

**立法會**  
**Legislative Council**

Ref : CB2/PL/CA

LC Paper No. CB(2)136/10-11

These minutes have been  
cleared with the Chairman)

**Panel on Constitutional Affairs**

**Minutes of meeting**  
**held on Thursday, 14 October 2010, at 12:30 pm**  
**in the Chamber of the Legislative Council Building**

**Members present** : Hon TAM Yiu-chung, GBS, JP (Chairman)  
Hon Albert HO Chun-yan  
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
Dr Hon Margaret NG  
Hon CHEUNG Man-kwong  
Dr Hon Philip WONG Yu-hong, GBS  
Hon WONG Yung-kan, SBS, JP  
Hon LAU Kong-wah, JP  
Hon LAU Wong-fat, GBM, GBS, JP  
Hon Miriam LAU Kin-ye, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon WONG Kwok-hing, MH  
Hon LEE Wing-tat  
Hon Jeffrey LAM Kin-fung, SBS, JP  
Hon CHEUNG Hok-ming, GBS, JP  
Hon WONG Ting-kwong, BBS, JP  
Hon Ronny TONG Ka-wah, SC  
Hon CHIM Pui-chung  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Hon Cyd HO Sau-lan  
Dr Hon LAM Tai-fai, BBS, JP  
Hon CHAN Kin-por, JP  
Dr Hon Priscilla LEUNG Mei-fun  
Hon WONG Kwok-kin, BBS  
Hon IP Kwok-him, GBS, JP  
Dr Hon PAN Pey-chyou  
Hon Paul TSE Wai-chun  
Dr Hon Samson TAM Wai-ho, JP  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung

Hon Tanya CHAN  
Hon WONG Yuk-man

**Members absent** : Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP (Deputy Chairman)  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP

**Clerk in attendance** : Miss Flora TAI  
Chief Council Secretary (2)3

**Staff in attendance** : Mr Arthur CHEUNG  
Senior Assistant Legal Adviser 2

Ms Amy YU  
Senior Council Secretary (2)3

Mrs Eleanor CHOW  
Senior Council Secretary (2)4

Ms Wendy LO  
Council Secretary (2)3

Mr Ringo LEE  
Senior Legislative Assistant (2)1

Mrs Fonny TSANG  
Legislative Assistant (2)3

Ms CHAU Kwan-bing  
Legislative Assistant (2)9

Miss Lulu YEUNG  
Clerical Assistant (2)3

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Action

**I. Election of Chairman and Deputy Chairman**  
[Appendices V and VI to LC Paper No. CB(2)8/10-11]

Election of Chairman

Mr TAM Yiu-chung, the incumbent Chairman, called for nominations for the chairmanship of the Panel on Constitutional Affairs ("the Panel"). Mr TAM Yiu-chung was nominated by Mr IP Kwok-him and the nomination was seconded by Prof Patrick LAU, Mr Abraham SHEK and Ms Miriam LAU. Mr TAM Yiu-chung accepted the nomination.

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2. Ir Dr Raymond HO, the incumbent Deputy Chairman, took over from Mr TAM Yiu-chung to preside over the election. Ir Dr HO called for other nominations. Ms Emily LAU Wai-hing was nominated by Mr LEE Wing-tat and the nomination was seconded by Mr Ronny TONG and Ms Cyd HO. Ms Emily LAU accepted the nomination. Ir Dr Raymond HO called for other nominations.

3. As there was no other nomination, Ir Dr Raymond HO announced that voting be conducted by secret ballot. After all members had cast their votes, Ir Dr Raymond HO invited Mr IP Kwok-him and Mr LEE Wing-tat who had nominated the two candidates to monitor the counting of votes.

4. Ir Dr Raymond HO announced that 22 and 12 members voted for Mr TAM Yiu-chung and Ms Emily LAU respectively. Ir Dr Raymond HO declared Mr TAM Yiu-chung elected as the Chairman of the Panel for the 2010-2011 session. Mr TAM then took the chair.

Election of Deputy Chairman

5. The Chairman called for nominations for the deputy chairmanship of the Panel. Mrs Sophie LEUNG was nominated by Dr Philip WONG and the nomination was seconded by Ir Dr Raymond HO and Prof Patrick LAU. Dr Philip WONG affirmed that Mrs Sophie LEUNG, who was not present at the meeting, had accepted the nomination.

6. Ms Emily LAU was nominated by Mr Albert HO and the nomination was seconded by Mr LEE Wing-tat and Miss Tanya CHAN. Ms Emily LAU accepted the nomination. The Chairman called for other nominations.

7. As there was no other nomination, the Chairman announced that voting be conducted by secret ballot. After all members had cast their votes, the Chairman invited Dr Philip WONG and Mr Albert HO who had nominated the two candidates to monitor the counting of votes.

8. The Chairman announced that 18 and 13 members voted for Mrs Sophie LEUNG and Ms Emily LAU respectively. The Chairman declared Mrs Sophie LEUNG elected as the Deputy Chairman of the Panel for the 2010-2011 session.

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**II. Schedule of meetings for the 2010-2011 session**

9. Members agreed that as in the last session, future regular meetings of the Panel would be held on the third Monday of each month at 2:30 pm and the duration of the regular meetings would be three hours. Members also agreed that the regular meeting scheduled for 21 March 2011, which clashed with the special Finance Committee meeting, would be rescheduled for 18 March 2011 at 3:30 pm immediately after the House Committee meeting to be held on the same day.

**III. Items for discussion at the next meeting**

[Appendices II and III to LC Paper No. CB(2)8/10-11]

10. The Chairman said that the next regular meeting of the Panel would be held on Monday, 18 October 2010 from 2:30 pm to 5:30 pm and the Panel was scheduled to receive a briefing from the Administration on the Chief Executive's ("CE's") 2010-2011 Policy Address. The Secretary for Constitutional and Mainland Affairs ("SCMA") had written to the Panel in the morning of the day of the meeting that the Government planned to announce the outcome of the public consultation on the review of the Personal Data (Privacy) Ordinance ("PD(P)O") on 18 October and would like to take the opportunity to also brief the Panel on the subject matter at that regular meeting. Members agreed to the Administration's suggestion that the Panel would discuss the following items at the next regular meeting -

- (a) Briefing on the CE's Policy Address 2010-2011; and
- (b) Report on Public Consultation on Review of PD(P)O.

11. Referring to the Administration's idea of implementing more flexible arrangements such as a "revolving door" for the purpose of attracting more people from different sectors to take up political appointment (paragraph 155 of the CE's Policy Address), Ms Cyd HO said that as the post-office employment control of politically appointed officials had all along been far from satisfactory, the Administration should explain how to avoid possible conflict of interests after these officials left the office if the "revolving door" arrangement was to be implemented. The Chairman suggested that the issue could be raised with SCMA under the agenda item referred to in paragraph 10(a) above at the next meeting.

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12. Ms Emily LAU expressed dissatisfaction that the Administration had failed to confirm after so many years as to whether PD(P)O would be applicable to offices set up by the Central People's Government in the Hong Kong Special Administrative Region. Mr WONG Kwok-hing said that the Administration should also advise on the timing for the Administration to introduce the legislative proposals arising from the review of PD(P)O. The Chairman suggested that the Administration would be requested to address the issues raised by members under agenda item referred to in paragraph 10(b) above at the next meeting.

13. Ms Emily LAU informed members that the Panel on Home Affairs ("HA Panel") would discuss the review of remuneration for District Council ("DC") members at its next meeting to be held on 12 November 2010. She pointed out that issues relating to the remuneration for DC members related to their functions and duties, the latter of which fell under the purview of this Panel. In her view, the functions and duties of DC members as well as their remuneration should preferably be discussed at the same forum. Mr IP Kwok-him, Chairman of the HA Panel, advised that the Administration would be requested to co-ordinate the attendance of the Constitutional and Mainland Affairs Bureau for the discussion of the relevant subject matter at the next HA Panel meeting and members of this Panel would also be invited to join the discussion. Members agreed.

14. Ms Emily LAU said that she had written to the Chairman suggesting that the Panel should follow up on issues relating to the failure of Mr LAU Wong-fat to comply with the guidelines on declaration of interests by Executive Council members. She suggested that the Administration should provide a paper to the Panel giving an account of the incident and reporting on its follow-up action. Mr IP Kwok-him said that the Panel should discuss policy issues but not individual cases. Responding to the Chairman, the Clerk advised that a panel normally should monitor and examine policy matters instead of individual cases. For example, the Panel had discussed an item "System of Declaration of Interests by the Chief Executive and Officials under the Political Appointment System" arising from the incident relating to the Chief Executive's failure to declare the potential conflict of interest with his in-law's light bulb business when he announced the policy initiative to replace incandescent light bulbs with energy-saving bulbs. The Chairman suggested that the issue could be raised with SCMA at the next regular meeting to see whether the Administration could provide any relevant information to this Panel.

15. The meeting ended at 12:55 pm.