

(Translation)

LC Paper No. CB(1)1267/12-13(01)

政制及內地事務局
政府總部

香港添馬添美道2號
政府總部東翼



CONSTITUTIONAL AND MAINLAND AFFAIRS BUREAU
GOVERNMENT SECRETARIAT

EAST WING
CENTRAL GOVERNMENT OFFICES
2 TIM MEI AVENUE, TAMAR
HONG KONG

Our Ref: CMAB B32
Your Ref: CB1/PL/CI

Tel No.: (852) 2810 2226
Fax No.: (852) 2801 7269

Ms Annette Lam
Clerk to the Panel on Commerce and Industry
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

6 June 2013

Dear Ms Lam,

I refer to your letter to us dated 21 May, requesting our response to the letter from Hon Emily LAU Wai-hing to the Chairman of the Panel on Commerce and Industry on 16 May. Our response is set out below.

In the 2013 Policy Address, the Chief Executive announced a number of initiatives to strengthen “homeland relationship”. These initiatives are three-folded. Firstly, we will strengthen Government-to-Government co-operation and enhance our economic partnership with provinces and municipalities in the Mainland, such as establishing a joint working group under CEPA and deepening regional co-operation with the relevant provinces and municipalities, etc. Secondly, we will step up support to Hong Kong residents and enterprises in the Mainland, including assigning dedicated staff in the Mainland Offices to enhance liaison with them and provide them with information and assistance as far as possible; establishing an Immigration Division in the Economic and Trade Office in Chengdu to provide more timely assistance to Hong Kong residents in distress in the Mainland; and analysing the opportunities and challenges for Hong Kong residents and enterprises arising from national policies, etc. Thirdly, we will enhance communication and publicity targeted at different sectors in the Mainland with a view to fostering mutual understanding and respect between the Hong Kong and Mainland communities.

In formulating policies, it is an established practice of the bureaux of the HKSAR Government to consider fully all relevant factors and assess implications, such as conformity with the Basic Law, including provisions concerning human rights, and economic, productivity, environmental, sustainability, family, financial and civil service implications. This is to ensure the policies, when implemented, will be in line with constitutional and legal principles, reasonable and rational; respond to community aspirations and balance various implications as far as possible; and, more importantly, are in the overall interest of the Hong Kong community and long-term development.

Hong Kong has strong ties with the Mainland given the proximity of the two places. Social, economic and cultural exchanges between the two places have been flourishing. Both sides have developed interdependent co-operation relationship in the areas of finance, commerce and trade, tourism, immigration control, food safety, prevention and control of diseases, environmental protection and many other economic and livelihood areas. As the number of visitors from the Mainland continues to grow and interaction between people of the two places increases, it is possible for policy measures of the HKSAR Government to have an impact on Mainland people. It is normal and necessary for policy bureaux to make a comprehensive assessment during the policy formulation process, including possible reaction in the Mainland arising from their policies.

The policy bureaux, in their day-to-day work, pay attention to the relations between their policy portfolios and the Mainland having regard to operation needs. On the basis of their professional knowledge, they adopt a common sense approach to assess the possible reaction in the Mainland arising from their policies. In doing so, they adhere strictly to the Basic Law and the "One Country, Two Systems" principle. The relevant internal assessment is an integral part of the daily work of the policy bureaux and does not involve additional resources such as manpower arrangements.

The HKSAR Government all along arranges appropriate publicity measures when rolling out policies to explain the policies to the affected groups in order to enhance their understanding and support. If a bureau considers a policy might generate negative reaction or lead to misunderstanding by the Mainland people, it will, at the time of rolling out the policy, consider arranging appropriate publicity measures. For example, the Secretary for Food and Health received Mainland media interviews when the export control of powdered infant formula was implemented earlier this year to explain that the concerned measure only aimed to ensure adequate supply of infant formula for Hong Kong parents and their babies and it was not directed against Mainland visitors.

In accordance with established internal procedures and regulations, it is a practice of policy bureaux to submit Legislative Council Briefs to the Legislative Council in respect of the decisions of the Executive Council. They also submit papers and other information to the relevant Panels of the Legislative Council on policy measures. In these documents, policy bureaux normally set out the policy background, justifications, views taken into account during the policy formulation process, implications of the policy on various aspects, and if relevant, information related to the Mainland. For example, in a Legislative Council Brief issued by the Food and Health Bureau in 2008, it was mentioned that in formulating the relevant legislation on nutrition labeling, views from the Consulates General and the Mainland authorities had been taken into account. Furthermore, in a paper to the Panel on Environmental Affairs issued by the Environment Bureau in 2012, it was mentioned that the Bureau explored with the Guangdong Provincial Government on mandating ocean-going vessels at berth in the Pearl River Delta waters to switch for low sulphur fuel.

Yours sincerely,

(Ms Noel Tsang)

for Secretary for Constitutional and Mainland Affairs