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Replies to supplementary questions raised by Finance Committee Members in examining the Estimates of Expenditure 2018-19

Director of Bureau : Secretary for Constitutional and Mainland Affairs

Session No. : 6

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CONTROLLING OFFICER'S REPLY

S-CMAB01

(Question Serial No. S0042)

Head: (144) GS: Constitutional and Mainland Affairs Bureau
Subhead (No. & title): ()
Programme: (2) Constitutional and Mainland Affairs
Controlling Officer: Permanent Secretary for Constitutional and Mainland Affairs
(TANG Yun-kwong)
Director of Bureau: Secretary for Constitutional and Mainland Affairs

Question:

With regard to Reply Serial No. CMAB026, please advise this Committee on the following:

Would the Government provide the vehicle trip records in respect of the staff of the Constitutional and Mainland Affairs Bureau by destination?

Asked by: Hon AU Nok-hin

Reply:

The Constitutional and Mainland Affairs Bureau has not compiled a breakdown of trip records of office vehicles by destination.

- End -

CONTROLLING OFFICER'S REPLY**S-CMAB02****(Question Serial No. S0043)**

Head: (144) GS: Constitutional and Mainland Affairs Bureau

Subhead (No. & title): ()

Programme: (3) Mainland and Taiwan Offices

Controlling Officer: Permanent Secretary for Constitutional and Mainland Affairs
(TANG Yun-kwong)

Director of Bureau: Secretary for Constitutional and Mainland Affairs

Question:

With regard to Reply Serial No. CMAB043, would the Government advise this Committee on the following:

- 1) What are the respective numbers of information booklets on Hong Kong residents living in the Mainland and Taiwan produced in each of the past 5 years? What are the expenditures involved?
- 2) What are the respective numbers of "Practical Guide for Hong Kong People Living in the Mainland" jointly produced by the Constitutional and Mainland Affairs Bureau (CMAB) and the Hong Kong Federation of Trade Unions (HKFTU) in each of the past 5 years? What are the expenditures involved? What are the respective share of funding contribution of the CMAB and the HKFTU?

Asked by: Hon AU Nok-hin

Reply:

To support Hong Kong residents in the Mainland and Taiwan, the Mainland and Taiwan Offices collect and update from time to time practical information, including on medical care, education and legal services etc., and disseminate such information through the production of information booklets and on the offices' websites to assist Hong Kong residents to adapt to living in the area.

2. The number of copies of information booklets (including the "Practical Guide for Hong Kong People Living in the Mainland" of Guangdong) published by the Mainland and Taiwan Offices in the past 5 financial years is as follows:

Financial year	No. of printed copies
2013-14	5 400
2014-15	182 350

Financial year	No. of printed copies
2015-16	182 700
2016-17	1 000
2017-18	103 660

3. As publishing the information booklets is an integral part of the roles and functions of the Mainland and Taiwan Offices, the estimated expenditure involved cannot be separately singled out and itemised.

4. The information booklets providing practical guide to living in different areas are published by the respective Mainland and Taiwan Offices, with the exception of the “Practical Guide for Hong Kong People Living in the Mainland” of Guangdong which is jointly published by the Guangdong Economic and Trade Office (GDETO) and the Hong Kong Federation of Trade Unions (HKFTU). In this case, GDETO is responsible for all the editing and printing work (including paying the printing cost) while HKFTU is responsible for providing and updating part of the contents which is mainly on daily life matters. The “Practical Guide for Hong Kong People Living in the Mainland” of Guangdong is available for distribution not only at GDETO and its Liaison Units, but also at HKFTU and its enquiry service centres in Guangzhou, Shenzhen, Dongguan, Huizhou and Zhongshan.

- End -

CONTROLLING OFFICER'S REPLY**S-CMAB03****(Question Serial No. S0044)**

Head: (144) GS: Constitutional and Mainland Affairs Bureau

Subhead (No. & title): ()

Programme: (2) Constitutional and Mainland Affairs

Controlling Officer: Permanent Secretary for Constitutional and Mainland Affairs
(TANG Yun-kwong)

Director of Bureau: Secretary for Constitutional and Mainland Affairs

Question:

Regarding the promotion of the Development Plan of the Guangdong-Hong Kong-Macao Bay Area mentioned in Reply Serial No. CMAB097, please advise this Committee on the following:

- 1) The provision set aside for promotion and publicity work in the coming year, and its percentage in the estimated expenditure;
- 2) Please provide in table form details of the promotion and publicity programmes to be carried out in 2018-19, including the (i) name; (ii) main contents; (iii) publicity channels; (iv) target; (v) period of promotion of the programmes; as well as (vi) the fund earmarked for the programmes.

Name	Main contents	Publicity channels	Target	Period of promotion	Earmarked fund

Asked by: Hon AU Nok-hin

Reply:

In 2018-19, the estimated expenditure of the Guangdong-Hong Kong-Macao Bay Area Development Office (the Office) is about \$13.5 million, of which about \$3 million is for promotion and publicity. The estimated expenses are an initial estimate subject to adjustments based on actual situation.

2. After promulgation of the Development Plan of the Guangdong-Hong Kong-Macao Bay Area, we will promote the development opportunities for Hong Kong enterprises and talents brought about by the development of the Bay Area as well as the facilitation measures that will help Hong Kong people study, work and live in the Bay Area through publicity on television and radio, a dedicated website and social media etc., in order to

deepen the understanding of the public, especially young people and the industries, of the Bay Area Development.

- End -

CONTROLLING OFFICER'S REPLY

S-CMAB04

(Question Serial No. S0045)

Head: (144) GS: Constitutional and Mainland Affairs Bureau

Subhead (No. & title): ()

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

Controlling Officer: Permanent Secretary for Constitutional and Mainland Affairs
(TANG Yun-kwong)

Director of Bureau: Secretary for Constitutional and Mainland Affairs

Question:

In Reply Serial No. CMAB045, the Government indicated that “the EOC has set up the Working Group on Education for EMs to conduct a systematic study on the current position of Chinese language learning by EM students”. In this regard,

- (a) What is the amount of allocation assigned to the EOC for conducting the above study?
- (b) When will the study be conducted and completed? When will the findings be released?
- (c) What actions will other government departments (e.g. the Education Bureau) take to complement the above work?

Asked by: Hon AU Nok-hin

Reply:

The Equal Opportunities Commission (EOC) has set up a Working Group on Education for Ethnic Minorities (Working Group) which comprises EOC members, academics, representatives of non-governmental organisations (NGOs), school sponsoring bodies, community leaders of ethnic minorities (EM), etc. Through a series of sharing sessions, the Working Group is collecting the views of Chinese language teachers, EM students and parents as well as NGOs on the current position of Chinese language learning by EM students. Upon completion of all sharing sessions in September, the Working Group will discuss and summarise the views collected and make a submission to the Government by end 2018. The work is covered by the EOC's internal manpower resources and does not involve additional provision from the Government.

2. As in the past, the Education Bureau and other relevant departments will make every effort to facilitate the work of the EOC.

- End -

CONTROLLING OFFICER'S REPLY

S-CMAB05

(Question Serial No. S0046)

Head: (144) GS: Constitutional and Mainland Affairs Bureau

Subhead (No. & title): (000) Operational expenses

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

Controlling Officer: Permanent Secretary for Constitutional and Mainland Affairs (TANG Yun-kwong)

Director of Bureau: Secretary for Constitutional and Mainland Affairs

Question:

According to "Other Charges" under Subhead 000 Operational Expenses, the estimate for 2018-19 for "promotional activities" is \$44,205,000, 56% lower than that of \$99,519,000 in 2017-18. The estimate for 2018-19 for "promotional activities on equal opportunities and human rights" is \$7,016,000, 43% lower than that of \$12,325,000 in 2017-18. In this regard,

- i) please list out in table form the "promotional activities" and "promotional activities on equal opportunities and human rights" organised by the Government last year and the expenditure involved.
- ii) what are the reasons for the drastic decrease in the expenditure by the Government? Also, how can the Government ensure that the related activities and promotion can sustain with the decrease in expenditure?

Asked by: Hon AU Nok-hin

Reply:

The provision for "promotional activities on equal opportunities and human rights" under "Other Charges" of Subhead 000 Operational Expenses is allocated to education and promotion activities in respect of children, sexual minorities, ethnic minorities (EMs) and fundamental human rights. The provision for "promotional activities" is allocated to the Mainland and Taiwan Offices (namely the Beijing Office and the Hong Kong Economic and Trade Offices (ETOs) in Guangdong, Shanghai, Chengdu and Wuhan, and the Hong Kong Economic, Trade and Cultural Office in Taiwan) to promote Hong Kong.

2. In 2017-18, the Constitutional and Mainland Affairs Bureau (CMAB) promoted equal opportunities and human rights on various fronts through different channels, including in respect of children, to implement the Children's Rights Education Funding Scheme, as well as to publish and distribute comic booklets of the Convention on the Rights of the Child; in respect of sexual minorities, to launch Equal Opportunities (Sexual Orientation)

Funding Scheme, to take various publicity measures such as Announcements in the Public Interest (API), advertisement, seminar and briefing session to promote equal opportunities for sexual minorities (including promotion of the Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation) and to co-operate with Radio Television Hong Kong (RTHK) to produce a TV programme which makes reference to real-life scenarios encountered by the sexual minorities; in respect of EMs, to co-operate with RTHK to produce a TV series on integration with ethnic minorities and to organise media experience / school outreach programme and website design on racial equality; in respect of fundamental human rights, to conduct Human Rights Forum and Children's Rights Forum, and to take various publicity measures such as API and advertisement to promote the Code on Access to Information, etc. The revised estimate of the relevant work in 2017-18 is \$12.325 million.

3. Under the estimate for “promotional activities on equal opportunities and human rights” in 2017-18, CMAB included two one-off funding, namely a sum of \$3 million to the Equal Opportunities Commission (EOC) for promoting equal opportunities of ethnic minorities; and another \$1.63 million and \$0.5 million for the production of RTHK's television programmes titled “Rainbow Crossroad” and “Hong Kong, My Home” respectively. The public can now watch the above programmes on online platforms. Excluding the above two one-off provisions, the estimate for 2018-19 is similar to the previous year.

4. CMAB will also work with the EOC to ensure that it has adequate resources to discharge its functions and duties.

5. In 2017-18, the Mainland and Taiwan Offices showcase and promote Hong Kong's strengths through various channels by, amongst others, organising and participating in talks, exhibitions and seminars; organising and participating in public relations/cultural exchange functions/events; giving public speeches, media interviews and briefings; and issuing information circulars, newsletters and press releases. The revised estimate of the above work in 2017-18 is \$99.52 million.

6. In 2017-18, the Mainland Offices organised numerous activities in the Mainland to celebrate the 20th anniversary of the establishment of the Hong Kong Special Administrative Region, as well as prepared for the setting up of 3 liaison units (namely Zhejiang Liaison Unit under the Shanghai ETO, Guangxi Liaison Unit under the Guangdong ETO and Shaanxi Liaison Unit under the Chengdu ETO), thus contributing to a significant rise in the expenditure on publicity and promotion. With the conclusion of the celebration activities and the commencement of operation of the 3 liaison units, the estimate in 2018-19 has resumed to its normal level. The Mainland and Taiwan Offices will continue to promote Hong Kong through appropriate channels.

- End -

CONTROLLING OFFICER'S REPLY

S-CMAB06

(Question Serial No. S0006)

Head: (144) GS: Constitutional and Mainland Affairs Bureau
Subhead (No. & title): ()
Programme: (2) Constitutional and Mainland Affairs
Controlling Officer: Permanent Secretary for Constitutional and Mainland Affairs
(TANG Yun-kwong)
Director of Bureau: Secretary for Constitutional and Mainland Affairs

Question:

In respect of the Secretary for Constitutional and Mainland Affairs (SCMA), Under Secretary for Constitutional and Mainland Affairs and Political Assistant to SCMA, please set out:

1. the respective numbers of times that they called on the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region (Liaison Office) in each of the past 5 years; and
2. the respective numbers of times that they met with officials of the Liaison Office in each of the past 5 years.

Asked by: Hon KWOK Ka-ki

Reply:

The Secretary for Constitutional and Mainland Affairs (SCMA), Under Secretary for Constitutional and Mainland Affairs (USCMA) and Political Assistant (PA) to SCMA meet with officials of offices set up by the Central People's Government in Hong Kong (including the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region) from time to time to communicate on issues within their respective scope of powers and responsibilities under the Basic Law as well as matters relating to the co-operation between Hong Kong and the Mainland. The SCMA, USCMA and PA to SCMA meet extensively with organisations and individuals from a wide cross-section of the community for the effective discharge of their duties. The Constitutional and Mainland Affairs Bureau has not compiled a breakdown of such meetings by the organisation or individual met.

- End -

CONTROLLING OFFICER'S REPLY

S-CMAB07

(Question Serial No. S0047)

Head: (144) GS: Constitutional and Mainland Affairs Bureau

Subhead (No. & title): ()

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

Controlling Officer: Permanent Secretary for Constitutional and Mainland Affairs (TANG Yun-kwong)

Director of Bureau: Secretary for Constitutional and Mainland Affairs

Question:

Out of the \$500 million earmarked in the Budget for strengthening support for the ethnic minorities, how much would be allocated to support persons in custody of other nationalities?

Asked by: Hon SHIU Ka-chun

Reply:

The Government attaches great importance to efforts to support the ethnic minorities (EMs). The inter-departmental steering committee to be chaired by the Chief Secretary for Administration is responsible for co-ordinating, reviewing and monitoring work in this area and enhancing internal collaboration. The Government has also earmarked \$500 million to strengthen support for EMs.

2. The steering committee will give due consideration to the specific usage and modus operandi of the earmarked sum of \$500 million, including exploring new model of support, as well as making the best use of community wisdom and network to strengthen support for EMs. We will also listen to the views of different sectors and groups on the matter.

- End -

CONTROLLING OFFICER'S REPLY

S-CMAB08

(Question Serial No. S0048)

Head: (144) GS: Constitutional and Mainland Affairs Bureau

Subhead (No. & title): (000) Operational expenses

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

Controlling Officer: Permanent Secretary for Constitutional and Mainland Affairs (TANG Yun-kwong)

Director of Bureau: Secretary for Constitutional and Mainland Affairs

Question:

To follow up on Question Serial No. 1027 and Reply Serial No. CMAB083:

It is mentioned in the Question (Serial No. 1027) that the estimate for the Office of the Privacy Commissioner for Personal Data (PCPD) in 2018-19 is \$7.55 billion. The Bureau has also indicated in the Reply that PCPD received 17 127 cases of complaints and enquiries in 2017.

It is noted that an individual who suffers damage by reason of a contravention of a requirement under the Personal Data (Privacy) Ordinance by a data user may be entitled to compensation from that data user for that damage. Upon filing a complaint to PCPD, the individual who intends to institute proceedings to seek compensation from the data user concerned may apply to PCPD for legal assistance. In this connection, please advise on the following:

1. the number of complaints and enquiries received by the PCPD in the past 3 years;
2. the number of cases where the complainants had applied directly for legal assistance in the past 3 years, with a breakdown by the applications approved, applications granted with limited legal assistance, applications rejected and applications withdrawn by complainants;
3. the numbers of cases where the complainants had applied for legal assistance after mediation in the past 3 years, with a breakdown by the applications approved, applications granted with limited legal assistance, applications rejected and applications withdrawn by complainants;
4. the breakdown of the number of cases where legal assistance was granted in the past 3 years by cases concluded without filing any proceedings, cases settled out of court after proceedings had been filed, and cases taken to court for trial; and the breakdown of the cases where no proceedings were filed in the past 3 years by

applications withdrawn by complainants, cases settled before proceedings were filed and cases where the provision of legal assistance was discontinued by PCPD;

5. the number of cases taken to court for trial where legal proceedings were handled and represented by PCPD's in-house lawyers and external lawyers respectively in the past 3 years, and the expenditure involved;
6. the establishment of lawyers of PCPD (including those handling complaint investigations/legal assistance and other work of PCPD), their percentage shares in the total number of staff members and the actual number of lawyers employed by PCPD in the past 3 years, and the expenditure involved;
7. the total estimates for the provision of legal assistance in this year and the total expenditure on the provision of legal assistance in the past 3 years.

Asked by: Hon TAM Man-ho, Jeremy

Reply:

Having consulted the Office of the Privacy Commissioner for Personal Data (PCPD), we append below a consolidated reply to the questions raised by Hon TAM Man-ho, Jeremy.

(1)

The numbers of complaints and enquiries received by the PCPD in the past 3 years are as follows:

<u>Year</u>	<u>Complaint</u>	<u>Enquiry</u>
2015	1 971	18 456
2016	1 838	16 180
2017	3 501*	15 594

* The number is 1 533 after taking out the 1 968 complaints relating to the reported loss of notebook computers by the Registration and Electoral Office.

(2) & (3)

The total number of applications under the Legal Assistance Scheme received by the PCPD in the past 3 years and the relevant figures are set out in the table below. The PCPD does not keep the number of cases where the complainants applied for legal assistance after mediation.

Type and number of cases	Year		
	2015/16	2016/17	2017/18
New applications for legal assistance	15	12	6
Completed applications for legal assistance	14	12	5
Applications for legal assistance granted	1	4	0
Applications rejected	9	5	3
Applications withdrawn by complainants	4	3	2

(4)

The follow-up actions taken and the relevant figures of cases where legal assistance was granted by the PCPD in the past 3 years are set out in the table below.

Type and number of cases	Year		
	2015/16	2016/17	2017/18
Cases where proceedings were filed			
Out-of-court settlement was reached after proceedings had been filed	0	0	0
Undergoing trials in court	0	1	0
Cases where proceedings were not filed			
Application withdrawn by complainants	0	0	1
Cases settled before proceedings were filed	0	1	2
Legal assistance terminated by PCPD	0	0	0

(5)

The numbers of court proceeding cases handled by PCPD's in-house lawyers and external lawyers in the past 3 years are set out in the table below.

<u>Year</u>	<u>Type of cases</u>	<u>Handled by in-house lawyers</u>	<u>Handled by external lawyers</u>
2015/16	Appeal cases of Administrative Appeals Board	35	0
	Legal assistance cases	1	1
	Judicial review and other legal actions	0	3
2016/17	Appeal cases of Administrative Appeals Board	34	0
	Legal assistance cases	3	0
	Judicial review and other legal actions	1	1
2017/18	Appeal cases of Administrative Appeals Board	21	0
	Legal assistance cases	1	0
	Judicial review and other legal actions	2	0
	Total number of cases:	98	5

(6) & (7)

The establishment of lawyers of PCPD, their percentage shares in the total number of staff members and the actual number of lawyers employed in the past 3 years, and the expenditure involved are set out in the table below.

	2015/16	2016/17	2017/18
Establishment of lawyers	6	6	6
Actual number of lawyers employed	7	6	6
Lawyers/total number of staff members (percentage)	8.43%	7.78%	8.0%
Expenditure for employing lawyers (for the whole financial year)	\$9.256 (million)	\$9.185 (million)	\$8.778 (million)

At present, cases of the PCPD's Legal Assistance Scheme are mainly handled by its in-house lawyers, and external lawyers are engaged as necessary to provide assistance. In the past 3 years, the total expenditures on engaging external lawyers under the Legal Assistance Scheme are \$53,000 (2015/16), \$65,000 (2016/17) and \$34,000 (2017/18) respectively. In addition to handling legal assistance cases (including giving legal advice, representing clients in legal proceedings, carrying out mediation and providing other assistance), PCPD's in-house lawyers also perform the following major duties:

- (a) Handle cases of administrative appeal, judicial review and legal proceedings involving the PCPD, and follow up on cases involving offences (e.g. direct marketing) under the Personal Data (Privacy) Ordinance (the Ordinance) and refer them to the Police for criminal prosecution;
- (b) Conduct review on the Ordinance and comparative study with regard to social needs and international development of privacy law;
- (c) provide legal support to various departments of PCPD, including: advise on legal issues arising from complaints, enquires, compliance checks and investigation cases, as well as applications for automated matching processes; review investigation reports, enforcement notices and inspection reports as required; advise on projects or programmes involving major privacy risks; review press releases and replies to the media or Legislative Council; attend seminars, talks and meetings, etc., organised or participated by the PCPD as speakers to brief organisations and the public on the application of the Ordinance; draft or advise on PCPD's codes of practice and information leaflets; advise on PCPD's employment or other legal issues; and review legal documents and contracts involving the PCPD (such as tenancy agreements, service contracts and tender documents, etc.); and
- (d) provide advice in relation to personal data privacy to government departments and policy bureaux on legislative proposals, bills, administrative measures and public consultation.

- End -

CONTROLLING OFFICER'S REPLY

S-CMAB09

(Question Serial No. S0041)

Head: (163) Registration and Electoral Office

Subhead (No. & title):

Programme: Electoral Services

Controlling Officer: Chief Electoral Officer (WONG See-man)

Director of Bureau: Secretary for Constitutional and Mainland Affairs

Question:

According to Reply Serial No. CMAB112, the Nominations Advisory Committee has not handled the matters related to the Legislative Council election for Hong Kong Island in the 2018 Legislative Council By-election. Please advise:

1. whether it means that the Returning Officer has failed to follow the procedures to consult the Nominations Advisory Committee after having sought legal advice from the Department of Justice?
2. given that the decision of Nominations Advisory Committee affects a person's fundamental right to stand for election and its functions are of vital importance, the Nominations Advisory Committee has not called for any meeting in relation to 2016 General Election and 2018 By-election in accordance with the Government's reply. In this regard, what sort of way will the Nominations Advisory Committee run/handle cases?

Asked by: Hon AU Nok-hin

Reply:

Under section 6 of the Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap. 541C) (the Regulation), a Returning Officer may seek the advice of the Nominations Advisory Committee (NAC) as to whether a particular candidate who has submitted a nomination form is eligible to be, or disqualified from being, nominated as a candidate. However, section 1(2)(a) of the Regulation also stipulates that the Regulation does not empower or require the NAC to advise Returning Officers on any matter relating to the requirements under section 40 of the Legislative Council Ordinance (Cap. 542).

2. In accordance with the Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation, each NAC consists of one member. The NAC generally accepts applications and renders its advice in written form.

- End -

CONTROLLING OFFICER'S REPLY

SV-CMAB10

(Question Serial No. SV011)

Head: (163) Registration and Electoral Office

Subhead (No. & title):

Programme: Electoral Services

Controlling Officer: Chief Electoral Officer (WONG See-man)

Director of Bureau: Secretary for Constitutional and Mainland Affairs

Question:

Further to Reply Serial No. CMAB 109, please provide the relevant legislative provisions that stipulate whether the Nominations Advisory Committees have power to advise Returning Officers in relation to section 40 of the Legislative Council Ordinance (Cap. 542) and section 34 of the District Councils Ordinance (Cap. 547).

Asked by: Hon CHAN Tanya

Reply:

As stipulated in section 1(2)(a) of the Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap. 541C) and section 1(2) of the Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap. 541E), these Regulations do not empower or require the Nominations Advisory Committee to advise Returning Officers on any matter relating to the requirements under section 40 of the Legislative Council Ordinance (Cap. 542) and section 34 of the District Councils Ordinance (Cap. 547) respectively.

- End -