

Panel on Constitutional Affairs

List of issues to be considered

1. Ministerial system of government (proposed by Hon Andrew WONG on 20 July 1998)

Taking into consideration the Administration's advice that it would be impossible for a detailed discussion paper to be prepared for consideration of the Panel before the completion of the 2000 LegCo election, the Chairman, at the Panel meeting on 18 January 1999, undertook to prepare a paper on the subject for members' discussion.

2. Direct elections of LegCo Members and the Chief Executive (proposed by Hon Christine LOH on 20 July 1998)

At the Panel meeting on 18 January 1999, the Administration advised that it had been gathering information on the different systems of Government since the motion debate held on 15 July 1998, but it would not be able to provide a detailed discussion paper for members' discussion before the completion of the 2000 LegCo election.

3. Application of the Prevention of Bribery Ordinance (Cap. 201)(PBO) to the Chief Executive

At the Panel meeting on 9 February 1999, the Administration advised that it would review the PBO to see whether certain provisions of the Ordinance should be applicable to the Chief Executive. The Administration undertook to report to the Panel the progress of the review in due course.

4. Designation of officials to attend LegCo meetings

The current instruments on designation of officials to attend meetings of LegCo and its committees under Article 62(6) of the Basic Law was signed by the Chief Executive on 31 December 1998. Members are concerned that certain persons who were included in the two instruments signed by the Chief Executive on 26 June 1998 have been excluded. At the House Committee meeting on 16 April 1999, Members agreed that the matter should be followed up by this Panel.

5. Arrangement arising from Articles 50 and 51 of the Basic Law

The Committee on Rules of Procedure has discussed the procedural arrangements for implementing Articles 50 and 51. One of the fundamental issues to be clarified is the interpretation of the word "budget" in the context of the Basic Law. As the provisions in Articles 50 and 51 relate to constitutional issues, the Committee recommended and the House Committee agreed on 16 April 1999 that the matter be taken up by this Panel.

6. Review of existing mechanism for LegCo to monitor the exercise of delegated authority for the making of subsidiary legislation

The deliberations of the Panel on Transport on whether notices under section 33(1) of Cap. 104 are subsidiary legislation have raised a much broader and more fundamental issue of whether the existing legislative mechanism for the Legislative Council to monitor the exercise of power to make subsidiary legislation should be examined in order to provide a clear means of identifying which of the instruments with legal effect made by persons under delegated authority provided by statute should be subject to the Council's scrutiny and intervention. At the House Committee meeting on 30 April 1999, it was agreed that the issue should be followed up by this Panel.