

Chapter XVI : Constitutional Affairs

16.1 At the invitation of the Chairman, the Secretary for Constitutional Affairs (SCA), Mr Michael SUEN, briefed members on the major programmes under his policy area in 2001-02 (Appendix V-15a). The Director of Beijing Office (DBO), Mr Bowen LEUNG, then highlighted the major work of the Beijing Office (BJO) in 2001-02 (Appendix V-15b).

Voter registration

16.2 Noting that the expenditure on publicity and the registration of voters for the voter registration exercise conducted in 1999 and 2000 was \$10 million and \$40.6 million respectively, Mr Howard YOUNG enquired about the reasons for the huge difference and the effectiveness of the respective publicity campaigns.

16.3 In reply, SCA explained that the relevant expenditure in 2000 was attributed to the large scale voter registration campaign launched before the 2000 Legislative Council (LegCo) election. The main features of the 2000 voter registration campaign included, inter alia, a comprehensive publicity campaign to raise community awareness and a full scale door-to-door household visits. The latter entailed the employment of a considerable number of temporary community organizers. As a result of the large-scale publicity campaign, applications for voter registration had increased substantially in 2000 as compared to 1999. In further response to Mr YOUNG, SCA undertook to provide information on the respective numbers of voter registration applications in 1999 and 2000.

Promotion of the Basic Law

16.4 In response to Mr Jasper TSANG, Deputy Secretary for Constitutional Affairs (1) explained the way the opinion survey commissioned by the Constitutional Affairs Bureau (CAB) to gauge the public's understanding of the Basic Law was conducted. Mr TSANG commented that the design of the survey, which had primarily aimed at testing the respondents' general knowledge of the different aspects of the Basic Law, was not specific enough to provide yardsticks for a continuous tracking of the increase of understanding of the Basic Law. CAB explained that four specific target groups, namely "Local Community", "Teachers", "Students" and "Civil Servants", had been identified for the purpose of the survey. Different types of questions were asked. For example, the questions for the general public segment were designed and asked in an ascending order of difficulty. Respondents were first asked if they had heard of the Basic Law. If affirmative, they were then asked how much they knew

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about the Basic Law. Respondents who claimed to know the existence of the Basic Law would be requested to answer six questions which would be indicative of their knowledge of the Basic Law. Apart from shedding light on the public's understanding of the Basic Law, the opinion survey would also identify the effective means to promote the Basic Law. The preliminary findings would be available by end of March 2001. The findings of the opinion survey would serve as the basis for formulating future promotional strategies and plans.

Political party law

16.5 Miss Emily LAU and Ms Andrey EU noted with concern that notwithstanding that CAB had only started examining the desirability and feasibility of introducing a political party law after the 2000 LegCo election, the Chief Executive Election Bill (CEE Bill) had already provided for the definition of "political party". Miss LAU pointed out that if the CEE Bill was enacted, it might have the effect of pre-empting the conclusion of the study on political party law.

16.6 In reply, SCA advised that it was necessary to define "political party" as there were references to the term in the CEE Bill. The definition of "political party" in the CEE Bill did not necessarily apply to the future political party law. The scope of a political party law was much wider. Apart from specifying the method of registration, the political party law would also cover the printing of party name and logo on ballot papers, whether and how their source of income should be disclosed, etc. At present, the study on political party law was still at a preliminary stage. In fact, the concept of political party was not new and had been used in other pieces of legislation under the term "political organization", which was usually defined narrowly. SCA pointed out that in drafting the definition of "political party" in the CEE Bill, the Administration had made reference to major overseas jurisdictions and the proposed definition was similar to those adopted by many countries. He was confident that the proposed definition would be a useful reference for the future political party law.

16.7 As regards the timetable for introducing a political party law, SCA said that he could not provide a definite timetable at this stage as the Executive Council had yet to be consulted. He however assured members that this would be done as soon as practicable. In response to Dr YEUNG Sum's call for the need to consult the public on formulation of a political party law, SCA considered it too early to consider the matter.

Chief Executive election

16.8 Noting that a total of \$10.46 million had been included in the 2001-02 draft Estimates for the Chief Executive (CE) election, of which \$6.18 million was for other expenses related to the election, Mr Jasper TSANG requested for a breakdown of these expenses and enquired whether they included the expenses for holding a subsector by-election of the Election Committee, where necessary.

16.9 SCA advised that the \$10.46 million did not include the expenses for holding a subsector by-election of the Election Committee. Any such expenses would be absorbed by the overall provisions allocated to the Registration and Election Office. As regards the \$6.18 million for other expenses, he provided a breakdown as follows -

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| (a) hiring additional personnel under contract term | \$3.78 million |
| (b) publicity expenses | \$1.00 million |
| (c) temporary accommodation costs | \$0.40 million |
| (d) election expenses (venue, transport, printing costs, etc) | \$1.00 million |

Total \$6.18 million

16.10 Miss Emily LAU and Dr YEUNG Sum expressed reservation about the requirements in the CEE Bill that a candidate who was a member of a political party had to resign from his political party before he could stand in an election and that if a member of a political party was elected as the CE, he must publicly make a declaration that he ceased to be a member of any political party. They opined that the provision was prejudice against individuals who were members of political parties.

16.11 SCA disagreed that the CEE Bill was prejudiced against political parties. He pointed out that as explained in the First Reading of the CEE Bill, Government would like to see a balanced and gradual development of political parties. The Basic Law had mapped out the blueprint for Hong Kong's political development. It established the principle of gradual and orderly progress for the formation of LegCo and provided the Hong Kong Special Administrative Region (HKSAR) with the flexibility to decide on the method for selecting the CE after 2007. On the formation of LegCo, the number of directly elected members had increased from 20 in the first term of LegCo and to 24 and 30 in the second and third terms of LegCo respectively. As regards CE election, the first term CE was

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elected from a 400-member Selection Committee and the second term CE would be elected from an 800-member Election Committee.

16.12 SCA further advised that this gradual process provided the HKSAR with sufficient time to strengthen the foundation of its political structure and accumulate experience through the process of implementation before taking the next step. Under the existing framework and the prevailing circumstances, there was a need to require a person who was a member of a political party to resign after he was elected CE. By the time the CE was to be elected by universal suffrage, substantial amendments would be introduced to the law to tie in with the changes.

16.13 In response to Miss Emily LAU's further enquiry, SCA said that the study currently undertaken by CAB on the government systems practised in selected countries for the purpose of developing a system that best suits Hong Kong's long-term interests covered more than ten major countries.

Liaison with the Mainland authorities

16.14 Referring to cases in which the Home Visit Permits of some Hong Kong residents had been confiscated, or were not renewed, Mr SZETO Wah was concerned about the latest progress of the matter. In reply, SCA advised that he had raised the matter at each of the seven meetings with the Hong Kong and Macao Affairs Office (HKMAO) between 1999 and 2000 but had yet to receive a concrete reply. According to HKMAO, the matter was still under consideration. He undertook to continue to follow up the matter.

16.15 Mr CHEUNG Man-kwong pointed out that as the subjects discussed at the seven meetings held with HKMAO were of great concern to the people of Hong Kong, the relevant minutes or reports of these meetings should be made public, in particular in respect of the mechanism for amending the Basic Law and the referral mechanism of cases of Hong Kong residents in distress in the Mainland.

16.16 In reply, SCA advised that CAB reported to the Panel on Constitutional Affairs on issues discussed with HKMAO from time to time. The mechanism for amending the Basic Law was one of the issues reported to members periodically notwithstanding that the progress was less than satisfactory. On the issue of Hong Kong residents in distress in the Mainland, the Security Bureau had already put in place a referral mechanism to deal with such cases.

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SCA stressed that discussions on many of the issues were still in progress. It would not be appropriate to make public the details of discussion before concrete results were achieved. In response to Mr CHEUNG, he reiterated that it was inappropriate to report to LegCo on the deliberations of each and every meeting with HKMAO. He assured members that where any material outcome had been reached in any of the matters deliberated, the Administration would report to LegCo and make it known to the public. He also pointed out that he would not attribute any result achieved solely to its meetings with HKMAO.

16.17 On Mr IP Kwok-him's enquiry about the role of CAB in assisting the relevant bureaux/departments to establish new sub-committees or expert groups with the Guangdong authorities to consider specific subjects of mutual concern, SCA explained that CAB played a co-ordination role in this respect. Upon the request of a bureau/department to examine a specific issue with the Guangdong authorities, CAB would convey such request to the Guangdong authorities and assist in the setting up of a sub-committee or expert group for the purpose. Once the sub-committee or expert group was set up, CAB had completed its work and the matter would be taken up by the responsible bureau/department. In further response to Mr IP, SCA agreed to provide information on the number of sub-committees and expert groups established.

16.18 Mr CHEUNG Man-kwong expressed appreciation of BJO's increased efforts in helping Hong Kong residents in distress in the Mainland without additional resources. Mr LAU Chin-shek was however concerned about the absence of any targets set by BJO for measuring its performance on liaison work in quantitative terms.

16.19 In response, DBO explained that the function of BJO was to broaden and enhance the liaison network with the Central People's Government and other Mainland authorities, with a view to promoting understanding and exchanges between Hong Kong and the Mainland. Last year, BJO had considered establishing yardsticks to quantify its liaison work. However, being the representative of the Hong Kong Special Administrative Region Government (HKSARG) in the Mainland, BJO had to act on the direction of the HKSARG. As such, it could not plan or anticipate its work proactively. On liaison work, it was practically difficult to quantify in a comprehensive and objective way the nature and effectiveness of its activities. The breadth and depth of liaison work could not be expressed in numerical terms. BJO welcomed the scrutiny of its performance by LegCo, the media and the general public.

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16.20 On Mr LAU Chin-shek's further enquiry about the number of ministers and departments that BJO had contacted in the past year on the advice of the HKSARG, DBO advised that the work of BJO had been reflected in the report made by the Controlling Officer. In the past year, he had met ministers and deputy ministers of over 30 departments and ministries in the Mainland. Staff of BJO also had frequent contacts with the officials of other ministries at the working level, such as Public Security Bureau and Ministry of Foreign Trade and Economic Co-operation, PRC. In addition, BJO organized three major promotional campaigns in three provinces, namely Tianjin, Hebei and Shaanxi, during which close contacts and liaison with the officials at the provincial level were made. He reiterated that it was difficult to quantify liaison work which could take different forms and were not confined to formal meetings. Liaison was an on-going process and its achievements and effectiveness very often need time to develop.