

Panel on Constitutional Affairs

List of outstanding items for discussion
(position as at 12 February 2004)

**Proposed
timing for
discussion**

1. Application of certain provisions of the Prevention of Bribery Ordinance (Cap. 201) (POBO) to the Chief Executive (CE)

The item was first discussed by the Panel at the meeting on 9 February 1999 and followed up at a number of meetings. Members considered it appropriate to codify the common law offence of bribery so that CE would be subject to the same regulatory framework applicable to government officers or public servants under POBO.

To be advised by Director of Administration

At the meeting on 21 January 2002, the Administration advised that it would work out the appropriate legislative amendments to set out in separate provisions a regulatory framework for application to CE, making reference to that being applied to government officers under POBO. The legislative proposal would be introduced into LegCo in the 2002-2003 legislative session.

The legislative proposal was not included in the Government's Legislative Programme for 2002-03 and 2003-04. As advised by the Constitutional Affairs Bureau (CAB), the Administration Wing of the Chief Secretary's Office aims to revert to the relevant LegCo Panel once it is in a position to do so.

2. Mechanism for amending the Basic Law

Discussions on this item were held by the Panel since the 1998-1999 legislative session.

To be advised by CAB

At the meeting on 17 July 2001 when the item was last discussed, the Administration advised that it was continuing discussion with the Central Authorities regarding the issues identified, particularly those relating to the Standing Committee of the National People's Congress (NPC), the State Council, the local NPC deputies and the Basic Law Committee.

CAB advised in writing in January 2004 that it will revert to the Panel once it is in a position to do so.

3. The question of "important bill" under Article 50 of the Basic Law

At the meeting on 20 December 1999, the Panel requested the Administration to clarify the meaning of "important bill" in BL 50. The Administration advised at the meeting on 19 June 2000 that given the complex issues and factors involved in deciding whether a bill was "important", it needed more time to study the matter before forming a mature view.

To be advised
by CAB

The Research Report on "Parliamentary Handling of Non-ordinary Bills" prepared by the Research and Library Services Division (RLSD) was presented to the Panel on 7 May 2001 (RP10/00-01).

CAB advised in writing in January 2004 that it would revert to the Panel on this item once it was in a position to do so.

4. Review on Constitutional development after 2007

The Chief Executive (CE) announced in his Policy Address on 7 January 2004 the setting up of the Task Force on Constitutional Development to examine in-depth the relevant principles and legislative process in the Basic Law relating to constitutional development, to consult the relevant departments of the Central Authorities, and to listen to the views of the public on the relevant issues.

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The Task Force briefed the Panel on its duties and work plan on 15 and 28 January 2004. The Task Force would keep the Panel informed of progress of its work.

5. Review of District Councils (DCs)

The Administration advised that it would conduct a comprehensive review of DCs for the third and subsequent terms DCs after the second term DCs elections.

To be advised by
CAB

Members requested that the review should cover, inter alia, the roles, functions, composition of DCs, delineation of constituency boundaries, and the desirability of adopting the proportional representation system for DCs elections.

In view of members' views on the appointed membership of DCs, the Administration agreed that the issue would be included in the review.

6. Restrictions on activities of former holders of the office of the Chief Executive (CE)

At the meeting on 19 March 2001, the Administration advised the Panel that there was no restriction imposed on commercial or political activities of former holders of the office of CE in and outside HKSAR under the present legislation. At the meeting on 17 July 2001, the Administration briefed members on its preliminary research on the arrangements applicable to heads of governments after stepping down from office in a number of overseas countries.

To be advised by
CAB

RLSD presented its Research Report on "Restrictions on Activities of Former Heads of Government and Former Senior Members of Government" to the Panel on 21 January 2002 (RP02/01-02), and provided supplementary information on the subject (LC Papers Nos. CB(2)1081/01-02(04) and CB(2)1494/01-02(01)).

CAB advised in writing in January 2004 that it would revert to the Panel on this item once it was in a position to do so.

7. Accountability system for principal officials and related issues

The six-month Report on Implementation of the Accountability System for Principal Officials was considered by the Panel at its meeting on 17 February 2003. The 12-month Report was considered by the Panel at its meeting on 21 July 2003. The Administration agreed to consider carefully a number of issues raised by members.

To be advised by
CAB

At the meeting on 17 November 2003, the Director of Administration Wing of the Chief Secretary's Office briefed the Panel on the outcome of the review of the transfer of statutory powers and functions currently vested in the offices of the Chief Secretary for Administration and Financial Secretary to the respective Directors of Bureaux.

CAB advised in writing in January 2004 that it would report progress on the outstanding issues to the relevant Panel as and when appropriate.

8. Political party law

At the meeting on 17 November 2003, members endorsed the research outline prepared by RLSD on "The regulatory framework of political parties in Germany, New Zealand, and Singapore". At the

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suggestion of a member, the Panel agreed that the United Kingdom would also be included in the research study. The research study was scheduled for completion in February 2004.

9. Composition, functions and operation of the Electoral Affairs Commission

At the meeting on 17 November 2003, members endorsed the research outline prepared by RLSD on "Operation of electoral regulatory bodies in selected places". The research study was scheduled for completion in January 2004.

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Council Business Division 2
Legislative Council Secretariat
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