

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 2010–11	\$569.7m
Establishment ceiling 2010–11 (notional annual mid-point salary value) representing an estimated 113 non-directorate posts as at 31 March 2010 rising by three posts to 116 posts as at 31 March 2011.....	\$71.2m
In addition, there will be an estimated 18 directorate posts as at 31 March 2010 rising by two posts to 20 posts as at 31 March 2011.	
Commitment balance	\$162.8m

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

	2008–09 (Actual)	2009–10 (Original)	2009–10 (Revised)	2010–11 (Estimate)
Financial provision (\$m)	7.9	10.5	8.3 (–21.0%)	10.1 (+21.7%)
				(or –3.8% on 2009–10 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

	2008–09 (Actual)	2009–10 (Original)	2009–10 (Revised)	2010–11 (Estimate)
Financial provision (\$m)	72.2	163.3	126.2 (–22.7%)	262.0 (+107.6%)
				(or +60.4% on 2009–10 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 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;
- follow up with the relevant Mainland authorities on how the HKSAR could complement the preparation of the National 12th Five-Year Plan under the principle of “One Country, Two Systems”;
- advise 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, the Bureau has 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 The Bureau has 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 The Bureau has 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 overseas partners in a manner which reflects the HKSAR’s high degree of autonomy.

10 The Bureau has developed a good working relationship with the Government of the MSAR.

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11 To enhance regional co-operation, the Bureau has 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, industries, financial services, education, medical services, technology, food safety, environmental protection, cross-boundary arrangements and infrastructure, and the economic development of the Pearl River Delta (PRD). The Bureau has provided secretariat support for the Hong Kong/Shanghai Economic and Trade Co-operation Conference established in October 2003, as well as the Hong Kong/Beijing Economic and Trade Co-operation Conference established in September 2004.

12 To take forward the implementation of “The Outline of the Plan for the Reform and Development of the Pearl River Delta”, the Bureau has strengthened co-operation with Guangdong Province including the drawing up of a framework agreement on co-operation between the two places.

13 Since the commencement of the PPRD regional co-operation in 2004, the Bureau has taken forward co-operation initiatives with PPRD on various fronts, such as cross-boundary infrastructure projects, trade promotion, environmental protection, tourism, etc. The Bureau is also encouraging Hong Kong invested factories to restructure, upgrade and relocate to PPRD provinces. In the coming year, the Bureau will continue to co-ordinate the HKSAR’s participation in PPRD co-operation.

14 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.

15 Since 1 July 2002, the Bureau has 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. To further enhance co-operation and exchanges with Taiwan, the Hong Kong-Taiwan Economic and Cultural Co-operation and Promotion Council will be established. The Bureau will prepare for the establishment of the Council and provide secretariat support to it afterwards.

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

17 In 2009, the Bureau assisted in co-ordinating HKSAR’s participation in the celebration events held in Beijing organised by the Central Government to commemorate the 60th Anniversary of the Founding of the People’s Republic of China.

18 Following the court’s judgment on judicial review cases relating to prisoners’ right to vote, necessary legislation was enacted to remove the restrictions on prisoners’ right to vote and to remove the disqualification of people who have been convicted of certain election-related or bribery offences from voting at public elections.

19 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 Legislative Council (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. Further to the first batch appointments in May 2008, the Government announced the new appointment of two Under Secretaries in October 2009. The appointees reported for duty in November 2009.

20 Within the framework of the decision of the Standing Committee of the National People’s Congress 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 Government published in November 2009 a consultation document on the methods for selecting the CE and for forming the LegCo in 2012 and listened widely to the views of the public, different organisations, the LegCo and the District Councils through various public consultation activities.

21 In order to take forward the adaptation of laws exercise, legislative amendments were enacted in May 2009 to four ordinances, which bind the HKSAR Government, to make them applicable to the three offices set up by the CPG in the HKSAR.

Matters Requiring Special Attention in 2010–11

22 During 2010–11, 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 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 HKSAR’s inputs to complement the preparation of the National 12th Five-Year Plan;
- continue to enhance working relationships with the HKMAO and the MFA Office;

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- 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 and co-ordinate efforts in taking forward co-operation initiatives agreed at the Joint Conference, including drawing up the framework agreement on co-operation with Guangdong Province, overseeing the work of the relevant Expert Groups, providing secretariat support to the Greater PRD Business Council set up under the Joint Conference, and promoting Qianhai development;
- 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;
- continue to work closely with the relevant stakeholders and Sichuan authorities in taking forward the reconstruction work at the earthquake stricken areas in Sichuan;
- continue to co-ordinate HKSAR's participation in the World Exposition Shanghai China 2010 (Shanghai Expo), which will be held from 1 May to 31 October 2010;
- summarise the views received during the public consultation on the two electoral methods for 2012 and present to the LegCo the proposed amendments to Annexes I and II to the Basic Law and strive to obtain the endorsement of LegCo; and
- work closely with the Electoral Affairs Commission to conduct by-elections to the LegCo and District Councils, if any, and to commence preparatory work for the District Council Election to be held in 2011.

Programme (3): Mainland Offices

	2008–09 (Actual)	2009–10 (Original)	2009–10 (Revised)	2010–11 (Estimate)
Financial provision (\$m)	113.1	121.0	115.1 (–4.9%)	122.0 (+6.0%)
				(or +0.8% on 2009–10 Original)

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

Aim

23 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

24 The Government of the HKSAR has set up four offices in the Mainland, namely the Beijing Office (BJO) and the three Economic and Trade Offices (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 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;

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- to report to the Government of the HKSAR the development of the Mainland and to provide information on the HKSAR to the CPG, local governments and relevant organisations;
- to enhance co-operation with the places concerned and to take part in relevant activities, which include exploring co-operation opportunities and the implementation of co-operation initiatives;
- to advise the Government of the HKSAR on policies and initiatives on fostering relations between Hong Kong and the provinces/municipalities 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;
- 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; and 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 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 delegations of the Government of the HKSAR visiting the Mainland.

25 In 2009, 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 three visits to Beijing (March, September and December 2009), and his attendance at the Boao Forum for Asia in Hainan (April 2009), the Fourth Expo Central China and meetings with the governors of five central provinces in Hefei (April 2009), as well as the Fifth Pan-Pearl River Delta Regional Co-operation and Development Forum in Guangxi (June 2009). They also arranged CS's two visits to Shanghai (July and October 2009) and his four visits to Sichuan (May, July, September and December 2009), Secretary for Justice's visit to Chongqing and Sichuan (August 2009) and visit by LegCo members to Sichuan (September 2009). After the promulgation of the Outline of the Plan for the Reform and Development of the Pearl River Delta in January 2009, arrangements were made for CS to visit the nine PRD cities from April to June 2009. The BJO also provided logistical support to a 200-member delegation led by the CE which visited Beijing from 30 September to 2 October 2009 to attend celebration activities of the 60th Anniversary of the Founding of the People's Republic of China.

26 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.

27 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 60th Anniversary of the Founding of the People's Republic of China as well as the East Asian Games hosted by Hong Kong in December 2009, exhibitions were held in 35 major trade fairs/expos/events in various Mainland cities. As part of their regular promotion efforts, the BJO continued to sponsor the production and 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 Daily Online to produce a Hong Kong webpage to reach out to Internet users. Moreover, the BJO assisted in the preparation work for Hong Kong's participation in the celebration events organised by the Central Government to commemorate the 60th Anniversary of the Founding of the People's Republic of China. Besides assisting in the liaison work for the float parade held on 1 October 2009, the BJO was responsible for designing and setting up a Hong Kong booth at a large-scale exhibition organised by the Central Government on the achievements in the past 60 years.

28 The HKSAR will participate in the Shanghai 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" 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", amongst other seminars, performance and related activities. The Shanghai ETO acted as the HKSAR's contact point responsible for day-to-day communication with the Expo organisers regarding the HKSAR's participation. During the year, the Shanghai ETO organised, together with

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relevant HKSARG bureaux/departments, the “Hong Kong Pavilion Works Commencement Ceremony” (April 2009), “Exhibition on Hong Kong’s Participation in Expo 2010 Shanghai China”(July 2009), “Hong Kong Pavilion Foundation Completion Ceremony” (July 2009), and the “Hong Kong Pavilion Completion of Structure Ceremony” (October 2009). The Shanghai ETO also co-ordinated HKSARG’s participation in the 3rd meeting on HKSAR and MSAR’s participation in the Shanghai Expo held in Shanghai in December 2009, and set up various meetings with and visits to the Bureau of Shanghai World Expo Co-ordination for HKSARG officials.

29 For the purpose of steering HKSAR’s support for the post-earthquake reconstruction works in Sichuan, a Steering Committee on the Hong Kong Special Administrative Region Support for Reconstruction in the Sichuan Earthquake Stricken Areas, chaired by CS, had been formed to oversee and co-ordinate HKSAR’s efforts in support of the reconstruction works. The Chengdu ETO had 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 HKSAR, liaison with the Mainland authorities, Hong Kong professional and non-governmental organisations. In 2009, the Chengdu ETO made 213 calls on senior Sichuan government officials for liaison on such matters, provided support to 526 man trips made by visitors from Hong Kong, and assisted in 100 man trips made by Mainland officials to Hong Kong on matters relating to reconstruction. 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 2009, the Chengdu ETO organised 46 reconstruction-related meetings and functions, and participated in 52 meetings and functions.

30 The Mainland Offices handled a total of 330 requests for assistance from the general public in 2009 (other than those relating to immigration and personal safety matters handled by the Immigration Divisions of the BJO and the Guangdong ETO).

31 The key performance measures are:

Indicators

Commercial relations

	2008 (Actual)	2009 (Actual)#	2010 (Estimate)
meetings on trade-related matters attended	363	393	360
visits to host governments and trade organisations.....	462	525	470
seminars, exhibitions and workshops			
organised	57	66	60
participated.....	184	183	180
public speeches given	56	59	50
media interviews/briefings given.....	123	111	110
circulars/newsletters/press releases issued.....	469	527	500

Liaison and public relations

	2008 (Actual)	2009 (Actual)#	2010 (Estimate)
call on senior government officials/organisations	930	1 149	930
public relations functions/events			
organised	248	285	250
participated.....	508	375	350
newsletters, pamphlets, press releases issued	233	214	230
no. of visitors assisted	5 412	5 156	4 100
public speeches given.....	96	87	100
media interviews/briefings given.....	285	285	280
enquiries handled (excluding those related to immigration matters)	19 260	19 339	19 200

Investment promotion

	2008 (Actual)	2009 (Actual)	2010 (Estimate)
projects pursued	217	205	230
projects completed§	54	50	56

The indicators under commercial relations and liaison and public relations were generally higher in 2009 due to more commercial and public relation activities organised in connection with the 60th Anniversary of the Founding of the People’s Republic of China; and the higher number of related visitors assisted and enquiries handled. In 2010, the Shanghai ETO will be heavily involved in HKSAR’s participation in the Shanghai Expo, especially during the six-month Expo period from 1 May to 31 October inclusive. It will effectively and efficiently redeploy its resources to ensure that essential services are not duly affected.

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

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Matters Requiring Special Attention in 2010–11

32 During 2010–11, the Mainland Offices will:

- continue to assist in the implementation of the HKSARG'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 Shanghai Expo regarding the HKSAR's participation and to provide support for the work of HKSARG bureaux and departments concerned where necessary in the run-up and during the Shanghai Expo period;
- 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; and
- Guangdong ETO will establish a dedicated unit for liaison with Shenzhen to support the enhanced co-operation between Hong Kong and Guangdong.

(ii) Immigration-related Matters

Aim

33 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

34 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.

35 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.

36 In 2009, the Immigration Divisions of the BJO and the Guangdong ETO received a total of 601 requests for assistance from Hong Kong residents in distress in the Mainland. Of these, 42 cases involved the loss of travel documents or monies, and 524 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 35 cases involved the detention of Hong Kong residents in the Mainland.

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37 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.

38 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.

39 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 2009, the number of detention cases for which assistance was sought from the BJO and the Guangdong ETO were eight and 27 respectively.

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

Targets

	Targets	2008 (Actual)	2009 (Actual)	2010 (Plan)
average processing time per case (BJO only)				
unreferred visas/entry permits within three working days (% of cases)....	95	98	98	98
referred visas/entry permits within six weeks upon receipt of supporting documents (% of cases).....	85@	90	90	90
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

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

Indicators

	2008 (Actual)	2009 (Actual)	2010 (Estimate)
unreferred visas/entry permit cases (BJO only)			
received	4 351	4 547	4 600
processed	4 267	4 601	4 600
referred visas/entry permit cases (BJO only)			
received	2 317	2 282	2 400
processed	2 296	2 315	2 400
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)	398	601	610
no. of enquiries handled by the Immigration Divisions of the BJO/Guangdong ETO.....	23 337	22 979	23 900

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Matters Requiring Special Attention in 2010–11

41 During 2010–11, 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 unrefereed 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

	2008–09 (Actual)	2009–10 (Original)	2009–10 (Revised)	2010–11 (Estimate)
Financial provision (\$m)	25.1	49.8	42.9 (–13.9%)	43.9 (+2.3%)
				(or –11.8% on 2009–10 Original)

Aim

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

Brief Description

43 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. With assistance from the Privacy Commissioner for Personal Data, the Bureau has reviewed the Personal Data (Privacy) Ordinance and conducted a public consultation exercise during August to November 2009 on possible proposals to amend the Ordinance. The Race Discrimination Ordinance (RDO) came into full operation in July 2009. In addition, the Bureau is finalising a set of administrative guidelines to facilitate relevant bureaux and departments to promote racial equality in formulating policies and measures. The four support service centres for ethnic minorities sponsored by the Bureau also commenced operation progressively during May to September 2009.

44 The Bureau oversees compliance with the reporting requirements under five human rights treaties which apply to the HKSAR. In February and August 2009 respectively, the HKSAR teams attended, as part of the Chinese delegation, hearings of the reports under the United Nations Human Rights Council Universal Periodic Review mechanism and under the International Convention on the Elimination of All Forms of Racial Discrimination.

45 The key performance measures are:

Indicators

	2008 (Actual)	2009 (Actual)	2010 (Estimate)
no. of project grants approved under the Equal Opportunities (Race) Funding Scheme ^Ψ	27	N.A.	N.A.
no. of project grants approved under the Children's Rights Education Funding Scheme	17	44 ^λ	25
no. of enquiries/complaints on race relations handled ^Ψ	322	208	N.A.

Ψ Upon full operation of the RDO in July 2009, the work and items concerned were transferred to the Equal Opportunities Commission (EOC).

λ Additional resources have been allocated to the Funding Scheme in 2009–10 to commemorate the 20th anniversary of the Convention on the Rights of the Child in 2009. The number of project grants approved increased accordingly.

Matters Requiring Special Attention in 2010–11

46 During 2010–11, 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;

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- continue to co-ordinate attendance of the Government of the HKSAR delegations at meetings of the United Nations human rights treaty monitoring bodies as and when required;
- continue to promote racial harmony and equality, including provision of support services to ethnic minorities and taking forward the implementation of administrative guidelines on promotion of racial equality;
- continue to oversee the operation of the four support service centres for ethnic minorities;
- 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;
- consolidate views received in the public consultation exercise on the review of the Personal Data (Privacy) Ordinance and arrange for further public discussions on possible legislative proposals; and
- formulate the way forward on the recommendations of the Law Reform Commission on stalking and make preparations for undertaking public consultation on the issue.

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

	2008–09 (Actual)	2009–10 (Original)	2009–10 (Revised)	2010–11 (Estimate)
Financial provision (\$m)				
Equal Opportunities Commission	76.5	76.1	80.2 (+5.4%)	83.1 (+3.6%) (or +9.2% on 2009–10 Original)
Office of the Privacy Commissioner for Personal Data	42.9	44.5	45.1 (+1.3%)	48.6 (+7.8%) (or +9.2% on 2009–10 Original)
Total	119.4	120.6	125.3 (+3.9%)	131.7 (+5.1%) (or +9.2% on 2009–10 Original)

Equal Opportunities Commission

Aim

47 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 RDO which prohibit discrimination on the grounds of sex, marital status, pregnancy, disability, family status and race.

Brief Description

48 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;

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- 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.

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

Targets

	Target	2008 (Actual)	2009 (Actual)	2010 (Plan)
interviewing a walk-in enquirer within 30 minutes (% of cases).....	95	100	100	100
replying to written enquiries on simple issues within five working days (% of cases).....	95	100	100	100
replying to written enquiries on complex issues within 14 working days (% of cases).....	95	100	100	100
concluding a complaint case within six months (% of cases)	75	75	80	80
responding to requests for guided group visits within five working days (% of cases)Ω.....	95	100	100	98
major promotional events convened (number of events)Ω@	60	74	76	70
participants satisfied with the training services provided by the EOC (% of participants)Ω.....	70	—Ψ	—Ψ	70

Ω New targets as from 2010.

@ Originally an indicator.

Indicators

	2008 (Actual)	2009 (Actual)	2010 (Estimate)
enquiries			
general enquiries from hotline	6 453	8 140φ	8 960φ
Interactive Voice Response System.....	5 292	5 224φ	5 750φ
specific enquiries	6 748	7 488φ	8 240φ
visits to website	756 008	837 127φ	920 840φ
complaint investigationβ			
complaints received			
under the SDO.....	318	334	370
DDO	420	484	530
FSDO	29	22	25
RDO#	N.A.	20	100
complaints handled			
under the SDO.....	450	452	490
DDO	592	660	690
FSDO	38	29	30
RDO#	N.A.	20	110
active cases at year end			
under the SDO.....	118	118	90
DDO	176	162	130
FSDO	7	7	5
RDO#	N.A.	10	25
complaints where legal assistance was granted			
under the SDO.....	4	10	—¶
DDO	9	20	—¶
FSDO	0	1	—¶
RDO#	N.A.	0	—¶

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	2008 (Actual)	2009 (Actual)	2010 (Estimate)
complaints taken to court			
under the SDO.....	1	4	—¶
DDO.....	2	6	—¶
FSDO.....	0	0	—¶
RDO#.....	N.A.	0	—¶
self-initiated investigation^			
cases processed.....	63	69	70
cases resolved.....	55	64	65
cases taken to court.....	0	0	—¶
conciliation and settlement			
complaints conciliatedφ.....	281	290	360
complaints successfully conciliated after proceeding to conciliation stage (%)φ.....	69	60	60
average time taken to reach a successful conciliation (days)φ.....	—Ψ	46	46
favourable court ruling/ settlement for cases with legal assistance granted from the EOC (%)φ.....	100	100	80
promotional/training activities			
visits/ seminars/ drama performances/ training activities (audience).....	606 (76 992)	843 (85 356)	845 (85 400)
average cost of conducting training activities (HK\$ per session)φ.....	—Ψ	3,251	3,580
participants in EOC's training activities accepting equal opportunities issues in workplace (%)φ.....	—Ψ	—Ψ	80
funding programme (no. of applications approved).....	42	63φ	63φ
copies of codes of practice issued.....	37 500Δ	58 000Δ	30 000
on-line resource centre hit rates.....	26 047 133	28 609 668	28 609 700
customer satisfaction			
parties involved in the complaints satisfied with the service provided to them by the EOC (%)φ.....	—Ψ	—Ψ	55
participants satisfied with activities held under the funding programme (%)φ.....	—Ψ	—Ψ	70

Ψ Information not available.

φ The figure for 2009 and estimated figure for 2010 include increases following 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 2010.

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

Matters Requiring Special Attention in 2010–11

50 During 2010–11, 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;
- following up on the recommendations on the formal investigation on accessibility for persons with disabilities;
- making continuous improvements by implementing the recommendations of compliance and management reviews conducted from time to time; and
- following up the recommendations of the Director of Audit's Report No. 52 and the respective Public Accounts Committee report.

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Office of the Privacy Commissioner for Personal Data

Aim

51 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

52 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.

53 The performance targets and indicators of the Privacy Commissioner's Office are as follows:

Targets

	Target	2008 (Actual)	2009 (Actual)	2010 (Plan)
handling public complaints				
acknowledgement of a complaint within two working days of receipt (% of cases).....	95	99	99	97
closing a complaint case within 180 days of receipt (% of cases)....	92	96	93	92
handling public enquiries				
call back to a telephone enquiry within two working days of receipt (% of cases).....	95	99	99	99
acknowledgement of a written enquiry within two working days of receipt (% of cases).....	95	99	99	99
substantive reply to a written enquiry within 28 working days of receipt (% of cases).....	95	94	92	95

Indicators

	2008 (Actual)	2009 (Actual)	2010 (Estimate)
Public enquiries			
public enquiries received.....	13 112	18 760	14 000
Complaints			
complaints received.....	793	1 001	900
complaints brought forward.....	153	150	259
cases of complaints for disposal.....	946	1 151	1 159
investigations completed.....	796	892	850
investigations in progress@.....	150	259	309
cases of complaints resolved through mediation‡.....	88	124	90
Average time taken for handling cases			
average time taken to settle a simple complaint case (days)‡.....	42	47	44
average time taken to settle a complicated complaint case (days)‡.....	145	201	210
Enforcement actions			
warning notices issued‡.....	9	12	9
enforcement notices issued‡.....	7	25	15
referral to prosecution‡.....	5	8	10

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	2008 (Actual)	2009 (Actual)	2010 (Estimate)
Compliance			
matching procedure consent applications.....	16	10	16
inspections of personal data systems	1	0	1
compliance checks.....	96	107	120
self-initiated investigations.....	8	11	8
Recommendations given			
cases with recommendations given on the implementation of the Ordinance‡.....	92	123	100
Codes of practice/guidance notes			
codes of practice/guidance notes issued‡	0	1	2
Promotional and educational activities			
major promotional activities (audience)‡	23 (6 141)	16 (6 677)	22 (6 040)
industry specific privacy campaigns (audience)‡	1 (1 491)	1 (4 662)	1 (1 500)
talks and seminars (audience)‡.....	76 (6 242)	85 (6 699)	90 (7 500)

@ 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 2010.

Matters Requiring Special Attention in 2010–11

54 During 2010–11, 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;
- undertake research into, and monitor developments in, the processing of data and computer technology;
- 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
- follow up the recommendations of the Director of Audit’s Report No. 53 and the respective Public Accounts Committee report.

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ANALYSIS OF FINANCIAL PROVISION

Programme	2008–09 (Actual) (\$m)	2009–10 (Original) (\$m)	2009–10 (Revised) (\$m)	2010–11 (Estimate) (\$m)
(1) Director of Bureau's Office	7.9	10.5	8.3	10.1
(2) Constitutional and Mainland Affairs	72.2	163.3	126.2	262.0
(3) Mainland Offices	113.1	121.0	115.1	122.0
(4) Rights of the Individual	25.1	49.8	42.9	43.9
(5) Subvention: Equal Opportunities Commission and Office of the Privacy Commissioner for Personal Data.....	119.4	120.6	125.3	131.7
	<hr/> 337.7	<hr/> 465.2	<hr/> 417.8 (-10.2%)	<hr/> 569.7 (+36.4%)
				(or +22.5% on 2009–10 Original)

Analysis of Financial and Staffing Provision

Programme (1)

Provision for 2010–11 is \$1.8 million (21.7%) higher than the revised estimate for 2009–10. This is mainly due to the full-year provision for the position of Under Secretary filled in 2009–10, and the provision required for filling the position of Political Assistant.

Programme (2)

Provision for 2010–11 is \$135.8 million (107.6%) higher than the revised estimate for 2009–10. This is mainly due to the increased provision for matters relating to enhancing further co-operation and exchanges with Taiwan and the Shanghai Expo. There will be a net increase of four posts.

Programme (3)

Provision for 2010–11 is \$6.9 million (6.0%) higher than the revised estimate for 2009–10. This is mainly due to the increased provisions for personal emoluments and personnel-related expenses and for strengthening economic co-operation with Shenzhen. There will be an increase of one post.

Programme (4)

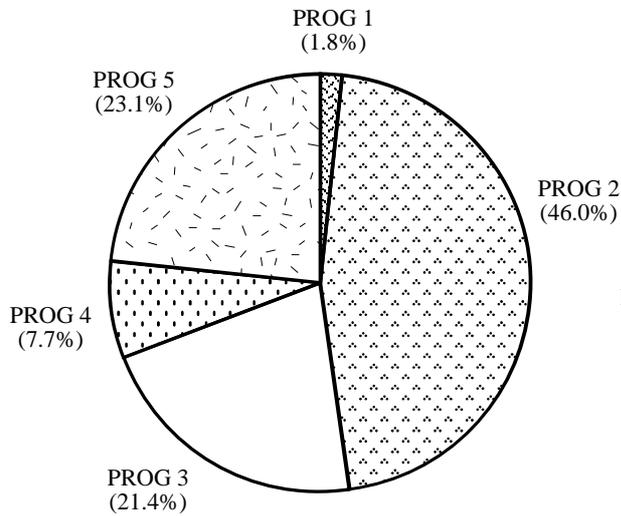
Provision for 2010–11 is \$1.0 million (2.3%) higher than the revised estimate for 2009–10. This is mainly due to the increased provisions for enhancing the provision of support services for ethnic minorities.

Programme (5)

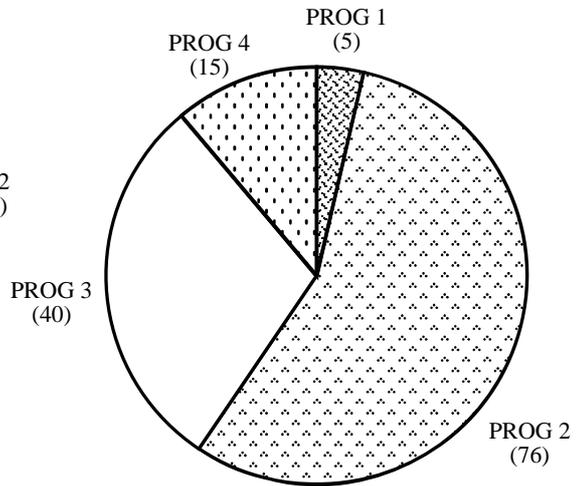
Provision for 2010–11 is \$6.4 million (5.1%) higher than the revised estimate for 2009–10. This is mainly due to the additional subvention for further strengthening the manpower of EOC for implementation of the RDO, creation of the position of the Chief Operations Officer to enhance the administration and governance of the EOC, and for strengthening the manpower of the Privacy Commissioner's Office to enhance enforcement and promotional work.

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Allocation of provision to programmes (2010-11)

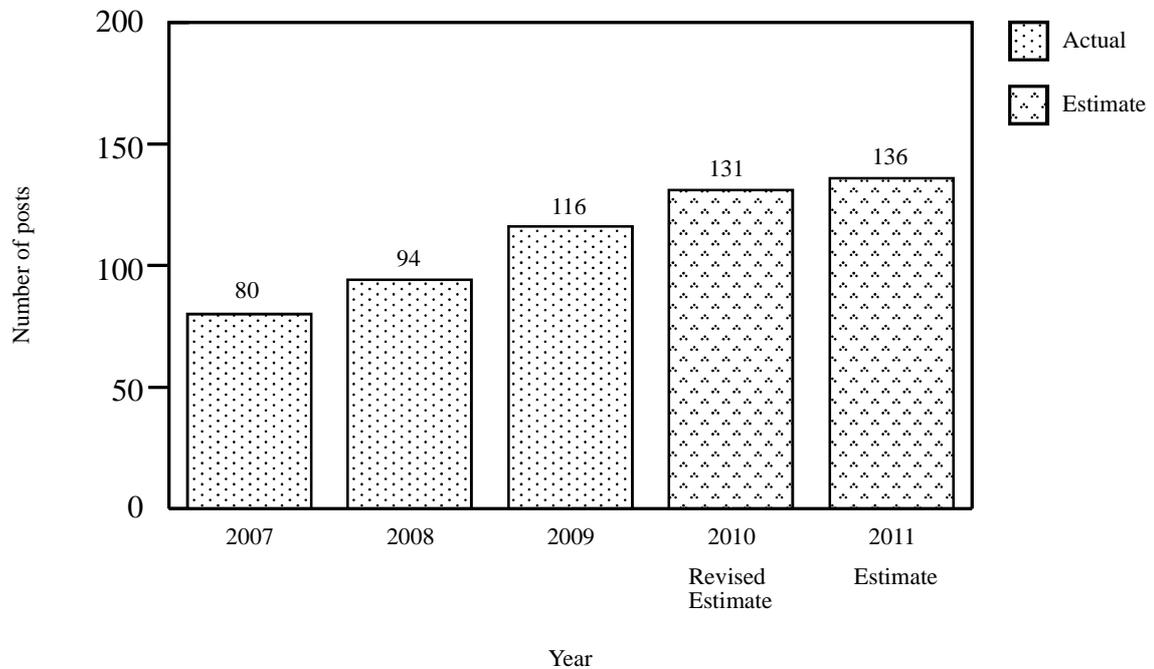


Staff by programme (as at 31 March 2011)



(No government staff under PROG 5)

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



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Sub-head (Code)		Actual expenditure 2008-09	Approved estimate 2009-10	Revised estimate 2009-10	Estimate 2010-11
	\$'000	\$'000	\$'000	\$'000	\$'000
Operating Account					
Recurrent					
000	Operational expenses.....	335,507	384,180	380,430	406,896
003	Recoverable salaries and allowances (General).....4,008				
	Deduct reimbursements <i>Cr.4,008</i>	—	—	—	—
	Total, Recurrent.....	<u>335,507</u>	<u>384,180</u>	<u>380,430</u>	<u>406,896</u>
Non-Recurrent					
700	General non-recurrent.....	2,157	80,980	36,949	162,790
	Total, Non-Recurrent.....	<u>2,157</u>	<u>80,980</u>	<u>36,949</u>	<u>162,790</u>
	Total, Operating Account	<u>337,664</u>	<u>465,160</u>	<u>417,379</u>	<u>569,686</u>
Capital Account					
Subventions					
	Office of the Privacy Commissioner for Personal Data	—	—	385	—
	Total, Subventions.....	<u>—</u>	<u>—</u>	<u>385</u>	<u>—</u>
	Total, Capital Account	<u>—</u>	<u>—</u>	<u>385</u>	<u>—</u>
	Total Expenditure	<u><u>337,664</u></u>	<u><u>465,160</u></u>	<u><u>417,764</u></u>	<u><u>569,686</u></u>

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Details of Expenditure by Subhead

The estimate of the amount required in 2010–11 for the salaries and expenses of the Constitutional and Mainland Affairs Bureau is \$569,686,000. This represents an increase of \$151,922,000 over the revised estimate for 2009–10 and of \$232,022,000 over actual expenditure in 2008–09.

Operating Account

Recurrent

2 Provision of \$406,896,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Constitutional and Mainland Affairs Bureau.

3 The establishment as at 31 March 2010 will be 131 posts. It is expected that there will be a net increase of five posts including two supernumerary posts in 2010–11. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2010–11, but the notional annual mid-point salary value of all such posts must not exceed \$71,174,000.

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

	2008–09 (Actual) (\$'000)	2009–10 (Original) (\$'000)	2009–10 (Revised) (\$'000)	2010–11 (Estimate) (\$'000)
Personal Emoluments				
- Salaries	84,007	92,293	92,231	98,209
- Allowances	13,159	13,715	11,340	14,739
- Job-related allowances	—	2	2	2
Personnel Related Expenses				
- Mandatory Provident Fund contribution	132	132	177	213
- Civil Service Provident Fund contribution	1,055	1,212	1,147	1,039
- Disturbance allowance	930	2,756	1,426	2,957
Departmental Expenses				
- General departmental expenses	91,933	109,689	106,424	112,273
Other Charges				
- Publicity	14,002	15,081	16,405	17,196
- Activities to promote equal opportunities and human rights	11,383	28,737	26,404	28,584
Subventions				
- Equal Opportunities Commission	75,989	76,039	80,163	83,107
- Office of the Privacy Commissioner for Personal Data	42,917	44,524	44,711	48,577
	335,507	384,180	380,430	406,896

5 Gross provision of \$4,008,000 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 31.3.2009	Revised estimated expenditure for 2009–10	Balance
			\$'000	\$'000	\$'000	\$'000
<i>Operating Account</i>						
700		<i>General non-recurrent</i>				
	890	HKSAR's Participation in the World Exposition 2010 Shanghai China.....	201,000	1,430	36,780	162,790
		Total.....	<u>201,000</u>	<u>1,430</u>	<u>36,780</u>	<u>162,790</u>