

**立法會**  
**Legislative Council**

LC Paper No. CB(2)868/05-06  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/CA

**Panel on Constitutional Affairs**

**Minutes of meeting**  
**held on Monday, 21 November 2005 at 2:30 pm**  
**in the Chamber of the Legislative Council Building**

**Members present** :

- Dr Hon LUI Ming-wah, SBS, JP (Chairman)
- Hon James TIEN Pei-chun, GBS, JP
- Hon LEE Cheuk-yan
- Hon Martin LEE Chu-ming, SC, JP
- Hon Margaret NG
- Hon Mrs Selina CHOW LIANG Shuk-yeet, GBS, JP
- Hon CHEUNG Man-kwong
- Hon CHAN Kam-lam, SBS, JP
- Hon LEUNG Yiu-chung
- Dr Hon Philip WONG Yu-hong, GBS
- Hon WONG Yung-kan, JP
- Hon Howard YOUNG, SBS, JP
- Hon LAU Wong-fat, GBM, GBS, JP
- Hon Miriam LAU Kin-yeet, GBS, JP
- Hon Emily LAU Wai-hing, JP
- Hon Timothy FOK Tsun-ting, GBS, JP
- Hon TAM Yiu-chung, GBS, JP
- Hon LI Fung-ying, BBS, JP
- Hon Audrey EU Yuet-mee, SC, JP
- Hon LEE Wing-tat
- Hon Daniel LAM Wai-keung, BBS, JP
- Hon Alan LEONG Kah-kit, SC
- Hon LEUNG Kwok-hung
- Dr Hon KWOK Ka-ki
- Dr Hon Fernando CHEUNG Chiu-hung
- Hon CHEUNG Hok-ming, SBS, JP
- Hon WONG Ting-kwong, BBS
- Hon CHIM Pui-chung
- Hon KWONG Chi-kin
- Hon TAM Heung-man

**Members absent** : Hon Jasper TSANG Yok-sing, GBS, JP (Deputy Chairman)  
Hon Albert HO Chun-yan  
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP  
Dr Hon David LI Kwok-po, GBS, JP  
Hon Bernard CHAN, JP  
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Dr Hon YEUNG Sum  
Hon LAU Chin-shek, JP  
Hon LAU Kong-wah, JP  
Hon CHOY So-yuk, JP  
Hon Abraham SHEK Lai-him, JP  
Hon MA Lik, GBS, JP  
Hon Ronny TONG Ka-wah, SC  
Hon Patrick LAU Sau-shing, SBS, JP

**Public Officers attending** : Item IV

Mr Stephen LAM Sui-lung  
Secretary for Constitutional Affairs

Mr Clement MAK Ching-hung  
Permanent Secretary for Constitutional Affairs

Mr Patrick NIP Tak-kuen  
Acting Director, Beijing Office

Mr Philip YUNG Wai-hung  
Deputy Secretary for Commerce, Industry and Technology

Mr Arthur HO Kin-wah  
Head, Hong Kong Guangdong Cooperation Coordination  
Unit

Mr Peter LEUNG Pak-yan  
Director, Hong Kong Economic & Trade Affairs,  
Guangdong

Ms Grace LUI Kit-yuk  
Deputy Secretary for Constitutional Affairs

Mr Michael WONG Wai-lun  
Deputy Secretary for Security

**Clerk in attendance** : Mrs Percy MA  
Chief Council Secretary (2)3

**Staff in attendance** : Mrs Eleanor CHOW  
Senior Council Secretary (2)4  
  
Mrs Fanny TSANG  
Legislative Assistant (2)3

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**I. Confirmation of minutes of meeting**

(LC Paper No. CB(2)92/05-06 – Minutes of meeting on 13 October 2005)

The minutes of the meeting held on 13 October 2005 were confirmed.

**II. Information papers issued since the last meeting**

2. Members noted that the following papers had been issued since the last meeting –

- (a) LC Paper No. CB(2)283/05-06(01) – Administration's response to issues raised by members of the Panel relating to the Fifth Report of the Constitutional Development Task Force at the meeting on 21 October 2005;
- (b) LC Paper No. CB(2)307/05-06(01) – Chairman's letter dated 21 October 2005 to the Secretary for Constitutional Affairs on "Visit of the Panel to Beijing"; and
- (c) LC Paper No. CB(2)307/05-06(02) – Secretary for Constitutional Affairs' interim reply dated 3 November 2005 to the Chairman on "Visit of the Panel to Beijing".

**III. Items for discussion at the next meeting**

(LC Paper No. CB(2)396/05-06(01) – List of outstanding items for discussion

LC Paper No. CB(2)396/05-06(02) – List of follow-up actions)

3. Mr LEUNG Yiu-chung said that four years had lapsed since the Administration last reported progress on its discussion with the Central

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Authorities regarding the mechanism for amending the Basic Law. He proposed to discuss the item at the next meeting to be held on 19 December 2005. Secretary for Constitutional Affairs (SCA) said that the Administration had been following up the issue with the Central Authorities and was waiting for its reply. He undertook to report progress to the Panel once the Administration was in a position to do so.

4. Ms Emily LAU said that the relevant committees under the Commission on Strategic Development would hold meetings at the end of November 2005 to discuss issues relating to constitutional development. She suggested and members agreed that the Panel would discuss the papers prepared by the Administration for the relevant committees under the Commission on Strategic Development at the next meeting.

**IV. Establishment of Mainland Affairs Liaison Office**

(LC Paper No. CB(2)396/05-06(03) – Paper provided by the Administration on "Establishment of Mainland Affairs Liaison Office")

5. SCA briefed members on the paper which sought members' views on –
- (a) the establishment of the Mainland Affairs Liaison Office (MALO), and the creation of two Administrative Officer Staff Grade (AOSG) posts and 11 non-directorate posts;
  - (b) the adjustment of functions of the Office of Hong Kong Special Administrative Region (HKSAR) Government in Beijing (BJO) and related establishment proposals; and
  - (c) the plan to strengthen Hong Kong's representation in the Mainland by expansion of functions of the Hong Kong Economic and Trade Office (ETO) of the HKSAR in Guangdong (GDETO) and establishment of ETOs in Chengdu and Shanghai.

Assistance to Hong Kong residents in distress in the Mainland

6. Many members considered that the functions of BJO and ETOs in the Mainland should not be confined to economic and trade issues. They were particularly concerned about the provision of assistance for Hong Kong residents in distress in the Mainland, e.g. in matters relating to immigration, education, health, labour, law and trade. It was important for BJO and ETOs to provide useful information to Hong Kong residents in the Mainland, such as the procedures for dealing with the relevant departments of the Mainland authorities, useful telephone numbers and contact persons of these departments, the unions to be approached in case of labour disputes, and list of Mainland law societies, etc.

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7. SCA said that Hong Kong offices and residents in the Mainland needed to respect the principle of “one country, two systems” and the Mainland law. As the representatives of the Government of HKSAR, BJO and GDETO would communicate with and seek help from the relevant Mainland authorities on problems faced by Hong Kong residents in the Mainland as and when appropriate. On trade matters, ETOs would facilitate Hong Kong businessmen and companies to benefit from the Mainland and Hong Kong Closer Economic Partnership Arrangement. BJO and GDETO would also seek to provide Hong Kong residents with useful information mentioned earlier by members.

8. Mr CHEUNG Man-kwong and Mr LEE Cheuk-yan suggested that the new ETOs in Shanghai and Chengdu should also provide assistance for Hong Kong residents in distress. They expressed particular concern that Hong Kong residents imprisoned or detained in the Mainland were deprived of the right to be visited by their relatives and were kept in the dark on the period of detention. Mr CHEUNG considered that the Government should provide real assistance and not just relevant information to Hong Kong residents in distress.

9. SCA said that although immigration officers would not be deployed to the ETOs in Shanghai and Chengdu, the two ETOs would work with BJO to render assistance to Hong Kong residents in areas under their coverage, e.g. in the event of a car accident in the province. The two ETOs would also provide assistance on economic and trade matters to Hong Kong residents. As regards the arrangement for prison visit, SCA said that the Security Bureau was still liaising with the relevant Mainland departments on the issue.

10. Deputy Secretary for Security (DS for S) supplemented that about 80% of Hong Kong people in the Mainland resided in the Guangdong Province, and more than 80% of distress cases involving Hong Kong residents in the Mainland received by the Immigration Department between 2002 and 2005 had originated from Guangdong. The Administration therefore proposed to deploy staff from the Immigration Department to GDETO to support its expansion of functions and to provide assistance to Hong Kong residents in distress in the provinces within its coverage. Statistics had indicated that only 10% of the distress cases handled by BJO had originated from areas under the coverage of Chengdu and Shanghai ETOs. It was therefore not cost effective to deploy immigration officers to the two new ETOs. Requests for assistance from areas outside GDETO’s coverage would continue to be handled by BJO.

11. Mr LEUNG Yiu-chung asked whether there were any changes to the notification mechanism between Hong Kong and the Mainland concerning distress cases, following the establishment of MALO.

12. DS for S said that the Security Bureau would continue to liaise with the relevant enforcement agencies in the Mainland in handling distress cases. As

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these cases sometimes straddled several areas, close liaison and effective co-operation had been established between BJO and the relevant Government departments in Hong Kong over the years. At present, BJO was the only office dealing with these cases and its workload was heavy. GDETO, with four immigration officers to be deployed to enhance its functions in providing assistance to Hong Kong residents in distress in areas within its coverage, would help alleviate BJO's work.

Co-operation with non-government organization (NGO) in the Mainland

13. Mr KWONG Chi-kin and Mr TAM Yiu-chung said that the Hong Kong Federation of Trade Unions (HKETU) had set up an office in the Mainland since August 2005. It had rendered assistance to Hong Kong residents on matters relating to real estate, commercial and labour disputes. They suggested that the Government and HKETU offices in the Mainland could work together to help Hong Kong residents in distress in the Mainland. Ms Miriam LAU and Mr James TIEN said that the Federation of Hong Kong Industries had also set up an office in the Mainland to help businessmen to resolve disputes in the Mainland.

14. Mr WONG Ting-kwong asked whether the Administration would consider providing financial assistance to NGO offices operated in the Mainland. Mr LEUNG Kwok-hung said that he had reservation on this, as NGO offices could not perform the same functions as those of the Government offices in the Mainland.

15. SCA said that the Government would seek to gain a better understanding of the nature of work of individual NGO offices in the Mainland. He said that the Government and NGO offices could complement each other in their work. For instance, if NGOs had concerns over certain trade and economic policies of a provincial government, HKSAR's offices in the Mainland could reflect them to the relevant authorities. On the other hand, if NGOs were considered to be in a better position to deal with some cases, the concerned cases could be referred to the relevant NGO office for follow-up. SCA said that the Administration welcomed the effort of NGOs in handling distress cases and would co-operate with them as and when necessary. For the time being, there was no plan to provide public funding for NGO offices taking account of the fiscal deficit in recent years. There had yet to be any policy to support provision of public funding for welfare services provided outside Hong Kong. The NGO offices were advised to develop their business in the Mainland based on their available resources.

Establishment proposal

16. Ms Emily LAU said that the Administration should set out in its paper to be submitted to the Establishment Subcommittee the resource allocation for

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provision of assistance to Hong Kong residents in distress in the Mainland. The paper should also set out clearly the directorate grade posts to be created and deleted in BJO as a result of the adjustments of its functions.

17. SCA said that as set out in paragraph 16 of the Administration's paper, the post of Director of BJO, originally pitched at AOSGA1(D8), would be adjusted to the ranking of AOSGA(D6). As BJO would enhance its functions in economic and trade liaison and investment promotion, seven additional non-directorate personnel would be engaged including six officers to be recruited locally.

18. Ms Miriam LAU asked about the staff establishment for the two new ETOs in Shanghai and Chengdu and whether it was comparable to those of ETOs in Europe and North America. She said that in the paper to be submitted to the Establishment Subcommittee, the Administration should provide in detail the staff establishment of BJO and each ETO and the posts to be created and deleted following adjustment of functions.

19. SCA said that the staff establishment of the ETOs in Shanghai and Chengdu was comparable to those of the ETOs in Europe and North America, i.e. they would be manned by a total of 15 and 14 members of staff respectively. The staff establishment of BJO and GDETO would be increased from 34 to 41 and from 20 to 29 respectively under the proposal.

20. Mr James TIEN suggested that BJO and ETOs should, as far as possible, hire local people who had a good understanding of the operation of the local government and good connection with the various departments. Not only would this save staff cost but also enhance effectiveness in dealing with distress cases. He asked about the monthly salary for local officers.

21. SCA confirmed that the staff complement of the Mainland offices comprised local officers and their average monthly salary was less than HK\$10,000. Although the trend was to hire more local people in these offices, duties involving policy implications could only be performed by Government officials at a senior level.

Other issues

22. Ms LI Fung-ying said that apart from promoting economic and trade issues, BJO and ETOs should implement measures to facilitate the flow of people, traffic and goods, etc. In this connection, the name of "Hong Kong Economic and Trade Offices" in the Mainland should be changed to "Hong Kong Offices" so as to reflect a broader scope of its work. She enquired about the nature and number of cases handled by BJO and GDETO and whether GDETO would set up branches in Guangdong in view of the large number of cases received.

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23. SCA responded that apart from taking forward economic and trade related tasks that impinged on a wide range of areas, ETOs were also tasked to promote regional co-operation which was related to various policy portfolios including education, health, food safety, logistics, infrastructure development. That said, he considered that the name “Hong Kong Office” was too broad. He pointed out that the relevant authorities in a province would have difficulty in deciding whether to grant approval for the setting up of such an office if they were uncertain about the nature of business involved. In his view, the present names of BJO and ETO were appropriate.

24. Director, Hong Kong Economic and Trade Affairs, Guangdong said that in the past few years, over half of the requests for assistance from Hong Kong residents were related to commercial disputes. There were also requests for assistance on immigration and medical matters. Given that the travelling time between the major cities of Guangdong and Hong Kong was about four hours, and the substantial expenses involved in setting up an office, the Administration had no intention to set up a new branch in Guangdong at this stage. The Administration, however, would keep the operation of GDETO under review.

25. Mr Howard YOUNG asked whether ETOs would assist in processing and issuing HKSAR entry visas to foreign nationals in the Mainland. SCA said that apart from BJO, other ETOs would not perform this function because it was not cost justified. DS for S supplemented that in 2004, BJO processed only about 1 000 such applications. At present, foreigners from over 170 countries could enter into Hong Kong freely without the need to obtain entry visas. In addition, foreign nationals could also apply for entry visas by post.

26. Ms Emily LAU asked whether BJO and ETOs would exchange information on air pollution with the authorities in the Guangdong. Head, Hong Kong Guangdong Cooperation Coordination Unit said that a committee with representatives from the governments of HKSAR and Guangdong had been formed to study ways to improve air quality in the Pearl River Delta (PRD) region. A PRD Regional Air Quality Monitoring Network with a total of 16 monitoring stations had been established to provide comprehensive and accurate information on air quality in the PRD region. The two governments agreed to make arrangements for reporting daily to the public the PRD Regional Air Quality Index from the fourth quarter this year. The two sides were working towards the agreed emission reduction targets by 20-55% in 2010 in PRD by reducing emissions from vehicles, factories and power plants. The business community was encouraged to sign a Clean Air Charter. SCA supplemented that MALO would formulate the overall strategies and direction regarding co-operation between Hong Kong and Mainland. Specific issues such as environmental protection would be taken up by the relevant bureau for follow-up once co-operation had been established between the two sides.

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27. Members present at the meeting expressed support in principle for the proposal on the establishment of MALO and other related proposals set out in the Administration's paper.
28. The meeting ended at 3:50 pm.

Council Business Division 2  
Legislative Council Secretariat  
13 January 2006