

Chapter XVII : Constitutional Affairs

17.1 At the Chairman's invitation, the Secretary for Constitutional Affairs (SCA), Mr Stephen LAM, briefed members on the key areas of work of the Constitutional Affairs Bureau (CAB) in 2004-05 (Appendix V-15). The Director of Beijing Office (DBO), Mr Bowen LEUNG, then advised that the major initiatives of the Beijing Office (BJO) in 2004-05 had been highlighted in the Controlling Officer's Report and would welcome members' enquiries.

Resources for electoral services

17.2 In response to Mr IP Kwok-him's enquiry on the reasons for using new ballot boxes in the 2004 Legislative Council (LegCo) election, SCA explained that new ballot boxes were needed for new ballot papers which would be larger in size to allow for the printing of photos and emblems of candidates or the names and emblems of organizations fielding candidates.

17.3 Noting that the budgeted provision for election expenses in 2004-05 (\$272 million) doubled that of 2003-04 (\$136 million), Mr HUI Cheung-ching sought explanation for the sharp increase. The Chief Electoral Officer (CEO) explained that the funding requirement of the 2004 LegCo election was greater than that of the 2003 District Council (DC) election because resources were required for conducting functional constituency election and for manning polling stations which would be increased by more than 100 when compared with the DC election. Moreover, it was expected that there would be more registered voters for the 2004 LegCo election and the mailing cost for publicity material would increase accordingly. Notwithstanding, the estimated election expenses for the 2004 LegCo election would be comparable to those for the 2000 LegCo election, i.e. about \$267 million.

17.4 Mr LEUNG Fu-wah expressed concern on the proposed deletion of 33 posts in the Registration and Electoral Office (REO) in 2004-05 and enquired about the reasons for the deletion. CEO advised that of the 33 posts to be deleted in 2004-05, only four were permanent posts; 29 posts were temporary in nature, and would be created for the purpose of coping with the work in connection with the 2004 LegCo election. It was a standing practice for REO to engage temporary staff to handle additional workload arising from elections.

Taiwan affairs

17.5 Mr NG Leung-sing sought details on the work programme of CAB in relation to liaison work with Taiwan organizations in Hong Kong and the resources needed. He enquired how the implementation of the "One Country,

Two Systems” in Hong Kong was introduced to Taiwan visitors. In response, SCA advised that CAB would continue to facilitate economic and cultural exchanges with Taiwan. Over the past few years, CAB received and briefed Taiwan visitors from various sectors, including political, business, education, media fields, etc. For example, the Deputy Mayor of Taipei visited Hong Kong last year during the outbreak of Severe Acute Respiratory Syndrome (SARS) to learn from the Hong Kong experience. Although the focus of exchanges with Taiwan was on trade and economic matters, the Administration took opportunities to introduce and brief Taiwan visitors on the latest development and implementation of “One Country, Two Systems” in Hong Kong. The resources required for this area of work were not significant. CAB was therefore able to carry out its work in this regard within its existing resources.

17.6 Mr NG Leung-sing further enquired whether cultural exchanges with Taiwan would include exchanges on election matters. He said that it might be useful for Hong Kong people to learn about the experience of Taiwan elections. In response, SCA said that CAB would listen to views expressed by Taiwan visitors on various matters, including election experience. However, the election culture in Hong Kong was quite different. Transparency and integrity were two important principles observed in Hong Kong elections.

17.7 Mr Albert HO referred to the unhappy experience of a Hong Kong tour being detained in Taiwan last year because of a suspected SARS case and enquired whether an office representing the Hong Kong Special Administrative Region (HKSAR) Government would be set up in Taiwan to facilitate handling of emergency cases. He opined that Hong Kong should play a more proactive role in promoting unification of the country. He believed that the setting up of a HKSAR office in Taiwan should not violate “Qian’s Seven Principles”. SCA clarified that the case referred to was resolved satisfactorily and expeditiously through the existing communication channel between the HKSAR Government and Chung Hwa Travel Service. Other emergency cases were dealt with satisfactorily in the same way. The Administration had no plan at present to set up an office in Taiwan. In accordance with “Qian’s Seven Principles”, there were economic and cultural exchanges between Hong Kong and Taiwan. Where necessary, official contacts would be made. Taiwan was currently Hong Kong’s fourth largest trading partner and Taiwan visitors, including business visitors, were increasing steadily. The Administration would continue to rely on existing channels to enhance exchanges between the two places.

Promotion of understanding of the Basic Law

17.8 In view of the recent controversy over the interpretation of the Basic Law (BL), Mr Albert HO was concerned whether the Administration had earmarked resources for assisting Government officials in consolidating their understanding of BL. Mr HO considered it important to ensure correct understanding of BL so that Government officials would not mislead the public in the process of promoting BL. SCA explained that the Administration had all along been active in promoting public understanding of BL. Its promotional efforts would be further enhanced in 2004-05 in three major areas, namely, incorporating the concept of “One Country” in the promotional activities; strengthening national education; and encouraging participation of community organizations. The recurrent allocations for the purpose in 2001-02 and 2002-03 were \$300,000 and \$350,000 respectively. Since non-recurrent allocation had been exhausted, CAB would set aside some \$2 million in 2004-05 to continue with this area of work. To facilitate public understanding of the issues of legislative process and principle in BL relating to constitutional development, the Constitutional Development Task Force (Task Force), with the support of CAB, had established a website and produced an Announcement of Public Interest in this regard. Various sectors had expressed constructive comments on the subject. CAB would continue with its effort to deepen public understanding of BL in relation to constitutional development.

17.9 Following up Mr Albert HO’s query, Miss Margaret NG also expressed concern on whether the Administration had undertaken any in-depth study on the issues of principle and legislative process in BL relating to constitutional development. She opined that unless Government officials concerned had correct understanding of BL, they would not be in a position to take up the promotional work. SCA advised that the Administration had examined in depth the issues of principle and legislative process in BL relating to constitutional development. A report consolidating the views from various sectors and professions, including Mainland legal experts, had just been published by the Task Force. CAB constantly reviewed the effectiveness of its promotional efforts in enhancing public understanding of BL. Surveys were conducted in 2000 and 2002 to gauge public understanding of BL. Another survey would be undertaken in 2004-05. As regards Government officials’ understanding of BL, SCA stressed that the Administration had many years of experience in implementing BL. The establishment of the Court of Final Appeal and the issuance of the HKSAR passports were clear examples of the successful implementation of BL. A dedicated team was also set up in the Department of Justice to examine legal issues relating to BL.

Office accommodation and resources for the Beijing Office

17.10 On Mr IP Kwok-him's enquiry about the location of the new office premises for BJO, DBO advised that it would be located near Shi Cha Hai. As regards the progress of the project, DBO said that the construction works were anticipated to be completed by end of 2004. Allowing time for internal fitting-out works and actual moving-in, it was expected that the new BJO would come into operation by early 2005.

17.11 Mr James TIEN was concerned about the adequacy of financial provision of \$4.3 million for promotional activities to be undertaken by BJO in 2004-05 and asked how much was earmarked for the large-scale promotional event in Chongqing with Closer Economic Partnership Arrangements (CEPA) as the main theme. In response, DBO said that the estimated expenditure of \$4.3 million for promotional activities was adequate. BJO intended to launch two large-scale promotional events in 2004-05. The first would be held in Chongqing, the estimated expenditure of which was about \$2.1 to \$2.2 million. BJO was liaising with the local governments concerning the themes of the event and the venue for the second large-scale promotional event. Subject to the availability of funds, other promotional activities such as exhibitions might be held.

17.12 Mr James TIEN pointed out that if only two promotional events were organized in a year, it would take many years to introduce CEPA which covered a wide range of goods and services. He enquired whether BJO had the capacity and resources to organize more promotional events to reach out to more provinces and cities in the Mainland. In reply, DBO said that CEPA had been promoted by various authorities and organizations in the Mainland. For instance, the Ministry of Commerce had already briefed the relevant officials in 31 provinces on CEPA. The China Council for Promotion of International Trade was in close co-operation with the Hong Kong Trade Development Council in promoting CEPA as far as the business sector was concerned. The role of BJO in this respect was mainly co-ordination and liaison. All along relevant departments and bureaux of HKSAR provided professional support to BJO as and when necessary.

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17.13 As regards Mr James TIEN's suggestion for organizing more large-scale promotional events, DBO advised that the preparatory work for a major promotional event took about five months. BJO organized three major promotional events last year and found that the resources were stretched to the limit. Moreover, as the timing for launching large-scale promotional events had to tie in with the calendar of the Mainland to avoid clashing with major national events such as celebration of National Day and Labour Day and meetings of the National People's Congress, suitable time for holding these activities was limited.