

Panel on Constitutional Affairs

List of outstanding items for discussion
(position as at 12 December 2003)

**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) in writing on 3 October 2003, 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 on 3 October 2003 that it was studying the matter and hoped to provide the Panel with an update before the end of 2003.

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 on 3 October 2003 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 Panel presented the Report on the Development of the HKSAR's Political System to the Council in the 1999-2000 session. A motion debate on the subject matter was held on 14 June 2000.

December 2003

The Panel received views from deputations at the meetings on 12 June and 9 July 2001. At the meeting on 30 October 2001, the Panel urged the Administration to conduct a review of the political system of the HKSAR expeditiously so that any changes arising from the review could be implemented as early as possible after 2007. The Panel also requested the Administration to work out a timetable for the review.

At the meeting on 16 June 2003, the Panel received views from deputations on the interpretation of paragraph 7 of Annex I to the Basic Law, i.e. whether the phrase "the terms subsequent to the year 2007" should be construed to include the third term of office of CE commencing in 2007.

CAB advised in writing on 3 October 2003 that between thence and 2006-07, it would conduct a review on constitutional development after 2007 in accordance with the Basic Law, and set aside sufficient time for wide public consultation. It would also reserve sufficient time to trigger the mechanisms prescribed in the relevant Annex of the Basic Law and deal with local legislation.

At the meetings on 20 October 2003 and 17 November 2003, SCA reiterated that a decision would be made in December 2003 on the timetable for the public consultation and review on constitutional development.

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 on 3 October 2003 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

CAB advised in writing on 3 October 2003 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 suggestion of a member, the United Kingdom will also be included in the research study. The research study is scheduled for completion in February 2004.

February/March
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 is scheduled for completion in January 2004.

January/
February 2004

Council Business Division 2
Legislative Council Secretariat
12 December 2003