

立法會
Legislative Council

Ref : CB2/PL/CA

LC Paper No. CB(2)151/12-13
(These minutes have been
cleared with the Chairman)

Panel on Constitutional Affairs

Minutes of meeting
held on Tuesday, 16 October 2012, at 12:20 pm
in Conference Room 1 of the Legislative Council Complex

Members present : Hon TAM Yiu-chung, GBS, JP (Chairman)
Hon Paul TSE Wai-chun, JP (Deputy Chairman)
Hon LEE Cheuk-yan
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Kin-por, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, JP
Hon WONG Kwok-kin, BBS
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yea, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon James TIEN Pei-chun, GBS, JP
Hon NG Leung-sing, SBS, JP
Hon Steven HO Chun-yin
Hon YIU Si-wing
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK
Hon CHAN Chi-chuen
Dr Hon Kenneth CHAN Ka-lok
Hon CHAN Yuen-han, SBS, JP
Hon Alice MAK Mei-kuen, JP
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, JP

Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Hon Martin LIAO Cheung-kong, JP
Dr Hon CHIANG Lai-wan, JP
Hon Tony TSE Wai-chuen

**Member
absent** : Hon WONG Yuk-man

**Clerk in
attendance** : Ms Joanne MAK
Chief Council Secretary (2)3

**Staff in
attendance** : Miss Flora TAI
Assistant Secretary General 2

Miss Cindy HO
Senior Council Secretary (2)3

Ms Wendy LO
Council Secretary (2)3

Mr Ringo LEE
Senior Legislative Assistant (2)1

Mrs Fanny TSANG
Legislative Assistant (2)3

Miss Meisy KWOK
Legislative Assistant (2)6

Ms CHAU Kwan-bing
Legislative Assistant (2)8

Mr William LEE
Legislative Assistant (2)9

Ms Avil MA
Clerical Assistant (2)3

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I. Election of Chairman and Deputy Chairman

[Appendices II and III to LC Paper No. CB(2)21/12-13]

Election of Chairman

Mr LEE Cheuk-yan, the member present who had the highest precedence, presided over the election of the Chairman of the Panel on Constitutional Affairs ("the Panel"). Mr LEE called for nominations for the chairmanship of the Panel. Mr TAM Yiu-chung was nominated by Mr IP Kwok-him and the nomination was seconded by Mr Jeffrey LAM. Mr TAM Yiu-chung accepted the nomination. Mr LEE Cheuk-yan called for other nominations.

2. Ms Emily LAU was nominated by Ms Cyd HO and the nomination was seconded by Mr Alan LEONG. Ms Emily LAU accepted the nomination. Mr LEE Cheuk-yan called for other nominations.

3. As there was no other nomination, Mr LEE Cheuk-yan announced a vote by secret ballot. After all members had cast their votes, Mr LEE Cheuk-yan invited Mr IP Kwok-him and Ms Cyd HO who had nominated the two candidates to monitor the counting of votes.

4. Mr LEE Cheuk-yan announced that 23 and 11 members voted for Mr TAM Yiu-chung and Ms Emily LAU respectively, and one ballot paper was discarded as it was not marked. Mr LEE Cheuk-yan declared Mr TAM Yiu-chung elected as the Chairman of the Panel for the 2012-2013 session. Mr TAM then took the chair.

Election of Deputy Chairman

5. The Chairman called for nominations for the deputy chairmanship of the Panel. Mr Paul TSE was nominated by Mr WONG Ting-kwong and the nomination was seconded by Mr WONG Kwok-kin. Mr Paul TSE accepted the nomination. The Chairman called for other nominations.

6. Ms Emily LAU was nominated by Mr LEE Cheuk-yan and the nomination was seconded by Ms Cyd HO. Ms Emily LAU accepted the nomination. The Chairman called for other nominations.

7. As there was no other nomination, the Chairman announced a vote by secret ballot. After all members had cast their votes, the Chairman invited Mr WONG Ting-kwong and Mr LEE Cheuk-yan who had nominated the two candidates to monitor the counting of votes.

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8. The Chairman announced that 23 and 10 members voted for Mr Paul TSE and Ms Emily LAU respectively, and one ballot paper was discarded as it was not marked. The Chairman declared Mr Paul TSE elected as Deputy Chairman of the Panel for the 2012-2013 session.

II. Schedule of meetings for the 2012-2013 session

9. The Chairman sought members' views as to whether the Panel should adopt the proposed meeting schedule (tabled at the meeting) which was based on that adopted in the last legislative term, i.e. holding the regular meetings on the third Monday of each month at 2:30 pm. The Chairman said that in the last legislative session, the duration of each regular meeting was two hours, i.e. from 2:30 pm to 4:30 pm, and be extended by one hour as appropriate in case of a heavy agenda.

10. The Clerk informed members that the Panel on Health Services ("HS Panel") held in the morning of the day of the meeting had agreed to reschedule its regular meetings to the third Monday of each month at 4:30 pm. As a result, in case the Panel extended a regular meeting to end at 5:30 pm or beyond, the period of extension of the meeting would then overlap with the regular meeting of the HS Panel. The Clerk added that the Chairman of the HS Panel had also drawn the attention of its members to this when they decided on the new meeting schedule.

11. Ms Emily LAU expressed support for adopting the proposed meeting schedule, and for each regular meeting to last for two hours and be extended where necessary. No other member expressed other view. The Chairman concluded that the Panel adopted the proposed meeting schedule, and that each regular meeting would last for two hours and be extended as appropriate if there were many items on the agenda.

III. Items for discussion at the next meeting

[LC Paper Nos. CB(2)43/12-13(01) and (02)]

Next regular meeting on 19 November 2012

12. Members noted the "List of issues suggested to be considered" and the "List of follow-up actions" which were tabled at the meeting and issued to

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members vide LC Paper No. CB(2)43/12-13. The Panel agreed to discuss the following items proposed by the Administration at the next regular meeting to be held on Monday, 19 November 2012, from 2:30 pm to 4:30 pm –

- (a) general overview on Constitutional and Mainland Affairs Bureau's policy priorities; and
- (b) consultation on stalking – summary of views received.

Issues raised by Panel members for future discussion

District Council ("DC")-related issues

13. Mrs Regina IP proposed that the Panel should discuss the remuneration level of DC members which in her view was too low and was not commensurate with their long hours devoted to their work. She said that there was a great disparity between the remuneration level of DC members and that of Political Assistants or the entry point of the Administrative Officer grade. Mr IP Kwok-him agreed to Mrs IP's suggestion and said that the Administration should also review the demarcation of the 18 DC constituency boundaries and the number of seats in existing DCs. He considered that the large population and area of Eastern District warranted a review of the number of seats in the Eastern DC.

(Post-meeting note: as matters relating to the remuneration for DC members were under the purview of the Panel on Home Affairs ("HA Panel"), the issue raised by Mrs Regina IP was referred to the HA Panel for follow-up.)

Human rights

14. Referring to the item "Discrimination issues relating to sexual orientation and gender identity" on the "List of issues suggested to be considered", Ms Cyd HO and Mr CHAN Chi-chuen pointed out that the Chairperson of the Equal Opportunities Commission had also expressed support for the enactment of legislation to prohibit discrimination on the ground of sexual orientation. They requested to discuss the relevant issues as early as possible. Ms HO further proposed to discuss the subject in December 2012 if possible and to invite deputations to give views on it.

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15. Noting that the Administration had proposed to discuss the concluding observations issued by the United Nations ("UN") Committee on the Rights of Persons with Disabilities on the initial report of the Hong Kong Special Administrative Region ("HKSAR") under the relevant UN Convention at the Panel meeting in December 2012, Ms Emily LAU suggested that the Panel should consider inviting deputations to give views on the subject when it was discussed.

Declaration of interests and avoidance of potential conflict of interest by the Chief Executive ("CE") and political appointees

16. Ms Emily LAU said that it was reported by the press that there was no deadline for the declaration of interests by Under Secretaries, whereas such deadlines were imposed on Secretaries of Departments and Directors of Bureaux. She considered it necessary to discuss the relevant declaration mechanism. She further said that there was wide public concern about incidents of alleged acceptance of entertainment and concessions by the former CE in the last legislative session. She opined that the Panel should follow up the relevant mechanism and arrangements.

Election-related issues

17. Mr IP Kin-yuen considered that the present arrangements made for election forums failed to enable electors to obtain useful information on the views and platform of the candidates. He suggested that information on overseas experience of organizing election forums, e.g. ways to enable electors to obtain adequate information on the views and platform of the candidates through these forums and ways to ensure equal rights of the candidates to speak, should be obtained for the reference by local organizers concerned. Dr Priscilla LEUNG and Mr Paul TSE expressed support for discussion of the subject.

18. Dr Helena WONG proposed that the Panel should discuss issues relating to vote-rigging and the investigation progress of the relevant reported cases. She also proposed that the Panel should follow up on the improvement measures to the voter registration system implemented by the Registration and Electoral Office ("REO"), e.g. the enhanced checking performed by REO and the suspected cases found.

19. Dr Priscilla LEUNG considered that the Administration should address the problem that some 200 000 registered electors whose names had reportedly been removed from the final register in the 2012 Legislative

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Council ("LegCo") election due to changes of residential addresses and failure to confirm whether their addresses as recorded in the final register of electors were their principal residential addresses. Dr LEUNG considered that the Administration should review the relevant arrangements and protect the voting right of eligible electors. She opined that the Administration should also tackle the issue that many eligible electors might not be able to update their registered residential addresses by the stipulated deadline for reasons such as that they had to reside on the Mainland for business purpose.

20. Mr CHAN Chi-chuen said that electors had complained to him that they had received electioneering publicity material from candidates of another geographical constituency. He expressed concern about the accuracy of the CD-ROM containing electors' records produced by REO for the purpose of electioneering and proposed to discuss the issue.

21. Dr Helena WONG proposed that the Panel should discuss whether the Liaison Office of the Central People's Government in HKSAR and any other Mainland authorities had played any role in the last CE Election, LegCo Election and DC Election and, if so, whether it had constituted a breach of the Basic Law and the Joint Declaration.

Review of eligibility criteria for the Disability Allowance ("DA") under the Social Security Assistance ("SSA") Scheme

22. Mr Paul TSE pointed out that at present, DA was payable to severely disabled persons suffering from 100% loss of earning capacity and severely disabled persons living in the community who required constant attendance from others in their daily life. He called for a review of the relevant eligibility criteria which in his view had led to a situation that some disabled persons suffering certain kinds of disabilities (e.g. total loss of sight) were covered by DA, while others suffering different kinds of disabilities (e.g. loss of leg) were not fully covered. Mr TSE said that while the Administration had undertaken to review the relevant eligibility criteria, little progress had been made by the Administration. He proposed to discuss the issue. The Chairman said that the proposed issue might fall under the purview of the Panel on Welfare Services ("WS Panel") and he would ascertain whether it should be followed up by the WS Panel.

(Post-meeting note: "Review of the system for processing applications for DA under the SSA Scheme" was on the list of outstanding items for discussion of the WS Panel. The issue raised by Mr Paul TSE was referred to the WS Panel for follow-up.)

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Public consultation

23. Dr Kenneth CHAN proposed that the Panel should discuss whether there was room for improvement in the conduct of public consultation with a view to enhancing the effectiveness of gauging public opinions and the quality of governance.

(Post-meeting note: as matters relating to public consultation were under the purview of the HA Panel, the issue raised by Dr Kenneth CHAN was referred to the HA Panel for follow-up.)

Management of government records and press freedom

24. Referring to the above items which were included on the "List of issues suggested to be considered", Dr Kenneth CHAN said that the two issues warranted early discussion as they affected people's right of access to information and their right to know. In particular, he expressed concern about the recent prosecution of a photo journalist in Hong Kong and considered that the Panel should follow up the issue.

Duty visits conducted by senior government officials

25. Dr Kenneth CHAN expressed concern about recent cases of senior government officials conducting duty visits to the Mainland without prior public announcement. He proposed to discuss the relevant arrangements with a view to enhancing the transparency and accountability of the mechanism.

Re-organisation proposals of the Government Secretariat

26. Mr LEUNG Kwok-hung said that the Administration should revert to the Panel as early as possible on whether the proposals of the Re-organisation of the Government Secretariat would be pursued and submitted to LegCo again in the near future.

(At this junction, the Chairman suggested and members agreed to extend the meeting to around 1:05 pm.)

27. The Chairman said that he would consider the various issues raised by members and their priorities for discussion at future meetings as appropriate. He would raise the issues with the Administration at the meeting to be held later to discuss the work plan of the Panel for the current session.

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IV. Any other business

28. There being no other business, the meeting ended at 1:05 pm.

Council Business Division 2
Legislative Council Secretariat
6 November 2012