

**Legislative Council Panel on Constitutional Affairs**

**The Chief Executive's 2023 Policy Address**

**Policy measures of the Constitutional and Mainland Affairs Bureau in relation to electoral arrangements, promotion on the Constitution and the Basic Law, promotion of equal opportunities and elimination of discrimination, etc.**

This paper briefs Members on the policy measures of the Constitutional and Mainland Affairs Bureau in relation to improving the electoral system and implementing the principle of “patriots administering Hong Kong”; promotion on the Constitution of the People’s Republic of China (the Constitution) and the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China (the Basic Law); and promotion of equal opportunities and elimination of discrimination, etc. A paper on policy measures relating to Mainland co-operation will be separately submitted to the Panel on Commerce, Industry, Innovation and Technology for discussion.

**Our vision**

2. In his Policy Address this year, the Chief Executive said that our governing tenets are to uphold “One Country, Two Systems”, strengthen the economy and improve people’s livelihoods. The Hong Kong Special Administrative Region (HKSAR) Government will, as in the past, fully, faithfully and resolutely implement the principles of “One Country, Two Systems”, “Hong Kong people administering Hong Kong” and a high degree of autonomy, as well as safeguard the constitutional order of the HKSAR as laid down by the Constitution and the Basic Law. We will fully implement the improved electoral system and the principle of “patriots administering Hong Kong”.

3. In respect of constitutional affairs, we will strive to ensure that public elections under the new electoral system will be conducted in a fair, open and honest manner. We will fully implement the principle of “patriots administering Hong Kong” and ensure that the power to administer Hong Kong is firmly in the hands of patriots in order to achieve good governance for the public good as well as long-term stability and safety of the HKSAR. At the same time, we will strive to promote the Constitution and the Basic Law to members of the public, safeguard the fundamental rights protected by the Constitution and the Basic Law, as well as promote equal opportunities and eliminate discrimination.

4. The policy measures we will pursue are highlighted as follows –
- (a) Take forward the preparatory work for constituting the new-term District Councils proactively, and ensure that the new-term District Councils will assume office smoothly on 1 January 2024, so as to enhance the efficacy of district governance with an improved district governance system;
  - (b) Work closely with the Electoral Affairs Commission (EAC) to ensure that the 2023 District Council Ordinary Election will be conducted in a fair, just, safe and orderly manner in accordance with the law;
  - (c) Adhere to the improved electoral system in the long run, continue enhancing the electoral arrangements, further apply information technology, and ensure the elections will be conducted in a fair, open, honest, safe, orderly, efficient and user-friendly manner;
  - (d) Launch a series of publicity activities to continuously actively promote the improved electoral system, so as to raise the public's awareness of the electoral system;
  - (e) Continue to work with the EAC to conduct by-elections for filling the council vacancies timely and properly;
  - (f) Adopt a diversified approach to strengthen publicity and public education on the Constitution and the Basic Law, which includes making good use of online platforms and social media, rolling out large-scale publicity activities, producing television and radio programmes, and enhancing publicity work targeting specific groups such as students, teachers, youths and civil servants, etc.;
  - (g) Establish a Working Group on Patriotic Education under the Constitution and Basic Law Promotion Steering Committee (CBLPSC) with a view to promoting patriotism;
  - (h) Implement the regular exchange mechanism between the HKSAR Government and the HKSAR deputies to the National People's Congress (NPC) as well as the HKSAR members of the National Committee of the Chinese People's Political Consultative Conference (CPPCC) to

enhance communication and collaboration, thereby rallying patriots with affection for the country and our city for building a better Hong Kong together;

- (i) Upon passage of the amendment bill of the Regional Flag and Regional Emblem Ordinance, strengthen publicity and public education at all fronts for enhancing public awareness of respecting and protecting the Regional Flag and Regional Emblem as well as public knowledge on their proper usage;
- (j) Extend the oath-taking requirement to public officers of other sectors;
- (k) Study possible amendments to the Personal Data (Privacy) Ordinance to further align with international developments in privacy protection, strengthen personal data protection, and address the challenges posed by cyber technologies;
- (l) Support the Steering Committee on Ethnic Minority Affairs, chaired by the Chief Secretary for Administration, to strengthen cross-bureau/ inter-departmental collaboration, as well as to co-ordinate and provide steer on support measures for ethnic minorities;
- (m) Co-ordinate the representations, in ethnic minority languages, of policies on and services for ethnic minorities by government bureaux and departments on their webpages;
- (n) Through the Equal Opportunities Commission (EOC), provide refresher training from time to time to help public authorities understand more precisely the content and requirements of the Administrative Guidelines on Promotion of Racial Equality, and strengthen public education and publicity on equal opportunities and social inclusion;
- (o) Continue to work with the EOC to study how the protection under the anti-discrimination ordinances could be enhanced to address discrimination that may be encountered by persons arriving in Hong Kong from the Mainland;

- (p) Support the EOC to enhance publicity and promotion of anti-sexual harassment, raise public awareness and response capabilities, and further explore enhancing the relevant legal protection; and
- (q) Promote equal opportunities for people of different sexual orientation and transgender persons to foster in the community the culture and values of inclusiveness, mutual respect and non-discrimination.

## **Detailed measures**

### District Council election

5. The 2023 District Council Ordinary Election will be held on 10 December this year. This election, the first large-scale and territory-wide one to be held right after improving the district governance system and the reform of the District Councils, is of particular significance. This also marks the final mile for the full implementation of the principle of “patriots administering Hong Kong” in the district governance structure. There are currently a total of 399 candidates in the election, including 171 candidates competing for 88 District Council Geographical Constituency seats, and 228 candidates competing for 176 District Committees Constituency seats.

6. Besides reverting to the original positioning under the Basic Law, the new-term District Councils will focus on livelihood issues, promoting the well-being of residents. The new District Councils will also gather patriots of various backgrounds and professions to contribute to district administration, fully implementing the principle of “patriots administering Hong Kong”, which is crucial for the full and steadfast implementation of “One Country, Two Systems”.

7. To enhance public understanding of the importance of the new electoral system and district governance structure as well as the advantages to members of the public, and to let the public understand more about the new District Councils and the new constituencies, we have launched a series of publicity activities at an early stage, adopting innovative and down-to-earth approaches to encourage electors to cast votes for their preferred candidates for serving the community and the public. We will work closely with the EAC to ensure that the District Council election will be smoothly conducted in a fair, just, honest, safe, orderly, efficient and user-friendly manner.

The improved electoral system and enhancement of electoral arrangements

8. Since improving the electoral system of the HKSAR in 2021, we have successfully held four major elections, including the 2021 Election Committee Subsector Ordinary Elections, 2021 Legislative Council General Election, 2022 Chief Executive Election and the 2022 Legislative Council Election Committee Constituency By-election.

9. We will draw on the valuable experience of the four aforementioned elections and the upcoming 2023 District Council Ordinary Election, and in consultation with the EAC and the Registration and Electoral Office, study possible enhancements to the electoral arrangements, including reviewing the prevailing legislation and practical arrangements, further introducing information technology, simplifying electoral procedures and enhancing efficiency, so as to ensure that elections will be held in a fair, open and honest manner, while being more efficient and user-friendly.

10. We will also continue allocating resources to publicise and promote through various channels and approaches the improved electoral system. We are collaborating with Radio Television Hong Kong in producing a series of educational videos which will be broadcast on television channels and social media.

Strengthening promotion on the Constitution and the Basic Law, rolling out patriotic education

11. The Constitution and the Basic Law together form the constitutional basis and order of the HKSAR, providing a solid legal basis and constitutional framework for the basic policy of “One Country, Two Systems” as well as the strongest safeguard for the long-term prosperity and stability of Hong Kong.

12. The HKSAR Government has all along attached great importance to the promotion and education on the Constitution, the Basic Law, the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (the National Security Law) as well as “One Country, Two Systems”. We have been proactively taking forward relevant work through the CBLPSC led by the Chief Secretary for Administration.

13. To strengthen public understanding on the Constitution, the Basic Law and the National Security Law, as well as the relationship between “One Country” and “Two Systems”, the HKSAR Government will continue to adopt a diversified approach to strengthen publicity and public education, including making good use of online platforms and social media to disseminate publicity information, rolling out large-scale publicity activities and organising promotional events at the community level, producing more television and radio programmes that are comprehensive and easy-to-understand, and enhancing publicity work targeting specific groups such as students, teachers, youths and civil servants, etc.

14. Last year’s Policy Address has set out indicators for promotion on the Constitution and the Basic Law, namely organising no less than 700 promotional activities with no less than 900 000 participants and no less than 25 million views via online publicity in 2024. Such work is in good progress. This year’s Policy Address has enhanced these indicators, i.e. the above indicators are expected to increase by 5% in 2025. We will continue to take forward publicity and education efforts at all fronts.

15. On the other hand, the HKSAR Government endeavours to build mainstream values characterised by patriotism with affection for our country and Hong Kong and in conformity with the principle of “One Country, Two Systems”. The Chief Executive announced in this year’s Policy Address that the HKSAR Government will roll out patriotic education to enhance national identity and appreciation of the richness and beauty of the traditional Chinese culture amongst our residents, laying a good foundation for our national unity and solidarity. We will also integrate patriotic education into our education system.

16. To ensure effective high-level co-ordination and steer, the Policy Address stated that the CBLPSC led by the Chief Secretary for Administration will expand its scope to cover patriotic education. We plan to establish a Working Group on Patriotic Education under the CBLPSC in the first quarter of next year, which will co-ordinate the work of government departments and non-governmental organisations in taking forward national education and dovetailing with the content set out in the Patriotic Education Law of the People’s Republic of China, with a view to enhancing education on our country’s history, culture and current affairs on different fronts, thereby promoting patriotism and ensuring its continuity from generation to generation. We are now examining the composition, mode of operation and scope of work, etc., of the Working Group, and will make announcement when details are finalised.

Enhancing exchanges with the HKSAR deputies to the NPC and the HKSAR members of the National Committee of the CPPCC

17. The HKSAR deputies to the NPC and the HKSAR members of the National Committee of the CPPCC are members of our country's major institutions. Excelling themselves in different sectors, they are a key force dedicated to our country and Hong Kong. They shoulder the vital responsibility of taking part in deliberation of national affairs, have in-depth understanding on matters of our country and Hong Kong, and make significant contributions to the further refinement in the administration of the rule of law and the legal system of our country and the long-term stability and prosperity of Hong Kong.

18. Earlier this year, the HKSAR Government has met with HKSAR deputies to the NPC and the HKSAR members of the National Committee of the CPPCC to discuss establishing a regular exchange mechanism and received huge support from them. This Bureau will continue to take forward relevant work to enhance communication and collaboration with the deputies and members and listen to their views and suggestions on the governance of the HKSAR through organising regular and ad-hoc exchange sessions. A regular liaison point has also been set up to collect their opinions. The HKSAR Government will continue to communicate and work with the HKSAR deputies to the NPC and the HKSAR members of the National Committee of the CPPCC so as to rally patriots with affection for the country and Hong Kong, contribute to the steadfast and successful implementation of "One Country, Two Systems", and build a better Hong Kong together.

Promotion and education on the Regional Flag and Regional Emblem

19. To better safeguard the dignity of the Regional Flag and Regional Emblem as the symbols and signs of the HKSAR, the HKSAR Government has introduced the Regional Flag and Regional Emblem (Amendment) Bill 2023 into the Legislative Council. The relevant Bills Committee of the Legislative Council has completed scrutiny of the Bill, and Second Reading debate on the Bill will resume at the meeting of the Legislative Council on 15 November this year. If the Bill would be passed by the Legislative Council, the amended Regional Flag and Regional Emblem Ordinance will be gazetted and take effect as soon as possible.

20. Regional Flag and Regional Emblem are symbols and signs of the HKSAR. At the same time, they serve as important means for members of the public to express their love and support for the HKSAR, as well as

to build up their respect and recognition of the HKSAR. The HKSAR Government will strengthen publicity and public education, for instance, by producing announcements or materials in the public interest, so as to enhance public awareness of respecting and protecting the Regional Flag and Regional Emblem, and let the public understand their proper usage.

#### Oath-taking by public officers

21. Upholding the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and swearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China are necessary requirements and fundamental conditions for public officers.

22. At present, the Chief Executive, Principal Officials, Members of the Executive Council and of the Legislative Council, judges of the courts at all levels and other members of the judiciary, members of the Election Committee and of the District Council, as well as civil servants have already taken oath or submitted written oath. In respect of the oath-taking arrangements of other public officers, the HKSAR Government is proactively formulating a proposal and will announce to the public when the proposal has been worked out later.

#### Protection of personal data

23. To combat doxxing acts which intrude into personal data privacy, the Legislative Council passed amendments to the Personal Data (Privacy) Ordinance in 2021, which included criminalising doxxing acts and providing the Privacy Commissioner for Personal Data (Privacy Commissioner) with relevant criminal investigation and prosecution powers. The Office of the Privacy Commissioner for Personal Data (PCPD) has been enforcing the law to combat doxxing offences. As at 31 October this year, the PCPD has commenced criminal investigation for 228 suspected doxxing cases and arrested 40 persons in 39 cases, amongst whom 13 persons were charged for committing doxxing offences with 11 of them being convicted, with the longest imprisonment sentence being eight months.

24. Furthermore, the development of information and internet technology has brought about certain new challenges to personal data privacy protection. The HKSAR Government together with the PCPD are studying further amendments to the Personal Data (Privacy) Ordinance to strengthen personal data protection and address challenges posed by



Internet technology development, etc. At present, amendment directions include: establishing a mandatory data breach notification mechanism, requiring data users to devise a data retention period policy, empowering the Privacy Commissioner to hand down administrative fines, directly regulating data processors, and clarifying the definition of personal data etc. Upon reference to relevant privacy laws in other legal jurisdictions and the actual situation of Hong Kong, we together with the PCPD will formulate concrete legislative amendment proposal and consult the Panel of its views.

### Promotion of racial equality

25. The HKSAR Government has always strived to ensure that Hong Kong residents, irrespective of their race, have equal access to public services. We are committed to promoting racial integration and building a caring and inclusive society. This Bureau will continue to support the Steering Committee on Ethnic Minority Affairs, chaired by the Chief Secretary for Administration, to strengthen cross-bureau and inter-departmental collaboration. The Steering Committee co-ordinates and provides steer on policies and measures in various areas, such as community, education, employment, social welfare and healthcare, etc., with the objective of providing fitting services and support to ethnic minorities.

26. In addition, we will continue to co-ordinate and maintain an overview on the overall implementation of the Administrative Guidelines on Promotion of Racial Equality (the Guidelines). We will also co-ordinate the representations of policies on and services for ethnic minorities by bureaux and departments on their webpages in eight other ethnic minority languages (i.e. Bahasa Indonesia, Hindi, Nepali, Tagalog, Thai, Urdu, Vietnamese and Punjabi) in addition to Chinese and English, so as to enhance ethnic minorities' understanding on the policies and services relevant to them. The EOC will also provide refresher training on the Guidelines from time to time for personnel of public authorities in order to enhance their awareness and sensitivity to the needs of people of diverse race.

### Promotion of equal opportunities and elimination of discrimination

27. The HKSAR Government has all along been committed to fostering a harmonious, inclusive and caring society. To achieve this aim, public education and publicity on equal opportunities, inclusiveness and anti-discrimination are of particular importance. In this regard, we will

continue to support the EOC in promoting, through a variety of channels, the message of mutual respect amongst people of different walks of life, thereby driving collaboration across sectors to build a diverse and inclusive society as well as promoting harmony and stability. The HKSAR Government will also continue to work with the EOC to study ways to enhance protection against sexual harassment as well as protection from discrimination that may be encountered by persons arriving in Hong Kong from the Mainland.

28. In addition, the HKSAR Government has all along been striving to promote equal opportunities for people of different sexual orientation and transgender persons. We will continue with public education and publicity via various channels including online platforms. We will also continue to promote to employers the Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation.

### **Conclusion**

29. We will continue to implement the above-mentioned various policy measures. Members are invited to note the content of this paper.

**Constitutional and Mainland Affairs Bureau**  
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