

**Extract from draft minutes of meeting of
Panel on Constitutional Affairs on 15 October 2007**

X X X X X X X X X X

III. Practical arrangements for the 2007 Legislative Council by-election for the Hong Kong Island geographical constituency

33. Chief Electoral Officer (CEO) briefed members on the practical arrangements for the LegCo By-election as set out in the paper.

34. Mr CHEUNG Man-kwong and Dr KWOK Ka-ki said that the arrangement for Mrs Regina IP, one of the candidates of the LegCo By-election, to meet with three POs within two days during the campaign period was unusual. The CE had said that the present arrangement was allowed in view of the small number of candidates involved and should not be regarded as a precedent for future elections. Mr CHEUNG and Dr KWOK said that the Administration should have made public its policy concerning contacts between POs and candidates during the campaign period before and not after the disclosure of the incident in the media. They considered that the arrangement contravened the principles of political neutrality of Government officials and fairness in an election.

35. Dr YEUNG Sum said that the Guidelines on Election-related Activities in respect of the Legislative Council Elections had clearly set out that POs should not use any public resources for any election-related activities or participate in activities which might be seen as an unfair advantage over other candidates. He noted that Mrs IP's photographs taken with the three POs were published in the newspapers and asked about the policy in this regard. He informed members that he had lodged a complaint about Mrs IP's case with the Electoral Affairs Commission (EAC).

36. SCMA responded that the elections in Hong Kong had all along been conducted in a transparent, fair and open manner. The Administration was aware that Mrs IP was a potential candidate for the LegCo By-election when she requested to meet with the POs concerned to discuss issues under their portfolios. To ensure equal treatment, the Administration had decided that the POs who had met with Mrs IP should also meet with other candidates on request. Mrs Regina IP had met with the Secretary for Commerce and Economic Development, Secretary for Education and himself to express her views on the respective portfolios under the three POs. Given that these meetings were not election-related activities, the question of using public resources did not arise.

37. SCMA further said that in the past three months he had met with different deputations to receive their views on the Green Paper, and photographs taken on

those occasions were released to the media. After receiving views on the Green Paper from Mrs IP on 8 October 2007, he had made clear that he was also prepared to meet other candidates on request.

38. CEO affirmed that the EAC had received a complaint from Dr YEUNG. While the EAC would not comment on individual cases, it would investigate into the case in accordance with the established procedure.

39. Mr LEE Wing-tat said that any new policy should apply equally to all candidates. He asked the Administration to provide a written response on when and the circumstances under which the Administration had made such a policy decision. Mr LEE further said that if the Administration had decided to allow contacts between candidates and POs during the campaign period of the LegCo By-election, the same should apply to the coming DC elections and the LegCo election in 2008. He sought clarification on whether contacts with senior Government officials, in addition to POs, were also allowed.

40. SCMA said that given the large number of candidates involved in the coming DC election and the LegCo election in 2008, POs or senior Government officials were unlikely to meet with them. He undertook to respond to Mr LEE's enquiry in writing.

(Post-meeting note : The Administration's response was issued to members vide LC Paper No. CB(2)258/07-08 on 5 November 2007.)

41. Ms Emily LAU said that POs should not meet with candidates during office hours as it involved the use of public resources. SCMA responded that Mrs Regina IP had given views on the Green Paper in the capacity of the Chairman of Savantas Policy Institute. His meeting with Mrs IP was not in any way related to electioneering activities.

X X X X X X X X X X