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**Panel on Constitutional Affairs**

**Updated background brief prepared by Legislative Council Secretariat  
for the meeting on 21 June 2010**

**The third report of the Hong Kong Special Administrative Region  
in the light of the International Covenant on Civil and Political Rights**

**Purpose**

This paper gives an account of the discussions of the Panel on Home Affairs (the HA Panel) in respect of the second report on the Hong Kong Special Administrative Region ("HKSAR") in the light of the International Covenant on Civil and Political Rights ("ICCPR"), including the discussions at the meetings of the HA Panel on 9 June 2006 and 11 January 2008 in respect of the Administration's response and follow-up to the concluding observations issued by the United Nations Human Rights Committee ("UNHRC") after consideration of the second report as summarized in paragraphs 28 to 46 below.

**Background**

2. The Government of the United Kingdom ("UK") extended ICCPR to Hong Kong in 1976. Article 39 of the Basic Law ("BL") provides that the provisions of ICCPR as applied to Hong Kong shall remain in force. On 22 November 1997, the Ministry of Foreign Affairs in Beijing announced that in order to fully realize the "one country, two systems" principle, separate reports on the implementation of ICCPR and the International Covenant on Economic, Social and Cultural Rights ("ICESCR") in HKSAR would be submitted to the United Nations ("UN") treaty monitoring bodies. The Government of the People's Republic of China ("PRC") ratified ICESCR in 2001. The Government of PRC has signed but has not yet ratified ICCPR.

3. Formerly, reports in the light of ICCPR were required every five years. Since 1999, UNHRC has specified the date for the submission of the next report in its concluding observations issued after consideration of the report submitted by HKSAR.

## Submission of the first and second report on HKSAR in the light of ICCPR

4. The first report on HKSAR under ICCPR covering the period from 1 July 1997 to 30 June 1998 was submitted to UN on 11 January 1999 and was heard by UNHRC on 1 and 2 November 1999. UNHRC issued its concluding observations on the HKSAR's first report on 15 November 1999 in which the date for the submission of the next report was set as 31 October 2003. A copy of the concluding observations in respect of the first report was issued vide Annex A to LC Paper No. CB(2)1291/05-06(01) on 8 March 2006.

5. For the detailed discussions of the HA Panel on the first report, members may wish to refer to the background brief on ICCPR prepared for the meeting on 10 March 2006 (LC Paper No. CB(2)1291/05-06(02) issued on 8 March 2006).

6. The second report on HKSAR in the light of ICCPR was submitted to UNHRC in January 2005. UNHRC published in December 2005 a list of issues to be taken up in connection with the consideration of the second report. These issues covered a wide range of subjects including interpretation of the provisions of BL by the Standing Committee of the National People's Congress ("NPCSC"), setting up a human rights institution and the mandate of The Ombudsman, review of the Equal Opportunities Commission, and the status of the National Security (Legislative Provisions) Bill, etc. The Administration's response to the issues raised by UNHRC was issued vide LC Paper No. CB(2)1514/05-06 on 23 March 2006.

7. After consideration of the second report on HKSAR at its hearing held on 20 and 21 March 2006, UNHRC issued its concluding observations on 30 March 2006, a copy of which was issued vide LC Paper No. CB(2)1653/05-06(01) on 4 April 2006. UNHRC has requested HKSAR to respond within one year to its recommendations made in paragraphs 9, 13, 15 and 18 of the concluding observations. The Administration's initial response to the concluding observations was issued vide LC Paper No. CB(2)2219/05-06(01) on 6 June 2006.

## **Panel discussions on the second report on HKSAR in the light of ICCPR**

### Outline of topics to be included in the second report

8. The Home Affairs Bureau ("HAB") issued the outline of topics to be covered in the second report on HKSAR in the light of ICCPR in February 2003 for public consultation. The HA Panel discussed the outline of topics with deputations and the Administration at its meeting on 11 April 2003. The major issues raised by members at that meeting are summarized in paragraphs 9 to 12 below.

#### *Development of democracy*

9. Ms Emily LAU considered that the Administration should explain in the second report of HKSAR why constitutional reforms that should be implemented by

2007 had not yet been initiated. She also expressed concern about the remarks made by the then Secretary for Constitutional Affairs that the Administration had to examine the interpretation of paragraph 7 of Annex I to BL to see whether the method for selecting the Chief Executive ("CE") could be amended by 2007 or thereafter. She opined that the Administration should consult the public, if it concluded that constitutional reforms could only be introduced after 2007.

10. Ms Cyd HO considered that the abolition of the Provisional Municipal Councils and the Government's proposals to enact legislation for the implementation of BL23 were retrogressive steps in the development of democracy in HKSAR. Ms HO considered that the second report on HKSAR should cover these issues in detail. The Administration responded that it did not consider that there was retrogression in the development of democracy in HKSAR. The HKSAR Government had a constitutional duty to enact legislation to give effect to the provisions of BL23. Human rights in HKSAR would not be affected by introduction of the National Security (Legislative Provisions) Bill because it was specifically provided that the interpretation, application and enforcement of its provisions must comply with the various international human rights treaties applicable to HKSAR. The Administration would explain the issue in its second report.

#### *Monitoring of the implementation of ICCPR*

11. Some members expressed dissatisfaction about the lack of monitoring over the implementation of ICCPR in HKSAR and the Administration's failure to implement the UNHRC's recommendation of establishing an independent human rights commission in HKSAR for such a purpose. The Administration responded that it would need to review relevant past discussions and consider the issue in the light of the availability of resources, the public administration system, and appropriateness of setting up such an institution at the present stage.

12. Ms Cyd HO expressed concern that the Department of Justice had said that ICCPR and the concluding observations of UNHRC were not legally binding. She considered that if the HKSAR Government was not legally required to implement ICCPR and the recommendations made by UNHRC in its concluding observations, it would be meaningless to discuss the progress of the Administration's work in this respect. The Administration assured the HA Panel that the HKSAR Government would respond to the concerns of UNHRC in its concluding observations made in 1999 in the second report. Mr Albert HO was of the view that to facilitate the monitoring over the implementation of ICCPR, the Administration should report the progress of its work in promoting human rights to the Legislative Council ("LegCo") on an annual basis.

#### Second report on HKSAR

13. The HA Panel discussed the second report on HKSAR in the light of ICCPR at its meeting on 10 March 2006. The major issues raised by members at that meeting are summarized in paragraphs 14 to 26 below.

*Implementation of the recommendations made by UNHRC*

14. Some members expressed support for the Administration's position that the HKSAR Government should have regard to the special circumstances in the territory in following up the recommendations of UNHRC. They considered that the HKSAR Government should not undertake to implement any recommendations made by UNHRC without regard to the actual situation of the territory.

15. Some other members, however, expressed disappointment at the slow progress made by the Administration in implementing the recommendations. These members queried the rationale for the Administration taking the view that the recommendations were of an exhortatory nature only. They considered that it did not reflect the commitment to fulfil the obligations under ICCPR if the State Parties refused to give an undertaking to follow the recommendations to be made by UNHRC.

16. The Administration explained that the HKSAR Government accepted the international obligations to implement ICCPR which were defined by the provisions of the Covenant and any relevant declarations and reservations. If the recommendations reflected a specific obligation in ICCPR, the HKSAR Government would be obliged to take action. However, the HKSAR Government was not obliged to follow a recommendation made by UNHRC as to a particular way for implementing the Covenant. The Administration reiterated that the HKSAR Government took the recommendations of UNHRC seriously. Many concerns raised by UNHRC had been addressed although not necessarily in the way suggested by the Committee.

*Setting up an independent human rights institution*

17. Some members reiterated their view that the Administration should set up an independent human rights institution, as repeatedly recommended by UNHRC, to investigate and monitor human rights violations in HKSAR. They considered that the existing institutional arrangements were not effective for the implementation of the rights under ICCPR since many Government policies and measures relating to human rights were under the purview of policy bureaux other than HAB.

18. Members noted that it was the Administration's stance that there were adequate safeguards which provided a sound framework for the protection and enhancement of human rights in HKSAR, and there was no need for such an independent human rights institution. The Administration explained that the Bill of Rights enabled the courts to provide effective remedies against violations of human rights, complemented by an independent judiciary, a sound and comprehensive legal aid system, an effective Ombudsman, and an active advisory committee on civic education. Moreover, the Government operated in the full view of a free and active press and was monitored by local and international non-governmental organizations ("NGOs"). The Administration also considered that there were effective mechanisms within the Government to coordinate the formulation of policies which straddled various bureaux, e.g. the Policy Committee chaired by the Chief Secretary for Administration.

*Methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008*

19. With reference to the Interpretation and Decision promulgated by NPCSC on 6 April and 26 April 2004 respectively, Ms Emily LAU expressed concern about the adverse impact on the principle of universal suffrage in the elections of CE and LegCo in 2007 and 2008 respectively. She also queried whether the Interpretation and Decision were consistent with the NPCSC's obligation to respect civil and political rights in HKSAR.

20. The Administration explained that the NPCSC's power to make the interpretation originated from Article 67(4) of the Constitution of the People's Republic of China and BL158(1). The power of interpretation of BL conferred by BL158(1) was in general and unqualified terms, and its exercise was not restricted or qualified in any way by BL158(2) and 158(3). This principle had also been confirmed by the courts in HKSAR. It was the Administration's view that the proposed package put forth in the Fifth Report of the Constitutional Development Task Force was consistent with the BL provisions as well as the Interpretation and Decision made by NPCSC in April 2004, and was a substantive and democratic package leading the HKSAR's political structure towards the ultimate aim of universal suffrage. While the proposed package did not receive the support of a two-thirds majority of all LegCo Members as required in BL, the Administration recognized the community's aspirations for universal suffrage and remained committed to promoting constitutional development in HKSAR.

21. The Administration also did not accept that the NPCSC Interpretation and Decision might be inconsistent with provisions of ICCPR. The Administration pointed out that the issue involved in the Interpretation was related to a determination of constitutional interpretation. In fact, the courts had not been given the power of final determination on all issues relating to constitutional interpretation and the application of the interpretation mechanism under BL158 in no way undermined the independence of the Judiciary.

22. In response to Miss CHOY So-yuk's question as to whether the existing electoral methods for selecting CE and for forming LegCo were legally in compliance with ICCPR, the Administration confirmed that the electoral system for selecting CE was consistent with ICCPR, as ICCPR did not mandate a particular type of system for the selection. The electoral system for forming LegCo would not be consistent with Article 25 of ICCPR if the reservation against Article 25(b) did not exist.

23. Ms Margaret NG requested the Administration to address the concerns raised by UNHRC that the electoral system for LegCo did not comply with several provisions including Article 25(b) of ICCPR. She considered that Article 25(b) applied once LegCo elections were held and the functional constituencies system in no way fulfilled the requirement of election by universal and equal suffrage.

24. The Administration maintained its view that insofar as LegCo elections were concerned, the reservation against Article 25(b) which had existed when ICCPR was extended to Hong Kong still applied. The electoral system for the formation of LegCo was appropriate to the circumstances of HKSAR and did not give rise to incompatibility with any of the provisions of ICCPR as they applied to the territory.

*Prohibition of discrimination*

25. Mr Ronny TONG considered that the HKSAR Government had a constitutional obligation and was also obliged under Articles 2 and 26 of ICCPR to enact legislation to prohibit discrimination against persons on any ground such as race, colour, sex, language, religion, political or other opinion, etc. Since people subject to discrimination were always the minorities in the community, it was unacceptable for the Administration to defer taking action on the excuse that the community had not yet reached a consensus on the need to introduce such legislation. He asked whether the Administration would consider enacting legislation as soon as possible to prohibit all forms of discrimination for the implementation of Article 26 of ICCPR.

26. The Administration explained that discrimination laws in Hong Kong specifically included sex, disability and family status as prohibited grounds of discrimination. After the enactment of the Race Discrimination Bill, the Administration would conduct further studies on the need to introduce legislation to prohibit discrimination on the grounds of sexual orientation, age and religion. In considering the need to introduce anti-discrimination legislation which might give rise to religious and moral controversies, it would be necessary for the Administration to first understand the public attitudes towards the subjects. It was not the Administration's stance that anti-discrimination legislation should be considered only when the majority of the community agreed to such a need. Since public education and seeking consensus in the community were important components of the initial phase of any legislative exercise, the Administration must need to know whether there was support in the community and LegCo in deciding whether to put forward any legislative proposal.

Concluding observations in respect of the second report on HKSAR

27. The HA Panel discussed the concluding observations issued by UNHRC after consideration of the second report on HKSAR and the Administration's initial response to the concluding observations with deputations and the Administration at its meeting on 9 June 2006. The Panel further discussed the Administration's follow-up to the concluding observations at its meeting on 11 January 2008. The major issues raised by members at these two meetings are summarized in paragraphs 28 to 46 below.

*Reservation in relation to Article 25 of ICCPR and establishment of an elected legislature*

28. Ms Margaret NG pointed out that the court had already expressed the view that the justification given by the Government for maintaining the reservation in relation to

Article 25 was not legally sound. Moreover, UNHRC had repeatedly pointed out that once an elected LegCo was established, its election had to conform to Article 25 of ICCPR.

29. The Administration maintained its view that the reservation in relation to Article 25 of ICCPR did apply to Hong Kong and there was no obligation under ICCPR as applied to HKSAR to introduce universal suffrage at the present stage. The Administration considered that its submissions made to UNHRC in respect of the interpretation were based upon principles stated in the Vienna Convention on the Law of Treaties, e.g. Articles 31 and 32, and the Government's approach to the interpretation of the reservation was firmly based on international law principles.

30. Members may wish to note that in *Lee Miu Ling v Attorney General* (1995) 5 HKPLR, Keith J made an obiter dictum in his judgment that section 13 of the Hong Kong Bill of Rights Ordinance (Cap. 383) (which mirrored the reservation made against Article 25(b) of ICCPR) was, to the extent that it related to LegCo, a dead letter, after the Letters Patent were amended to provide for a wholly elected LegCo in 1995. Members may also wish to note that in *Chan Yu Nam v Secretary for Justice* (HCAL32/2009 and HCAL55/2009), Andrew Cheung J considered that the reservation of British Government relating to Article 25(b) of ICCPR had the effect of permitting elections for FCs in general and corporate voting in particular to be practised in Hong Kong. Andrew Cheung J also considered Keith J's obiter dictum that the reservation in relation to Article 25(b) of ICCPR was spent in his judgment. Andrew Cheung J was of the view that Keith J was addressing the position in Hong Kong in 1995 when the Letters Patent had been amended to provide for a wholly elected legislature and his view did not affect the position back in 1990 when BL was promulgated and the application of ICCPR to Hong Kong was still subject to the British reservation and thus there was no question of the reservation having become spent at that time even under Keith J's reasoning.

31. For a historical account of development on the issue of the reservation made in respect of Article 25(b) of ICCPR, please refer to the information paper prepared by the LegCo Secretariat [LC Paper No. CB(2)1652/09-10(02)] which is available at [http://www.legco.gov.hk/yr09-10/english/hc/sub\\_com/hs52/papers/hs520531cb2-1652-2-e.pdf](http://www.legco.gov.hk/yr09-10/english/hc/sub_com/hs52/papers/hs520531cb2-1652-2-e.pdf).

#### *Non-implementation of the UNHRC's recommendations and setting up of a human rights commission*

32. Some members queried the justification for the Administration's view that the recommendations made by the UN treaty monitoring bodies were not legally-binding. They considered that the Administration was not sincere and lacked commitment in implementing UNHRC's recommendations and in responding to their concerns. These members were of the view that it was unacceptable that the Administration kept ignoring completely the serious concerns especially those on the police complaints mechanism and the implementation of universal suffrage which had been repeatedly raised by UNHRC for a number of years.

33. The Administration explained to the HA Panel that a recommendation made by UNHRC was accepted by the Administration to be binding insofar as it reflected obligations imposed on the HKSAR Government under ICCPR. However, the Administration was not obliged to follow a recommendation which, in its view, did not arise from any obligation under ICCPR, such as the recommendation of setting up a human rights commission in HKSAR. The Administration considered that that was merely a recommendation of UNHRC on how to ensure that ICCPR could be properly implemented.

34. Echoing the deputations' concern that the Administration seemed to be backtracking on its stance in respect of the establishment of a human rights commission, Mr Albert HO expressed the view that checks and balances were required in an open and pluralistic society. The Administration should empower a statutory body or NGOs to perform such a function. Instead of ruling out any plans or timetable in the immediate future, Mr HO asked whether the Administration would consider setting up a task force joined by representatives of NGOs to work out concrete proposals for taking forward the recommendation of establishing a human rights commission.

35. The Administration responded that it had all along maintained the same position regarding the establishment of a human rights commission, i.e. it saw no obvious need for it. Although the Administration currently had no plan or timetable for setting up such an institution, it welcomed the participation of NGOs in the work of protecting human rights. The Administration also welcomed the opportunity to exchange views on the matter with representatives of NGOs at meetings of the Human Rights Forum.

*Procedures by which an interpretation of BL provisions could be made*

36. Mr Albert HO expressed the view that the issues subject to interpretation should be made known under the procedures of interpretation of BL, so that the Administration could give NPCSC advice on the human rights implications arising from the interpretation.

37. The Administration responded that there were three ways in which NPCSC could give an interpretation of the provisions of BL -

- (a) the Court of Final Appeal could make a reference and, in this case, the Court would determine the documents to be submitted to NPCSC;
- (b) CE could make a request and, in this situation, the Administration should be able to consider sending submissions on human right matters; and
- (c) NPCSC could make an interpretation on its own initiative. In this situation, it was not clear whether the Administration had any avenue to forward submissions on human right matters.



38. The Administration further pointed out that, if NPCSC were to make any further interpretation of BL provisions in the future, it would have to take into account the obligation which existed under BL39, i.e. to ensure that the provisions of ICCPR, among other things, would continue to remain in force and to be implemented in HKSAR, and no law could contravene that obligation. Any interpretation of BL provisions, whether by HKSAR courts or by NPCSC, would have to take into account that obligation.

39. Mr Albert HO expressed strong disagreement with the stance of the Administration that the interpretation of BL by NPCSC did not affect the independence of the Judiciary, the rule of law or Hong Kong's high degree of autonomy. He considered that the NPCSC's decisions overrode any judgment of the courts and any decision of the HKSAR Government. The Administration explained that in accordance with the provisions of BL, HKSAR was authorized to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication. BL158(1) provided that the power of interpretation of BL should be vested in NPCSC. The Administration did not see any conflicts arising from these constitutional arrangements.

#### *Investigation of complaints against the Police*

40. Dr Fernando CHEUNG questioned the independence of the Complaints Against Police Office ("CAPO") given that CAPO was responsible to a Deputy Commissioner for Police and its investigations were conducted by police officers. The Administration responded that CAPO was an independent unit of the Police Force, operating separately from other formations of the Police Force. CAPO's handling of complaints was closely monitored by Independent Police Complaints Council ("IPCC"), which was an independent civilian body comprising non-official members from a wide spectrum of the community. IPCC would examine all investigation reports submitted by CAPO which was required to address any query raised by IPCC and would re-investigate the case if IPCC so requested. With the enactment of the IPCC Bill, IPCC would be converted into a statutory body and would further enhance the transparency and credibility of the police complaints systems. The Administration remained of the view that the existing two-tier police complaints system under which the investigation of complaints against police officers conducted by the Police was monitored and reviewed by IPCC had been operating effectively and should continue.

41. In response to Ms Emily LAU's enquiry, the Administration confirmed that the proposed IPCC Bill did not seek to implement UNHRC's recommendation that "the HKSAR should ensure that the investigation of complaints against the police is carried out by an independent body, the decisions of which are binding on relevant authorities".

42. Mr Albert CHAN considered there to be a need to enhance the police complaints system as he had received many complaints from members of the public

about abuses of power by the Police. Mr James TIEN, however, took the view that the public in general had not expressed serious concern about the police complaints system and the good performance of the Police was highly recognized by the public. Nonetheless, the Administration might need to consider reviewing the setup of CAPO by making reference to the Operation Review Committee under the Independent Commission Against Corruption, and appointing more non-official members to the monitoring committee of the investigations conducted by CAPO if such arrangement did not constitute a breach of BL.

43. The Administration responded that IPCC comprised 18 non-official members from a wide spectrum of the community, and reiterated the various measures introduced over the years to the police complaints system to ensure that there were effective checks and balances and complaints were handled fairly and impartially.

*Right of abode ("ROA")*

44. Ms Emily LAU considered that the Administration should exercise discretion to allow the remaining ROA claimants who did not succeed in their appeals to the Court of Final Appeal to stay in Hong Kong, as their number was relatively small now and their wishes for family reunion should be respected.

45. The Administration explained that it was fully committed to the rule of law in dealing with the ROA issue, and had taken into account its international obligations and local laws in handling the ROA issue. The wishes for family reunion, however, were not an absolute right, and governments worldwide required people who wished to join their families to submit applications for processing in accordance with local laws and policies.

*Universal suffrage for election of LegCo*

46. Ms Audrey EU expressed disagreement with the Administration's position that the reservation made against Article 25(b) of ICCPR continued to apply despite repeated recommendations from UNHRC. Ms EU and Ms Emily LAU considered that the existing electoral system with functional constituencies was not in line with the principle of universal suffrage. The Administration explained that it was working towards securing consensus for implementing universal suffrage for the election of CE and LegCo. The Administration was fully committed to achieving the ultimate aim of universal suffrage. It had not formed any view on the ultimate models for implementing universal suffrage for CE and LegCo and on how the existing functional constituencies should be dealt with when universal suffrage was attained. The Green Paper on Constitutional Development had set out various options on the way forward, including how to deal with the existing functional constituencies, to seek public comments. None of the options set out in the Green Paper on Constitutional Development included preserving the current arrangements of returning Members from functional constituencies in the long term.

### **Relevant motions and questions moved/raised at Council meetings**

47. A motion was moved by Ms Emily LAU at the Council meeting on 1 March 2006 urging the Government to implement the recommendations of UNHRC. The motion was negatived. A motion was moved by Dr Margaret NG at the Council meeting on 7 January 2009 urging the Government to ensure that the election of CE and LegCo were implemented in accordance with Article 25 of ICCPR. The motion was negatived.

48. Details of the questions relating to ICCPR raised at Council meetings since the first LegCo are in **Appendix I**.

### **Latest Development**

49. The Administration issued on 3 June 2010 the outline of topics to be included in the third report of HKSAR in the light of ICCPR for public consultation until 15 July 2010.

### **Relevant papers**

50. A list of relevant papers, minutes of meetings and reports in **Appendix II**.

**Questions relating to the International Covenant on Civil  
and Political Rights raised by Members at Council meetings  
since the first LegCo**

Meeting Date	Question
2 December 1998	Hon LEUNG Yiu-chung raised an oral question on the submission of reports by the Government of the Hong Kong Special Administrative Region ("HKSAR") under the International Covenant on Civil and Political Rights ("ICCPR") and the International Covenant on Economic, Social and Cultural Rights ("ICESCR").
9 June 1999	Hon Ambrose CHEUNG raised an oral question on potential breach of the Basic Law ("BL") and relevant International Covenant as a result of dissolution of the Provisional Municipal Councils.
24 November 1999	Dr Hon YEUNG Sum raised an oral question on the Government's follow-up action on the Concluding Observations of the United Nations Human Rights Committee.
8 December 1999	Hon Emily LAU raised an oral question on the need to modify the electoral systems to achieve full compliance with ICCPR.
29 March 2000	Hon Cyd HO raised a written question on the detention of ex-prisoners pending deportation or removal.
21 February 2001	Hon Cyd HO raised a written question on the deportation and removal of persons and the reservation with respect to relevant provision of ICCPR.
12 December 2001	Hon James TO raised an oral question on the Falun Gong followers in Hong Kong and the protection of the freedom of assembly and of speech under BL and ICCPR.
18 December 2002	Hon LEE Cheuk-yan raised a written question on the operation of the Appeal Board on Public Meetings and Processions and measures to ensure that its board members had full understanding of, among others, ICCPR.
9 April 2003	Hon Cyd HO raised a written question on legal aid applications in respect of litigations relating to breaches of the Hong Kong Bills of Rights Ordinance and/or inconsistency with ICCPR.

<b>Meeting Date</b>	<b>Question</b>
20 October 2004	Hon Fred LI raised a written question on the accessibility of polling stations by the mobility-handicapped persons to protect their right to vote at elections.
1 March 2006	Hon Emily LAU raised an oral question on the Administration's plan to enact a new legislation subsequent to the ruling of the Court that the Law Enforcement (Covert Surveillance Procedures) Order was inconsistent with BL30 and that section 33 of the Telecommunications Ordinance was also inconsistent with relevant provisions of BL and ICCPR.
2 July 2008	Hon Emily LAU raised an oral question on the Administration's stance on the need to abolish functional constituency seats of the LegCo to ensure compliance with the ICCPR.
28 April 2010	Hon Albert HO raised an oral question on the Administration's stance regarding the functional constituency system being transitional in paragraph 461(b) of the first report of HKSAR submitted to UNHRC under ICCPR in 1999.

Council Business Division 2  
Legislative Council Secretariat  
15 June 2010

**The third report of the Hong Kong Special Administrative Region  
in the light of the International Covenant on Civil and Political Rights**

**Relevant documents**

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper</u>
Home Affairs Panel	13 March 2000	<p>Concluding observations made by the United Nations Human Rights Committee on the initial report of the Hong Kong Special Administrative Region ("HKSAR") of People's Republic of China in the light of the International Covenant on Civil and Political Rights ("ICCPR") [LC Paper No. CB(2)338/99-00(01)] <a href="http://www.legco.gov.hk/yr99-00/english/panels/ha/papers/338e01.pdf">http://www.legco.gov.hk/yr99-00/english/panels/ha/papers/338e01.pdf</a></p>
	11 April 2003	<p>Administration paper on "An outline of the topics to be covered in the second report on the HKSAR under ICCPR" [LC Paper No. CB(2)1219/02-03(01)] <a href="http://www.legco.gov.hk/yr02-03/english/panels/ha/papers/ha0314cb2-1219-1e.pdf">http://www.legco.gov.hk/yr02-03/english/panels/ha/papers/ha0314cb2-1219-1e.pdf</a></p> <p>Submission from Hong Kong Human Rights Commission [LC Paper No. CB(2)1680/02-03(02)] <a href="http://www.legco.gov.hk/yr02-03/english/panels/ha/papers/ha0411cb2-1680-2e.pdf">http://www.legco.gov.hk/yr02-03/english/panels/ha/papers/ha0411cb2-1680-2e.pdf</a></p> <p>Submission from Hong Kong Confederation of Trade Unions (<i>Chinese version only</i>) [LC Paper No. CB(2)1680/02-03(03)] <a href="http://www.legco.gov.hk/yr02-03/chinese/panels/ha/papers/ha0411cb2-1680-3c.pdf">http://www.legco.gov.hk/yr02-03/chinese/panels/ha/papers/ha0411cb2-1680-3c.pdf</a></p> <p>Submission from Equal Opportunities Commission [LC Paper No. CB(2)1748/02-03(01)] <a href="http://www.legco.gov.hk/yr02-03/english/panels/ha/papers/ha0411cb2-1748-1e.pdf">http://www.legco.gov.hk/yr02-03/english/panels/ha/papers/ha0411cb2-1748-1e.pdf</a></p> <p>Submission from Hong Kong Bar Association [LC Paper No. CB(2)1775/02-03(01)]</p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper</u>
		<p><a href="http://www.legco.gov.hk/yr02-03/english/panels/ha/papers/ha0411cb2-1775-1e.pdf">http://www.legco.gov.hk/yr02-03/english/panels/ha/papers/ha0411cb2-1775-1e.pdf</a></p> <p>Submission from The Frontier (<i>Chinese version only</i>) [LC Paper No. CB(2)1775/02-03(02)] <a href="http://www.legco.gov.hk/yr02-03/chinese/panels/ha/papers/ha0411cb2-1775-2c.pdf">http://www.legco.gov.hk/yr02-03/chinese/panels/ha/papers/ha0411cb2-1775-2c.pdf</a></p> <p>Minutes of meeting [LC Paper No. CB(2)1959/02-03] <a href="http://www.legco.gov.hk/yr02-03/english/panels/ha/minutes/ha030411.pdf">http://www.legco.gov.hk/yr02-03/english/panels/ha/minutes/ha030411.pdf</a></p>
	10 March 2006	<p>Administration's paper on "Submission of report by the HKSAR in the light of ICCPR" [LC Paper No. CB(2)1291/05-06(01)] <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1291-1e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1291-1e.pdf</a></p> <p>Second report on the HKSAR of the People's Republic of China in the light of ICCPR <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-iccpr-e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-iccpr-e.pdf</a></p> <p>Administration's response to the list of issues raised by the Human Rights Committee on 7 December 2005 [LC Paper No. CB(2)1514/05-06(01)] <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1514-1e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1514-1e.pdf</a></p> <p>Concluding observations adopted by the United Nations Human Rights Committee on the second report of the HKSAR in the light of ICCPR [LC Paper No. CB(2)1653/05-06(01)] <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/hacb2-1653-1e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/hacb2-1653-1e.pdf</a></p> <p>Administration's response to the suggestion put forward by the Equal Opportunities Commission about the establishment of a Mental Health Council</p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper</u>
		<p>[LC Paper No. CB(2)1910/05-06(01)]  <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1910-1e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1910-1e.pdf</a></p> <p>Administration's response to members' concerns regarding the basic needs of asylum seekers in Hong Kong</p> <p>[LC Paper No. CB(2)1954/05-06(01)]  <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1954-1e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1954-1e.pdf</a></p> <p>Submission from Equal Opportunities Commission</p> <p>[LC Paper No. CB(2)1291/05-06(03)]  <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1291-3e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1291-3e.pdf</a></p> <p>Submission from Hong Kong Bar Association</p> <p>[LC Paper No. CB(2)1291/05-06(04)]  <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1291-4e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1291-4e.pdf</a></p> <p>Joint submission from Hong Kong Human Rights Commission, Voices of the Rights of Asylum Seekers and Refugees and Society for Community Organization</p> <p>[LC Paper No. CB(2)1291/05-06(05)]  <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1291-5e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1291-5e.pdf</a></p> <p>Submission from The Association for the Advancement of Feminism  <i>(Chinese version only)</i></p> <p>[LC Paper No. CB(2)1291/05-06(06)]  <a href="http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0310cb2-1291-6c.pdf">http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0310cb2-1291-6c.pdf</a></p> <p>Submission from Hong Kong Human Rights Commission  <i>(Chinese version only)</i></p> <p>[LC Paper No. CB(2)1319/05-06(01)]  <a href="http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0310cb2-1319-1c.pdf">http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0310cb2-1319-1c.pdf</a></p>



<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper</u>
		<p>Submission from EOC Concern Group [LC Paper No. CB(2)1338/05-06(01)] <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1338-1e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1338-1e.pdf</a></p> <p>Submission from Democratic Party (<i>Chinese version only</i>) [LC Paper No. CB(2)1347/05-06(01)] <a href="http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0310cb2-1347-1c.pdf">http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0310cb2-1347-1c.pdf</a></p> <p>Submission from Hong Kong Committee on Children's Rights [LC Paper No. CB(2)1347/05-06(02)] <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1347-2e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1347-2e.pdf</a></p> <p>Submission from Hong Kong Christian Institute (<i>Chinese version only</i>) [LC Paper No. CB(2)1358/05-06(01)] <a href="http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0310cb2-1358-1c.pdf">http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0310cb2-1358-1c.pdf</a></p> <p>Joint submission from the Power for Democracy and the Frontier to the United Nations [LC Paper No. CB(2)1580/05-06(01)] <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1580-1e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1580-1e.pdf</a></p> <p>Submission from 23 pro-democracy members of the Legislative Council to the United Nations [LC Paper No. CB(2)1580/05-06(02)] <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1580-2e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1580-2e.pdf</a></p> <p>Submission from the Democratic Party to the United Nations [LC Paper No. CB(2)1580/05-06(03)] <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1580-3e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-1580-3e.pdf</a></p> <p>Minutes of meeting [LC Paper No. CB(2)1610/02-03]</p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper</u>
		<a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/minutes/ha060310.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/minutes/ha060310.pdf</a>
	<p>9 June 2006</p>	<p>Administration's paper on "Initial response to the Concluding Observations of the United Nations Human Rights Committee on the Second Report of the Hong Kong Special Administrative Region (HKSAR) in the light of the International Covenant on Civil and Political Rights"  [LC Paper No. CB(2)2219/05-06(01)]  <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0609cb2-2219-1e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0609cb2-2219-1e.pdf</a></p> <p>Concluding observations adopted by the United Nations Human Rights Committee on 30 March 2006  [LC Paper No. CB(2)1653/05-06(01)]  <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/hacb2-1653-1e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/hacb2-1653-1e.pdf</a></p> <p>Second report on the Hong Kong Special Administrative Region of the People's Republic of China in the light of the International Covenant on Civil and Political Rights  <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-iccpr-e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-iccpr-e.pdf</a></p> <p>Submission from Equal Opportunities Commission  [LC Paper No. CB(2)2638/05-06(01)]  <a href="http://www.legco.gov.hk/yr03-04/english/panels/ha/papers/ha0611cb2-2638-1e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ha/papers/ha0611cb2-2638-1e.pdf</a></p> <p>Submission from Action for Reach Out (<i>Chinese version only</i>)  [LC Paper No. CB(2)2280/05-06(01)]  <a href="http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2280-1ec.pdf">http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2280-1ec.pdf</a></p> <p>Submission from Hong Kong Women's Coalition on Equal Opportunities (<i>Chinese version only</i>)  [LC Paper No. CB(2)2350/05-06(02)]  <a href="http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2350-2c.pdf">http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2350-2c.pdf</a></p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper</u>
		<p>Submission from Democratic Party (<i>Chinese version only</i>) [LC Paper No. CB(2)2350/05-06(03)] <a href="http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2350-3c.pdf">http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2350-3c.pdf</a></p> <p>Submissions from the Association for the Advancement of Feminism (<i>Chinese version only</i>) [LC Paper No. CB(2)2219/05-06(07)] <a href="http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2219-7c.pdf">http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2219-7c.pdf</a> [LC Paper No. CB(2)2288/05-06(01)] <a href="http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2288-1c.pdf">http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2288-1c.pdf</a></p> <p>Submission from Association Concerning Sexual Violence Against Women (<i>Chinese version only</i>) [LC Paper No. CB(2)2350/05-06(04)] <a href="http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2350-4c.pdf">http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2350-4c.pdf</a></p> <p>Submission from Islands District Council [LC Paper No. CB(2)2280/05-06(02)] <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0609cb2-2280-2e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0609cb2-2280-2e.pdf</a></p> <p>Submission from Hong Kong Women Development Association (<i>Chinese version only</i>) [LC Paper No. CB(2)2219/05-06(08)] <a href="http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2219-8c.pdf">http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2219-8c.pdf</a></p> <p>Submission from Association of Women with Disabilities (<i>Chinese version only</i>) [LC Paper No. CB(2)2350/05-06(05)] <a href="http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2350-5c.pdf">http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2350-5c.pdf</a></p> <p>Submission from the Hong Kong Federation of Women's Centres (<i>Chinese version only</i>) [LC Paper No. CB(2)2350/05-06(06)]</p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper</u>
		<p><a href="http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2350-6c.pdf">http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2350-6c.pdf</a></p> <p>Submission from Hong Kong Association for the Survivors of Women Abuse (Hong Kong) [LC Paper No. CB(2)2350/05-06(07)] <a href="http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2350-7c.pdf">http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2350-7c.pdf</a></p> <p>Submission from the Civic Party [LC Paper No. CB(2)2350/05-06(08)] <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0609cb2-2350-8e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0609cb2-2350-8e.pdf</a></p> <p>Joint Submission from Society for Community Organization, Hong Kong Human Rights Commission and Committee on Concern for New Immigrant Women (<i>Chinese version only</i>) [LC Paper No. CB(2)2350/05-06(09)] <a href="http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2350-9c.pdf">http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2350-9c.pdf</a></p> <p>Submission from Kugen (<i>Chinese version only</i>) [LC Paper No. CB(2)2219/05-06(30)] <a href="http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2219-30c.pdf">http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2219-30c.pdf</a></p> <p>Submission from Zi Teng and 326 identical joint statements from the individuals/organisations (only a copy of the joint statements is attached to Zi Teng's submission) (<i>Chinese version only</i>) [LC Paper No. CB(2)2280/05-06(03)] <a href="http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2280-3c-scan.pdf">http://www.legco.gov.hk/yr05-06/chinese/panels/ha/papers/ha0609cb2-2280-3c-scan.pdf</a></p> <p>Minutes of meeting [LC Paper No. CB(2)2953/05-06] <a href="http://www.legco.gov.hk/yr05-06/english/panels/ha/minutes/ha060609.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ha/minutes/ha060609.pdf</a></p>

<b><u>Meeting</u></b>	<b><u>Meeting Date</u></b>	<b><u>Paper</u></b>
	11 January 2008	Minutes of meeting [LC Paper No. CB(2)2135/07-08] <a href="http://www.legco.gov.hk/yr07-08/english/panels/ha/minutes/ha080111.pdf">http://www.legco.gov.hk/yr07-08/english/panels/ha/minutes/ha080111.pdf</a>
	13 June 2008	Report of the Subcommittee on Human Rights Protection Mechanisms [LC Paper No. CB(2)2218/07-08] <a href="http://www.legco.gov.hk/yr07-08/english/panels/ha/ha_hrpm/reports/ha_hrpmcb2-2218-e.pdf">http://www.legco.gov.hk/yr07-08/english/panels/ha/ha_hrpm/reports/ha_hrpmcb2-2218-e.pdf</a>  Minutes of meeting [LC Paper No. CB(2)2824/07-08] <a href="http://www.legco.gov.hk/yr07-08/english/panels/ha/minutes/ha080613.pdf">http://www.legco.gov.hk/yr07-08/english/panels/ha/minutes/ha080613.pdf</a>

Council Business Division 2  
Legislative Council Secretariat  
15 June 2010