b>10</b>
RDO#.....	N.A.	N.A.	<b>50</b>
complaints where legal assistance was granted			
under the SDO.....	8	4	<b>—<sup>¶</sup></b>
DDO.....	4	9	<b>—<sup>¶</sup></b>
FSDO.....	1	0	<b>—<sup>¶</sup></b>
RDO#.....	N.A.	N.A.	<b>—<sup>¶</sup></b>
complaints taken to court			
under the SDO.....	0	1	<b>—<sup>¶</sup></b>
DDO.....	4	2	<b>—<sup>¶</sup></b>
FSDO.....	0	0	<b>—<sup>¶</sup></b>
RDO#.....	N.A.	N.A.	<b>—<sup>¶</sup></b>
self-initiated investigation <sup>^</sup>			
cases processed.....	65	63	<b>80</b>
cases resolved.....	52	55	<b>70</b>
cases taken to court.....	0	0	<b>—<sup>¶</sup></b>
promotional/training activities			
major promotional events.....	49	74	<b>75</b>
talks/visits/workshops/seminars/drama performances (audience).....	662	606	<b>606</b>
	(85 094)	(76 992)	<b>(77 000)</b>

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	2007 (Actual)	2008 (Actual)	2009 (Estimate)
funding programme (no. of applications approved) .....	54	42	60 $\phi$
copies of codes of practice issued.....	8 500	37 500 $\Delta$	37 500 $\Delta$
on-line resource centre hit rates.....	18 670 837	26 047 133	26 047 200

§ The estimate for 2009 includes increases relevant to the enactment and full implementation of the RDO.

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.

# New indicator as from 2009.

¶ Difficult to estimate.

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

φ New indicator as from 2009. The estimate for 2009 includes increases relevant to the enactment and full implementation of the RDO.

Δ Increase in circulation due to the issue of new code of practice on employment under the RDO.

***Matters Requiring Special Attention in 2009–10***

47 During 2009–10, 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;
- 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; and
- following up on the recommendations on the formal investigation on accessibility for disabled persons.

*Office of the Privacy Commissioner for Personal Data*

***Aim***

48 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***

49 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.

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

***Targets***

	Target	2007 (Actual)	2008 (Actual)	2009 (Plan)
handling public complaints				
acknowledgement of a complaint within two working days of receipt (% of cases) .....	95	97	99	95
closing a complaint case within 180 days of receipt (% of cases)....	92Ω	94	96	92

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	Target	2007 (Actual)	2008 (Actual)	2009 (Plan)
handling public enquiries				
call back to a telephone enquiry within two working days of receipt (% of cases) .....	95	99	99	<b>95</b>
acknowledgement of a written enquiry within two working days of receipt (% of cases) .....	95	98	99	<b>95</b>
substantive reply to a written enquiry within 28 working days of receipt (% of cases) .....	95	93	94	<b>95</b>

Ω Target revised from 90 per cent to 92 per cent as from 2009.

**Indicators**

	2007 (Actual)	2008 (Actual)	2009 (Estimate)
Public enquiries			
public enquiries received .....	13 170	13 112	<b>14 000</b>
Complaints			
complaints received .....	937	793	<b>900</b>
complaints brought forward .....	137	153	<b>150</b>
cases of complaints for disposal .....	1 074	946	<b>1 050</b>
investigations completed .....	921	796	<b>900</b>
investigations in progress@ .....	153	150	<b>150</b>
Compliance			
matching procedure consent applications .....	15	16	<b>16</b>
inspections of personal data systems‡ .....	0	1	<b>2</b>
compliance checks‡ .....	86	96	<b>110</b>
self-initiated investigations‡ .....	0	8	<b>8</b>

@ 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”.

‡ New indicators as from 2009.

**Matters Requiring Special Attention in 2009–10**

**51** During 2009–10, the Privacy Commissioner will:

- step up proactive enforcement of the Ordinance for better protection of the individual’s personal data privacy;
- continue to promote public awareness and understanding of the Ordinance and the functions of the Privacy Commissioner’s Office; and
- continue to participate in regional privacy developments having impact on cross-border data protection, such as the Asia-Pacific Economic Co-operation Privacy Framework.

**Head 144 — GOVERNMENT SECRETARIAT: CONSTITUTIONAL AND  
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**ANALYSIS OF FINANCIAL PROVISION**

<b>Programme</b>	<b>2007–08 (Actual) (\$m)</b>	<b>2008–09 (Original) (\$m)</b>	<b>2008–09 (Revised) (\$m)</b>	<b>2009–10 (Estimate) (\$m)</b>
(1) Director of Bureau's Office .....	5.3	10.9	8.0	<b>10.5</b>
(2) Constitutional and Mainland Affairs .....	51.6	78.0	73.8	<b>163.3</b>
(3) Mainland Offices.....	118.7	120.0	115.7	<b>121.0</b>
(4) Rights of the Individual.....	17.9	24.2	25.8	<b>49.8</b>
(5) Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data .....	109.3	112.6	119.4	<b>120.6</b>
	<u>302.8</u>	<u>345.7</u>	<u>342.7</u> (-0.9%)	<u>465.2</u> (+35.7%)
				<b>(or +34.6% on 2008–09 Original)</b>

**Analysis of Financial and Staffing Provision**

**Programme (1)**

Provision for 2009–10 is \$2.5 million (31.3%) higher than the revised estimate for 2008–09. This is mainly due to the full-year provision for the position of Under Secretary filled in 2008–09, and the provision required for filling the position of Political Assistant.

**Programme (2)**

Provision for 2009–10 is \$89.5 million (121.3%) higher than the revised estimate for 2008–09. This is mainly due to the increased provision for matters relating to the World Exposition 2010 Shanghai China. There will be a net creation of 15 posts.

**Programme (3)**

Provision for 2009–10 is \$5.3 million (4.6%) higher than the revised estimate for 2008–09. This is mainly due to the increased provisions for personal emoluments and personnel-related expenses, as well as for general departmental expenses in the Mainland Offices.

**Programme (4)**

Provision for 2009–10 is \$24.0 million (93.0%) higher than the revised estimate for 2008–09. This is mainly due to the increased provisions for the setting up and operating cost of four support service centres for ethnic minorities and promotion of human rights, as well as increased salary provision for one new post to be created.

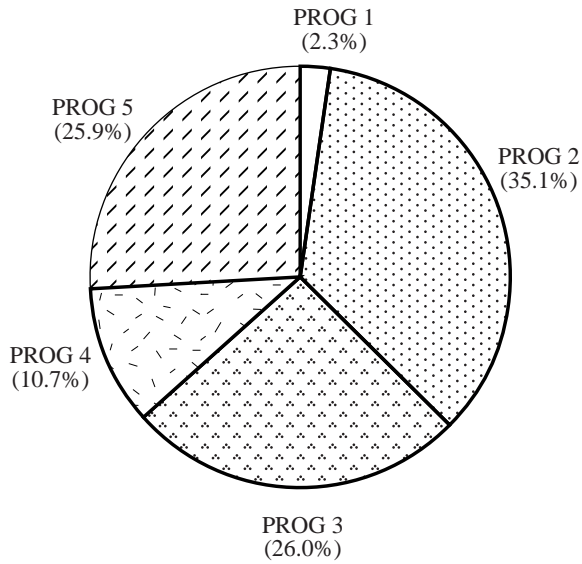
**Programme (5)**

Provision for 2009–10 is \$1.2 million (1.0%) higher than the revised estimate for 2008–09. This is mainly due to the additional subvention for strengthening proactive enforcement work of the Privacy Commissioner.

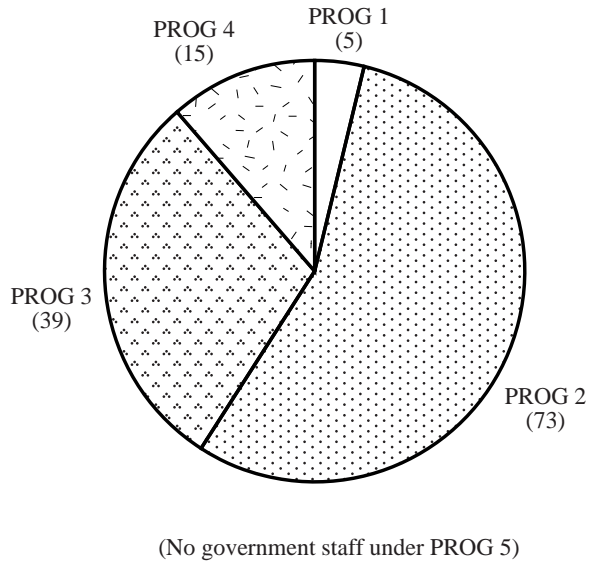
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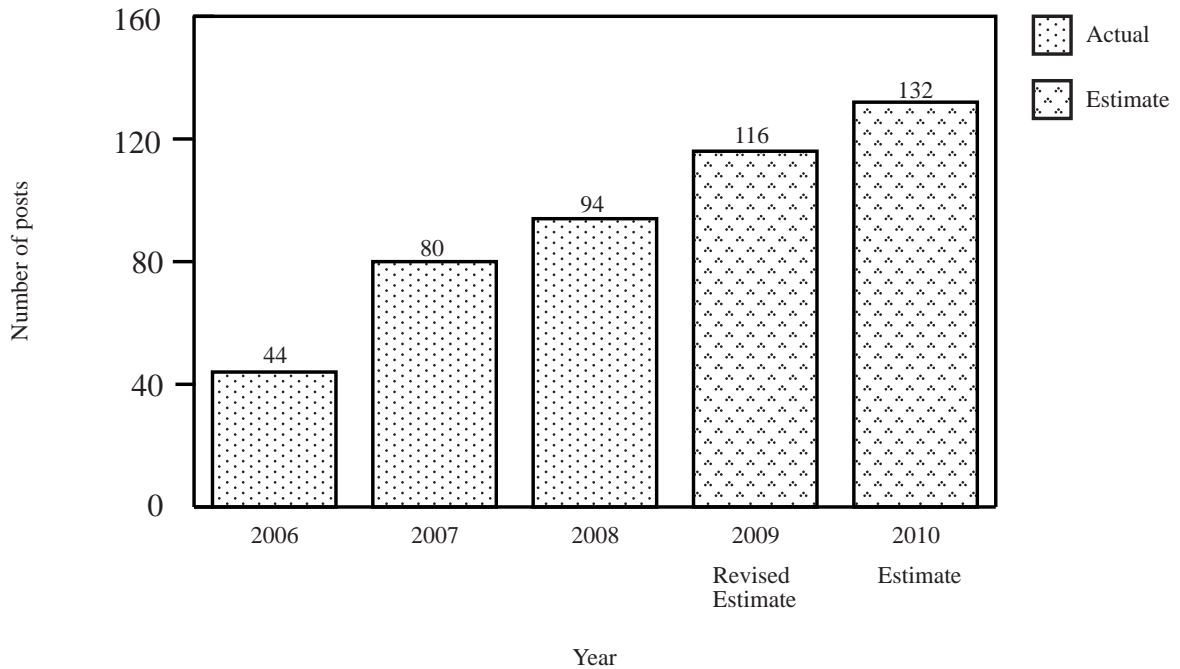
*Allocation of provision  
to programmes  
(2009-10)*



*Staff by programme  
(as at 31 March 2010)*



*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 2007-08	Approved estimate 2008-09	Revised estimate 2008-09	<b>Estimate 2009-10</b>
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Operating Account</b>					
Recurrent					
000	Operational expenses .....	217,788	345,421	339,355	<b>384,180</b>
003	Recoverable salaries and allowances (General) .....	3,504			
	<i>Deduct</i> reimbursements .....	<i>Cr. 3,504</i>	—	—	—
	Total, Recurrent .....	217,788	345,421	339,355	<b>384,180</b>
Non-Recurrent					
700	General non-recurrent .....	394	263	3,331	<b>80,980</b>
	Total, Non-Recurrent .....	394	263	3,331	<b>80,980</b>
	Total, Operating Account .....	218,182	345,684	342,686	<b>465,160</b>
	Total Expenditure .....	218,182	345,684	342,686	<b>465,160</b>



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

### Details of Expenditure by Subhead

The estimate of the amount required in 2009–10 for the salaries and expenses of the Constitutional and Mainland Affairs Bureau is \$465,160,000. This represents an increase of \$122,474,000 over the revised estimate for 2008–09 and of \$246,978,000 over actual expenditure in 2007–08.

#### *Operating Account*

#### Recurrent

**2** Provision of \$384,180,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Constitutional and Mainland Affairs Bureau. The increase of \$44,825,000 (13.2%) over the revised estimate for 2008–09 is mainly due to the increased provisions for matters relating to support service centres for ethnic minorities, promotion of human rights and World Exposition 2010 Shanghai China as well as increased provisions for salaries and allowances.

**3** The establishment as at 31 March 2009 will be 116 posts. It is expected that there will be a net increase of 14 posts and creation of two supernumerary posts in 2009–10. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2009–10, but the notional annual mid-point salary value of all such posts must not exceed \$66,772,000.

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

	2007–08 (Actual) (\$'000)	2008–09 (Original) (\$'000)	2008–09 (Revised) (\$'000)	2009–10 (Estimate) (\$'000)
Personal Emoluments				
- Salaries .....	58,761	83,923	85,907	<b>92,293</b>
- Allowances .....	6,792	12,569	13,286	<b>13,715</b>
- Job-related allowances .....	—	2	2	<b>2</b>
Personnel Related Expenses				
- Mandatory Provident Fund contribution .....	117	204	137	<b>132</b>
- Civil Service Provident Fund contribution .....	272	558	1,068	<b>1,212</b>
- Disturbance allowance .....	129	1,678	1,189	<b>2,756</b>
Departmental Expenses				
- General departmental expenses .....	52,750	109,204	92,449	<b>109,689</b>
Other Charges				
- Publicity .....	12,119	15,081	15,039	<b>15,081</b>
- Activities to promote equal opportunities and human rights .....	5,295	9,622	11,372	<b>28,737</b>
Subventions				
- Equal Opportunities Commission .....	54,356	73,476	75,989	<b>76,039</b>
- Office of the Privacy Commissioner for Personal Data .....	27,197	39,104	42,917	<b>44,524</b>
	<u>217,788</u>	<u>345,421</u>	<u>339,355</u>	<u><b>384,180</b></u>

**5** Gross provision of \$3,504,000 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.

**Head 144 — GOVERNMENT SECRETARIAT: CONSTITUTIONAL AND  
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**Commitments**

Sub-head (Code)	Item (Code)	Ambit	Approved commitment	Accumulated expenditure to 31.3.2008	Revised estimated expenditure for 2008–09	Balance
			\$'000	\$'000	\$'000	\$'000
<b><i>Operating Account</i></b>						
700		<i>General non-recurrent</i>				
	285	Promotion of human rights .....	750	337	263	150
	890	HKSAR's Participation in the World Exposition 2010 Shanghai China .....	201,000	—	2,584	198,416
		Total .....	<u>201,750</u>	<u>337</u>	<u>2,847</u>	<u>198,566</u>