

# 立法會

## *Legislative Council*

LC Paper No. CB(2)1278/19-20

Ref. : CB2/PL/CA

### **Report of the Panel on Constitutional Affairs for submission to the Legislative Council**

#### **PURPOSE**

This report gives an account of the work of the Panel on Constitutional Affairs ("the Panel") during the 2019-2020 Legislative Council ("LegCo") session. It will be tabled at the Council meeting of 8 July 2020 in accordance with Rule 77(14) of the Rules of Procedure of the Council.

#### **THE PANEL**

2. The Panel was formed by a resolution passed by the Council on 8 July 1998 and as amended on 20 December 2000, 9 October 2002, 11 July 2007 and 2 July 2008 for the purpose of monitoring and examining Government policies and issues of public concern relating to implementation of the Joint Declaration and the Basic Law, relations between the Hong Kong Special Administrative Region ("HKSAR") Government and the Central People's Government and other Mainland authorities, electoral matters, district organizations, human rights, personal data protection and press freedom. The terms of reference of the Panel are in **Appendix I**.

3. The Panel comprises 43 members, with Hon CHEUNG Kwok-kwan and Hon Kenneth LAU elected as Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix II**.

#### **MAJOR WORK**

##### **Electoral matters**

##### 2019 District Council Ordinary Election

4. The Panel was briefed on the major review findings of the Report on the 2019 District Council ("DC") Ordinary Election ("the Report") submitted by the Electoral Affairs Commission ("EAC") to the Chief Executive. Some members considered that the fairness and impartiality of the 2019 DC Ordinary Election had been seriously undermined by the spate of violent incidents that occurred before and during the election. They expressed great dissatisfaction that despite

having received a large number of related complaints, EAC had neither mentioned in the Report the impact of these violent incidents on the fairness of the election nor issued a reprimand for the violent incidents. They requested the Administration to seriously consider whether the 2020 LegCo General Election should be held as scheduled if violent incidents occurred again during the run-up to the election. The Panel passed a motion expressing great disappointment and grave regret about EAC's work in this regard.

5. The Administration explained that EAC had acknowledged that the 2019 DC Ordinary Election had encountered unprecedented challenges and was conducted under extremely difficult circumstances. In fact, the total number of complaints received in relation to the 2019 DC Ordinary Election was the highest ever as set out in the Report. The Administration also noted that, before the election, EAC had repeatedly called upon the public to cherish the fine election culture of Hong Kong and had maintained close liaison with relevant government departments to ensure that the election could be conducted in a peaceful and safe environment. As for the 2020 LegCo General Election, the Administration pledged that it would, in conjunction with EAC, closely monitor the situation and make the best endeavour to ensure that the election would be conducted in a fair, open and honest manner in accordance with the law.

6. Members in general also expressed concern about the queuing, polling and counting arrangements made for the 2019 DC Ordinary Election. Pointing out that there were long queues of electors at some polling stations, some members expressed dissatisfaction with the lack of facilitation measures for elderly electors to cast their votes. They requested that a dedicated queue be arranged for elderly electors and those with mobility difficulties to obtain the ballot papers and cast their votes in future elections. These members also expressed grave concern that the existing arrangements, under which verification of electors' identity, issuance of ballot papers and making of relevant records on the poll register were conducted manually, did not keep pace with the development of modern technology and were error-prone. They urged the Administration to make use of electronic devices to facilitate the voting process.

7. The Administration advised that in the morning of the polling day of the 2019 DC Ordinary Election, about 720 000 electors turned up to vote within the first three hours after the opening of polling stations, which was three times the voter turnout of the same period of time in the last DC ordinary election. As a result, long queues of electors were formed at many polling stations. The Administration undertook that the Registration and Electoral Office ("REO") would continue to make sustained efforts in securing more suitable venues for the setting up of polling stations in future elections. The Administration further advised that it had been proactively studying ways to use information technology ("IT") in different aspects of the election process with a view to making better voting arrangement. However, the relevant work had been

substantially delayed owing to the outbreak of the coronavirus disease 2019 ("COVID-19"). The Administration currently was unable to provide a timetable for using IT in different stages of the election process.

### 2020 Legislative Council General Election

#### *Proposed adjustments to the subsidy rate of the financial assistance for candidates and the election expenses limits*

8. The Panel was consulted on the Administration's proposed adjustments to the subsidy rate of the financial assistance for candidates and the election expenses limits ("EELs") for the 2020 LegCo General Election<sup>1</sup>. While members in general expressed no strong views on the proposed adjustments, the Administration was suggested to review the mechanism for calculating the financial assistance with a view to increasing the maximum amount of financial assistance payable to eligible candidates. The Administration explained that while the financial assistance scheme aimed to encourage candidates to participate in elections, candidates should also contribute certain amount of election expenses in taking part in elections. Taking into account the inflation factor, the Administration proposed to raise the subsidy rate from \$14 to \$15 per vote for the 2020 LegCo General Election.

9. After consulting the Panel, the Legislative Council Ordinance (Amendment of Schedule 5) Order 2020 and the Maximum Amount of Election Expenses (Legislative Council Election) (Amendment) Regulation 2020 were made to increase both the subsidy rate of the financial assistance for candidates and EELs for LegCo election on the basis of the estimated cumulative inflation rate from 2017 to 2020 starting from the 2020 LegCo General Election.

#### *Proposed Guidelines on Election-related Activities in respect of the Legislative Council Election*

10. The Panel was consulted on the Proposed Guidelines on Election-related Activities in respect of the LegCo Election issued by EAC.<sup>2</sup> In particular, members expressed diverse views on EAC's proposal that the Presiding Officers in polling stations could make arrangement to facilitate electors with special needs (e.g. senior citizens aged 70 or above, pregnant women and physically

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<sup>1</sup> The Administration proposed to increase the subsidy rate of the financial assistance scheme for candidates of LegCo elections on the basis of the estimated cumulative inflation rate from 2017 to 2020 (rounded off to the nearest dollar), i.e., from \$14 per vote to \$15 per vote, starting from the seventh-term LegCo General Election in 2020; and to adjust EELs for both geographical constituency and functional constituency elections starting from the seventh-term LegCo General Election in 2020 on the same basis as explained above.

<sup>2</sup> EAC promulgated the Proposed Guidelines on Election-related Activities in respect of the LegCo Election on 9 March 2020 for public consultation which lasted until 7 April 2020.

handicapped persons with mobility difficulties) to vote, or even to vote with priority. While some members took the view that the proposed arrangement could help ensure that electors who were unable to queue up for a long time due to their physical condition would not be deprived of their right to vote, other members considered that the proposal might trigger concerns about fairness. They considered that other arrangements (e.g. providing chairs, drinks and a sheltered place for electors with special needs to wait for their turn to vote) could be made instead to facilitate electors with special needs to vote.

11. The Administration explained that the purpose of the proposed arrangement was to provide more convenience to the elderly electors in order to show care for them. After discussion, the Panel passed a motion urging EAC to, among others, include in the finalized Guidelines on Election-related Activities in respect of the LegCo Election ("the Election Guidelines") that priority be accorded to all electors who were Senior Citizen Card holders to cast their votes. The Administration advised that EAC would take into consideration all the views and suggestions received during the public consultation period in formulating the way forward. Details of the relevant improvement measures would be published in the Election Guidelines to be issued later.

*Practical arrangements and publicity for the 2020 Legislative Council General Election*

12. The Panel was briefed on the major electoral arrangements proposed by EAC for the 2020 LegCo General Election and the salient points of the publicity programme. The Administration informed the Panel that in view of the recruitment difficulties experienced in the 2019 DC Ordinary Election and the increasing manpower demand due to rising voter turnout, REO was making arrangements for appointing, in addition to serving civil servants, retired civil servants from all bureaux/departments ("B/Ds") as electoral staff for the 2020 LegCo General Election. Some members expressed grave concern about recruiting police officers to serve as electoral staff. They pointed out that over the past year, individual police officers and relevant staff associations had openly expressed views which, in their view, showed that the Police were not politically neutral. They opined that appointing police officers as electoral staff would give rise to doubt about the fairness and integrity of the election and might even result in conflicts on the polling day. Some other members, however, considered that recruiting serving and retired staff of the disciplined services as electoral staff would help improve the crowd control and maintenance of order in polling and counting stations. They took the view that the Administration should not exclude the staff members of any particular civil service grade from being recruited as electoral staff.

13. The Administration explained that all along, it was not easy to recruit enough civil servants to serve as electoral staff. The Administration stressed that

to safeguard the fairness and impartiality of the election, all electoral staff were required to uphold political neutrality in carrying out their electoral duties and to refrain from engaging in any act or conduct that would cause embarrassment to EAC or the Government. The Administration affirmed that any cases involving corrupt or illegal conduct at elections would be dealt with in accordance with the law.

14. Members also expressed concern about the queuing and polling arrangements in the event that the COVID-19 pandemic was still ongoing when the 2020 LegCo General Election was held. They enquired whether electors would be required to keep a distance of 1.5 metres from each other when queuing to vote, and whether electors showing signs of fever would be disallowed to enter the polling stations to vote. They also enquired about the voting arrangements for electors who were under compulsory quarantine.

15. The Administration explained that requiring electors to keep a distance of 1.5 metres from each other in queuing was considered not practicable as it would render the queues unduly long. That said, electoral staff would remind electors in the queue to wear a mask and keep some distance from each other. The Administration advised that electors showing signs of fever upon arrival at the polling station would be taken to a special voting compartment set up at a more secluded location of the polling station to vote. For some polling stations where no special voting compartment could be set up due to limited space, electors showing signs of fever would be advised to cast their votes at a designated polling station in the vicinity with a special voting compartment.

16. As for electors subject to the compulsory quarantine order, the Administration advised that if it was later decided that these electors should be allowed to go out temporarily to cast their votes, REO would consider setting up/designating one polling station in each of the five geographical constituency areas, or setting up a polling station in individual quarantine centres, for these electors to vote. The Administration further advised that REO would continue to closely monitor the pandemic situation and draw up appropriate safety measures in consultation with the Centre for Health Protection ("CHP"), with a view to ensuring the safety of electoral staff and electors and preventing the spread of COVID-19.

### **Promotion of the Basic Law**

17. The Panel was briefed on the work of the Government in promoting the Basic Law. Some members opined that the Administration's efforts in promoting the Basic Law were far from adequate. Members enquired about the efforts made by the Government to promote the Basic Law to young people and in school. The Administration advised that the Constitutional and Mainland

Affairs Bureau ("CMAB") had been adopting a multi-pronged approach to enable the public to have a comprehensive and thorough understanding of "one country, two systems" and the Basic Law through various activities, such as organizing large-scale thematic seminars, promoting the Basic Law through the electronic media (such as Internet and smart-phone applications), setting up the Basic Law Court Case Database, arranging the Basic Law mobile resource centres to visit different districts and schools, and providing sponsorship to community organizations for staging various Basic Law promotional activities. The Administration further advised that among the various sectors, the Government attached particular importance to the education and promotion work on the Basic Law for students, young people and public officers, which had been actively implemented by relevant B/Ds.

18. According to the Administration, a wide array of measures had been implemented by the Education Bureau to enable teachers and students to acquire a comprehensive understanding of the Basic Law. As for young people, the Home Affairs Bureau and the Committee on the Promotion of Civic Education had worked in collaboration with groups/non-government organizations to promote civic education, including sponsoring Basic Law promotional activities with young people as target participants. On Basic Law training for civil servants, the Administration advised that the Civil Service Training and Development Institute ran thematic seminars on the Basic Law from time to time where experts with profound knowledge on the Basic Law were invited to speak on the subject. The number of civil servants receiving Basic Law training each year had increased substantially from 7 500 in 2016 to the target number of 13 000 at present.

19. Some members emphasized that the Constitution of the People's Republic of China ("the Constitution") and the Basic Law formed the constitutional basis of HKSAR. They requested the Administration to step up efforts to promote understanding of both the Constitution and the Basic Law. The Administration undertook that it would make sustained efforts to promote to the general public a comprehensive understanding of the Constitution and the Basic Law. The Administration advised that it had increased allocation of resources in this area. The financial provision earmarked in the 2020-2021 financial year to promote the Constitution and the Basic Law was \$23 million.

## **Personal data protection**

### Review of the Personal Data (Privacy) Ordinance

20. A spate of major data breach incidents occurring in recent years has raised public concerns about the adequacy of the Personal Data (Privacy) Ordinance

(Cap. 486) ("PDPO") in protecting personal data privacy.<sup>3</sup> The Administration subsequently embarked on a review and studied possible amendments to be made to PDPO jointly with the Office of the Privacy Commissioner for Personal Data ("PCPD"), with a view to strengthening the protection for personal data. In June 2019, PCPD put forward to the Government its preliminary recommendations on PDPO amendments. The Administration then consulted the Panel on the preliminary amendment directions. The proposed directions encompassed issues relating to the definition of personal data, conferring on the Privacy Commissioner for Personal Data ("the Privacy Commissioner") criminal investigation and prosecution powers (including enhanced powers to deal with offences like doxxing), instituting a mandatory data breach notification system, empowering the Privacy Commissioner to administer administrative fines and increasing the maximum level of criminal fines, as well as requiring organizational data users to formulate a clear retention policy which should include stipulating the maximum retention period for personal data, etc.

21. Some members expressed concern that the proposed amendments failed to address data privacy challenges brought about by the development and application of various disruptive technologies (e.g. facial recognition and other biometric technologies, big data analytics, artificial intelligence and profiling). They considered that the Administration should also look into the collection and use of sensitive personal data (including biometrics) and the provision of personal data by government departments to the Police. The Administration explained that the legislative amendments that had been explored arose out of the need to tackle the spate of major data breach incidents in recent years. The Administration undertook that it would carefully examine any other amendment suggestions put forward by members. Taking members' views into account, the Administration would work with PCPD to conduct further in-depth study on concrete legislative amendment proposals and consult relevant stakeholders in due course.

22. Some members queried the lack of progress in the implementation of section 33 of PDPO and expressed disappointment that the issue was not covered in the current review of PDPO. These members pointed out that as there was wide public concern about whether Hong Kong people's personal data were transferred to the Mainland and thus accessible by Mainland authorities, section 33 of PDPO should be brought into operation as soon as possible in order to provide stringent and comprehensive regulation of cross-border/boundary transfer of personal data.

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<sup>3</sup> Major data breach incidents in recent years included the incident of intrusion of Hong Kong Broadband Network Limited's inactive database; the incident of leakage of personal data of 9.4 million passengers as announced by Cathay Pacific Airways Limited; and suspected security loopholes in the TransUnion Limited's online procedures for obtaining personal credit information.

23. The Privacy Commissioner informed members that PCPD had engaged a consultant to review the "Guidance on Personal Data Protection in Cross-Border Data Transfer", including to update the recommended model clauses for data transfers between "data user and data user" and between "data user and data processor" respectively, and to update the recommended good practices for cross-border data transfer. The relevant review was expected to be completed in the first half of 2020. The Administration advised that while it did not have a timetable for the implementation of section 33 of PDPO, the Administration would formulate the way forward in the light of the outcome of the aforesaid review being conducted by PCPD.

#### Work of the Office of the Privacy Commissioner for Personal Data

24. The Panel received a briefing by the Privacy Commissioner on an update of the work of PCPD. Some members expressed concern that PCPD had received as many as 4 370 cases relating to doxxing and cyberbullying in 2019, of which over 1 500 (around 36%) involved police officers and their family members. They questioned why only eight people were arrested by the Police for alleged violation of section 64 of PDPO<sup>4</sup> and only one was prosecuted as at the end of 2019. These members urged PCPD to step up efforts to initiate investigations into relevant suspected cases and strengthen public education and publicity to tackle the problem of doxxing at its root.

25. The Privacy Commissioner explained that the small number of prosecutions instituted might be due to difficulties in tracking the doxxers and collecting relevant evidence. According to PCPD's experience, doxxers usually would not use their real names when registering as social media account holders. Besides, most of the online platforms involved did not operate from or were not registered in Hong Kong. PCPD had to resort to writing to the platforms concerned urging them to remove the relevant doxxing posts/web links, of which close to 70% had been removed. PCPD had also urged the platforms concerned to provide the registration information and IP addresses of the netizens who uploaded the doxxing posts, but no positive response had been received so far. The Privacy Commissioner further advised that in the light of public concerns about doxxing and the difficulties encountered by PCPD in handling relevant cases, the Government and PCPD were studying how PDPO should be amended in order to curb doxxing behaviour more effectively.

26. Some other members expressed concern about recent incidents of police officers having allegedly collected excessive personal data in taking enforcement actions under the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F). These

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<sup>4</sup> Section 64 of PDPO stipulates offences for disclosing personal data obtained without consent from data users.



members urged PCPD to keep a close watch on whether public authorities, including law enforcement agencies, had contravened PDPO in implementing anti-pandemic measures. The Privacy Commissioner explained that as far as enforcement of PDPO was concerned, PCPD was vested with the power under PDPO to initiate investigations into cases where there was prima facie evidence of contravention of the requirements of PDPO, as well as cases which had aroused wide public concern. For instance, PCPD had recently initiated an investigation against the Police regarding a police officer displaying a reporter's Hong Kong identity card in front of a live streaming camera. The Privacy Commissioner stressed that PCPD would continue to enforce the law in every case in accordance with the powers conferred by PDPO in a fair and impartial manner.

## **Work of the Equal Opportunities Commission and anti-discrimination**

### Work of the Equal Opportunities Commission

27. The Panel received a briefing by the Chairperson of the Equal Opportunities Commission ("EOC") on EOC's work in 2019-2020 and its key focuses in 2020-2021. Some members expressed concern that since the outbreak of COVID-19, some local restaurants had, on the pretext of preventing the spread of the disease, refused to be patronized by people from the Mainland and/or Putonghua-speaking customers. These members considered such practices unreasonable and discriminatory against visitors/new arrivals from the Mainland. They urged EOC to consider whether legislative amendments would be necessary to curb relevant discriminatory acts which were not covered by the existing anti-discrimination ordinances.

28. The EOC Chairperson advised that in its submission to the Government on the Discrimination Law Review in 2016, EOC had recommended that the Government should conduct public consultation and introduce legal protection from discrimination on the grounds of nationality, citizenship and residency status under the Race Discrimination Ordinance (Cap. 602). EOC observed that as compared with the situation in 2016, discrimination against visitors or new arrivals from the Mainland had become more prevalent. The EOC Chairperson advised that in view of the latest situation, EOC would keep an open mind in studying possible legislative options for addressing the issue and would listen extensively to the views of stakeholders and the public in formulating the way forward.

29. Referring to the social incidents in the past year, some members expressed concern that there were allegations that some female arrestees had been sexually harassed by police officers while they were detained in police stations, and that some women had experienced verbal sexual harassment while they were questioned by police officers in the street. Noting that EOC would set up a dedicated anti-sexual harassment unit, these members questioned if the unit

would proactively examine whether the conduct of police officers in the course of carrying out police duties had contravened the provisions relating to sexual harassment under the Sex Discrimination Ordinance (Cap. 480).

30. The EOC Chairperson advised that EOC had received enquiries relating to acts of sexual violence or sexual harassment allegedly committed by police officers in 2019. Although EOC had issued a statement calling upon the person(s) aggrieved by relevant alleged acts to approach EOC for assistance, EOC had not received any complaint lodged by the aggrieved person(s) or his/her representatives so far. The EOC Chairperson explained that in the absence of any complaint lodged by the aggrieved person(s) or his/her representative, EOC would be unable to take further follow-up action merely based on relevant media reports or information provided by third parties. The EOC Chairperson further advised that EOC's Anti-Sexual Harassment Unit ("ASHU") would conduct a holistic review of the current legal protection regime against sexual harassment, identify the gaps and recommend legislative amendments where appropriate. This apart, ASHU would also promote public awareness of anti-sexual harassment policies and measures, and would serve as a first port of call for those affected by sexual harassment.

#### Administrative Guidelines on Promotion of Racial Equality

31. To further strengthen support for people of diverse race, CE announced in the 2018 Policy Address that the Administrative Guidelines on Promotion of Racial Equality ("the Guidelines") would be refined for application to all B/Ds as well as related organizations (collectively referred to as "public authorities") providing services to such people. The Guidelines were subsequently revised taking into account the views and comments of Members and stakeholders on the subject matter, and in consultation with B/Ds. Key features of the revised Guidelines included two new guidance notes on language services and data collection on service users of diverse race, and provision of compulsory diversity and inclusion training for front-line staff and new recruits, etc. The Panel discussed the implementation of the revised Guidelines with the Administration. Members in general expressed concern about the statistics on provision of interpretation services by various B/Ds, such as the number of people of diverse race who had used such services and the average waiting time for receiving the services.

32. The Administration advised that suitable interpretation and translation services were provided by various public authorities to people of diverse race. For instance, the Home Affairs Department had commissioned the Hong Kong Christian Service to operate the Centre for Harmony and Enhancement of Ethnic Minority Residents ("CHEER"), which provided, among others, free Telephone Interpretation and Enquiry Services between English and eight other languages in non-specialized/non-professional areas. Besides, the Hospital Authority had

engaged the Hong Kong Sheng Kung Hui Lady MacLehose Centre and part-time court interpreters to provide interpretation services covering 18 ethnic minority ("EM") languages in public hospitals and clinics. According to the statistics provided by CHEER, it handled an average of 4 000 to 5 000 requests for interpretation and translation services annually, among which Bahasa Indonesia, Nepali and Punjabi (Pakistani) were the most popular languages. The Administration further advised that public authorities would conduct regular review and collect data and statistics (e.g. average waiting time) that were necessary for the purposes of service monitoring and continuous improvement of service provision.

33. Some members reflected that many local EM residents had little knowledge of the measures taken by the Administration to tackle COVID-19 and related health information. They urged the Administration to step up efforts to help the EM community keep abreast of the latest local situation of the pandemic. The Administration advised that apart from launching a thematic website on COVID-19, the Administration had disseminated anti-pandemic information to people of diverse race through various other channels. For instance, CHP produced various leaflets providing latest updates on COVID-19 and relevant health advice in nine EM languages. CHP and the Labour Department also maintained close liaison with relevant consulate offices in Hong Kong and kept them informed of the latest local situation of the pandemic and related preventive measures.

#### Progress of work in tackling discrimination on the grounds of sexual orientation and gender identity

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34. The Panel was briefed on the progress of work of the Government in tackling discrimination on grounds of sexual orientation and gender identity. The Administration informed the Panel that training materials to enhance sensitivity of medical and healthcare professionals towards sexual minorities had been developed. Meanwhile, the training materials for other specific fields (e.g. human resources management personnel, teachers and disciplined services) were being developed and those for social workers were expected to be compiled at a later stage. In addition, CMAB had provided funding to the Tung Wah Group of Hospitals to operate a 24-hour hotline for sexual minorities and conducted a research study on the experience of other jurisdictions in tackling discrimination against sexual minorities through legislative and non-legislative measures ("the Study"). Furthermore, CMAB was drawing up a charter on non-discrimination of sexual minorities for voluntary adoption by providers of goods, facilities and services, with a view to enhancing acceptance and friendliness towards sexual minorities.

35. While members in general welcomed the above measures taken by the Administration, some members considered that the Administration should have

implemented the above measures alongside enactment of legislation to prohibit discrimination on the grounds of sexual orientation, gender identity and intersex status in order to effectively protect the basic human rights of sexual minorities. These members referred to the relevant study report released by EOC in 2016, which indicated that there was a significant increase of public support for legislating against discrimination on the grounds of sexual orientation and gender identity in the past 10 years from 28.7% to 55.7%. They urged the Administration to follow up the recommendation made by EOC in the said report that the Government should consider launching a public consultation exercise with a view to legislating against discrimination on the grounds of sexual orientation, gender identity and intersex status.

36. Some other members, however, considered that legislation to outlaw discrimination on the grounds of sexual orientation and gender identity would undermine freedom of speech and religion of individuals or organizations. They stressed the need to safeguard the freedom of parental choice of children's religious and moral education under the International Covenant on Civil and Political Rights, as well as the freedom of religious belief under Article 32 of the Basic Law. They were concerned that legislating against discrimination on the ground of sexual orientation might result in "reverse discrimination". These members considered that the Administration should tackle discrimination on such ground by strengthening various administrative measures and public education.

37. The Administration advised that there were divergent views on whether legislation should be introduced to prohibit discrimination on the grounds of sexual orientation and gender identity. After listening to the views of the Panel, the Administration would discuss with stakeholders and consider anti-discrimination proposals suitable to be implemented in Hong Kong. The Administration aimed to put forward its directions of work in its final report of the Study.

## **Meetings**

38. From October 2019 to end of June 2020, the Panel held a total of nine meetings.

**Legislative Council**

**Panel on Constitutional Affairs**

**Terms of Reference**

1. To monitor and examine Government policies and issues of public concern relating to implementation of the Joint Declaration and the Basic Law, relations between the Hong Kong Special Administrative Region Government and the Central People's Government and other Mainland authorities, electoral matters, district organizations, human rights, personal data protection and press freedom.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

**Panel on Constitutional Affairs**

**Membership list for the 2019-2020 session\***

<b>Chairman</b>	Hon CHEUNG Kwok-kwan, JP
<b>Deputy Chairman</b>	Hon Kenneth LAU Ip-keung, BBS, MH, JP
<b>Members</b>	Hon James TO Kun-sun Hon Abraham SHEK Lai-him, GBS, JP Prof Hon Joseph LEE Kok-long, SBS, JP Hon Jeffrey LAM Kin-fung, GBS, JP Hon WONG Ting-kwong, GBS, JP Hon Starry LEE Wai-king, SBS, JP Hon CHAN Kin-por, GBS, JP Dr Hon Priscilla LEUNG Mei-fun, SBS, JP Hon WONG Kwok-kin, SBS, JP Hon Mrs Regina IP LAU Suk-yea, GBS, JP Hon Paul TSE Wai-chun, JP Hon Claudia MO Hon Steven HO Chun-yin, BBS Hon WU Chi-wai, MH Hon MA Fung-kwok, SBS, JP Hon Charles Peter MOK, JP Hon CHAN Chi-chuen Hon LEUNG Che-cheung, SBS, MH, JP Hon Alice MAK Mei-kuen, BBS, JP Dr Hon KWOK Ka-ki Hon KWOK Wai-keung, JP Hon Dennis KWOK Wing-hang Hon Christopher CHEUNG Wah-fung, SBS, JP Dr Hon Fernando CHEUNG Chiu-hung Dr Hon Helena WONG Pik-wan Hon IP Kin-yuen Hon Martin LIAO Cheung-kong, GBS, JP Dr Hon CHIANG Lai-wan, SBS, JP Hon CHUNG Kwok-pan Hon Alvin YEUNG Hon CHU Hoi-dick Hon Jimmy NG Wing-ka, BBS, JP Dr Hon Junius HO Kwan-yiu, JP Hon LAM Cheuk-ting

Hon Holden CHOW Ho-ding  
Hon Tanya CHAN  
Hon HUI Chi-fung  
Hon LUK Chung-hung, JP  
Dr Hon CHENG Chung-tai  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho

(Total : 43 members)

**Clerk** Ms Joanne MAK

**Legal Adviser** Mr Bonny LOO

\* Changes in membership are shown in Annex.

Panel on Constitutional Affairs

Changes in membership

Member	Relevant date
Hon Tommy CHEUNG Yu-yan, GBS, JP	Up to 3 December 2019
Hon SHIU Ka-chun	Up to 3 December 2019
Hon Tony TSE Wai-chuen, BBS	Up to 3 December 2019
Hon Gary FAN Kwok-wai <sup>1</sup>	Up to 16 December 2019
Hon AU Nok-hin <sup>2</sup>	Up to 16 December 2019
Hon LAU Kwok-fan, MH	Up to 20 January 2020
Ir Dr Hon LO Wai-kwok, SBS, MH, JP	Up to 19 March 2020
Hon CHAN Han-pan, BBS, JP	Up to 21 May 2020
Hon HO Kai-ming <sup>3</sup>	Up to 31 May 2020

<sup>1</sup> According to the Judgment of the Court of First Instance of the High Court handed down on 13 September 2019, Gary FAN Kwok-wai was not duly elected as a member of LegCo at the LegCo by-election held on 11 March 2018 and no other person was duly elected instead. According to the decision of the Appeal Committee of the Court of Final Appeal of 17 December 2019 refusing Mr FAN's application for leave to appeal, Gary FAN Kwok-wai, by virtue of section 72(5)(b) of the Legislative Council Ordinance (Cap. 542), has ceased to be a member of LegCo since 17 December 2019.

<sup>2</sup> According to the Judgment of the Court of First Instance of the High Court handed down on 2 September 2019, AU Nok-hin was not duly elected as a member of LegCo at the LegCo by-election held on 11 March 2018 and no other person was duly elected instead. According to the decision of the Appeal Committee of the Court of Final Appeal of 17 December 2019 refusing Mr AU's application for leave to appeal, AU Nok-hin, by virtue of section 72(5)(b) of the Legislative Council Ordinance (Cap. 542), has ceased to be a member of LegCo since 17 December 2019.

<sup>3</sup> Pursuant to section 15(1)(a) of the Legislative Council Ordinance (Cap. 542), HO Kai-ming ceases to hold office as a member of LegCo upon his resignation on 1 June 2020.