

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 2002-03 (Appendix V-15a). The Director of Beijing Office (DBO), Mr Bowen LEUNG, then highlighted the major work of the Beijing Office (BJO) in 2002-03 (Appendix V-15b).

Constitutional affairs

Financial provision for the Constitutional Affairs Bureau

16.2 Noting that the estimated overall provision of \$36.6 million for the Constitutional Affairs Bureau (CAB) for 2002-03 represented a reduction of 7.8% over the revised estimate of 2001-02, Ms Emily LAU queried whether this was indicative that CAB's scope of work would diminish.

16.3 On the work of the CAB, SCA highlighted its major activities and tasks since the handover in 1997. He said that CAB had been engaged in a number of important activities, notably the implementation of the Basic Law in Hong Kong, elections for the first and second terms of the Legislative Council (LegCo), the first term District Councils (DCs) and the second term of the Chief Executive. Furthermore, there was ongoing work in electoral issues, voter registration, constitutional development and implementation of an accountability system for principal officials to take effect on 1 July 2002. Referring to constitutional development as an example, SCA pointed out that there had been considerable discussion at the Panel on Constitutional Affairs where members had expressed different views on the pace of achieving universal suffrage, which was the ultimate aim of the Basic Law. CAB would need to examine the subject very carefully and related work in this area would continue. SCA reiterated that the workload of CAB would remain heavy in 2002-03.

16.4 In this connection, Ms Emily LAU enquired about the progress in examining the abolition of appointed seats in DCs and reviewing the representativeness of functional constituencies in the LegCo. She considered that these were priority tasks but were not covered in the Estimates for 2002-03. On the next DC elections in 2003, SCA advised that the framework for the DC elections had been set up some two years ago. He did not expect that there would be any major changes to the electoral framework for the 2003 DC elections and said that what would be required would be minor adjustments involving no

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substantial increase in resources. He undertook to brief the Panel on Constitutional Affairs on the detailed arrangements regarding the next DC elections in due course.

Voter registration

16.5 Noting that the bulk of the provision of \$114.8 million earmarked for the Registration and Electoral Office (REO) was for the preparation of the DC elections in 2003, Mr Howard YOUNG questioned the need for this level of provision since a large-scale voter registration campaign had already been launched in 1999.

16.6 In response, SCA explained that voter registration was not an one-off exercise as every year, there were Hong Kong residents who became eligible for registration as voters. Despite a large-scale voter registration campaign launched in 1999, it was still necessary to conduct another voter registration campaign to register new voters and update the details of existing voters for the DC elections to be held in 2003. He supplemented that the REO would continue to work on the development of a new Electoral and Registration System which would facilitate electoral registration work. At Mr Howard YOUNG's request, SCA undertook to provide information on the expenditure on the voter registration exercise in 1999 vis a vis the proposed expenditure for 2002-03.

16.7 Referring to CAB's use of information technology to improve the electoral arrangements, Mr HUI Cheung-ching enquired on the savings which could be achieved as a result. In reply, SCA said that as development of the new Electoral and Registration System was still underway, he was not in a position to provide any detailed information at this stage. Nevertheless, he undertook to brief the Panel on Constitutional Affairs on the new System when ready.

16.8 On the provision of \$19.49 million for a voter registration drive and for updating the voter register of the DC elections to be held in 2003, Dr YEUNG Sum enquired about the measures and resources for attracting more young people to register, given that past voter registration and turnout rates for young people were relatively low.

16.9 In reply, the Chief Electoral Officer advised that a detailed plan on the voter registration exercise to be conducted in 2003 had yet to be worked out.

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Nevertheless, he said that REO would take into account Dr YEUNG Sum's concern when devising publicity strategies to raise the civic awareness of young people.

Principal officials

16.10 Noting that \$10,000 had been earmarked in 2002-03 for the consultancy study on the remuneration package for principal officials to be appointed under the new accountability system, Mr James TIEN asked whether the proposed provision would also cover a study on the remuneration package for existing officers at the rank of Bureau Secretary (D8) or equivalent. In reply, SCA clarified that the consultancy study on the remuneration package for the principal officials to be appointed under the new accountability system had largely been completed. The sum of \$10,000 in next year's Estimates was meant to cover contingencies. The study was not intended to cover the pay system for existing civil servants.

Liaison with the Hong Kong and Macao Affairs Office

16.11 Referring to the six subjects discussed at the six meetings between the CAB with the Hong Kong and Macao Affairs Office (HKMAO) in 2000 and 2001, Mr CHEUNG Man-kwong asked whether the discussion at the meetings could be made public. He was particularly concerned about matters relating to the Home Visit Permits (HVP) and asked whether the CAB had conveyed to the HKMAO cases in which the HVP of some Members had been confiscated, or were not renewed.

16.12 In response, SCA explained that as discussion on the subjects was still ongoing, it would not be appropriate to make public the details of the discussion on each occasion. However, he assured members that the Administration would make announcements as and when appropriate. SCA informed members that the subject of HVP was raised at previous meetings with HKMAO and that members' concern had been fully reflected. So far, CAB had not been informed of any development.

Beijing Office

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Office accommodation

16.13 Regarding the latest progress of the purchase and fitting-out of office accommodation for the BJO, DBO advised that as suitable existing premises were not available, the BJO had identified a site for the construction of office premises. Negotiation with the Beijing Municipal Government on the land price and other conditions was still underway. The relevant application for site acquisition and related matters was still under consideration by the Beijing Municipal Government; a firm date for occupancy therefore could not be provided at this stage. He assured members that if the terms and conditions could be finalized by this summer, construction works could immediately commence.

Promotional activities on Hong Kong

16.14 Mr IP Kwok-him enquired if the proposed provision of \$4 million for 2002-03 was adequate to cover expenses relating to the promotional activities of the BJO if the provision needed to cover expenses such as venue charges, production cost of the exhibitions and fees for promotional activities and conferences.

16.15 In reply, DBO advised that due to limited manpower resources, the BJO would each year identify three places in the Mainland to hold promotional activities. For 2002-03, the three places identified were Shandong in May this year, and two other provinces, one in the eastern coastal region (Jiangsu or Zhejiang) and one in the mid-west region. The promotional activities would aimed at highlighting the implementation of the Basic Law and "one country, two systems" in Hong Kong, strengthening the strategic roles of Hong Kong and facilitating Hong Kong's business and professional sectors to explore new markets in the Mainland. He recalled that the exhibition held in Chongqing in November 2001 had attracted over 100 000 Mainland visitors, and each of the seminars was attended by more than 500 participants from Mainland local authorities and enterprises. The provision of \$4 million would cover the costs for holding an exhibition lasting for seven to eight days, and seminars for Hong Kong delegates, Mainland authorities and enterprises. Based on past experience, DBO considered that the provision of \$4 million would be adequate. DBO also confirmed that BJO was only responsible for the accommodation and travelling expenses of the speakers invited from Hong Kong. Expenses incurred by other delegates would be borne by themselves.

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16.16 Mr Henry WU enquired about the criteria for selecting places in the Mainland for large-scale promotional activities. In response, DBO stressed that as the promotional activities were aimed at promoting the unique strengths of Hong Kong and facilitating Hong Kong businessmen and professionals to explore new markets in the Mainland, the potentials of economic development of the selected places was one of the key factors for consideration. Shandong, which ranked third in Gross National Product among the Mainland provinces, was selected because it provided enormous business opportunities and potentials for Hong Kong businessmen and professionals. In addition, the BJO would also consider whether the infrastructure and facilities of the places would be able to support the publicity drive.

Assistance to Hong Kong residents

16.17 Mr Martin LEE expressed concern about Hong Kong residents who were detained in the Mainland, and those who were injured in traffic accidents. He questioned whether adequate financial provision had been earmarked for the provision of timely assistance to these Hong Kong residents.

16.18 In reply, DBO confirmed that the BJO had all along published the channels for rendering assistance to Hong Kong residents in the Mainland through its pamphlets and website. Apart from approaching the BJO, Hong Kong residents could also call the 24-hour hotline of the Immigration Department (Imm D) in case of emergency. DBO said that he was not aware of any cases in the past in which Hong Kong residents could not get in touch with the BJO. On business disputes which led to the detention of Hong Kong residents in the Mainland, he stressed that these cases must be handled carefully as they often involved a certain degree of complication and required a longer process of investigation and litigation. On the traffic accidents involving Hong Kong residents during the Chinese New Year, DBO confirmed that in response to requests for assistance from the group tour companies, the Imm D, the media and the local Public Security Bureau, staff from the BJO had gone to the places of accident to provide appropriate assistance. He assured members that the BJO would continue to step up publicity and assist Hong Kong residents as appropriate in the circumstances.

16.19 Mr Martin LEE was concerned about the availability of medical

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treatment to Hong Kong residents injured in traffic accidents in the Mainland due to their inability to pay the necessary fees. In this regard, DBO said that BJO had not received complaints from Hong Kong residents for not getting medical treatment in Mainland hospitals due to their inability to pay medical fees. He informed members that a fund had been set up under the BJO to provide loans to Hong Kong residents in need.

16.20 Regarding Mr SZETO Wah's concern about self-arranged medical care for detainees in the Mainland, DBO explained that according to the existing legislation in the Mainland, the BJO was not in a position to make such arrangement for detained Hong Kong residents. Nevertheless, the BJO had all along conveyed their families' requests for medical treatment or for meeting the detainees to the relevant authorities, and almost all these requests had been acceded to by the detaining institutions. As to whether medication could be sent to the detainees, DBO said that normally, this was not allowed due to security reasons. However, he added that medical staff were available at the detaining institutions to provide the necessary medical attention.