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2 July 2014

Clerk to Panel on Constitutional Affairs
Legislative Council Complex,
1 Legislative Council Road,
Central, Hong Kong
(Attn: Ms Joanne MAK)

Dear Ms MAK,

**Outstanding Items for Discussion
of the Legislative Council Panel on Constitutional Affairs**

With reference to Hon Emily LAU's request for the Legislative Council Panel on Constitutional Affairs to discuss, at the meeting on 21 July, items 11 and 13 of the "List of Outstanding Items for Discussion", i.e. "Report of the Independent Review Committee for the Prevention and Handling of Potential Conflicts of Interests" and "Guidelines for the Chief Executive in Handling Potential Cases of Conflict of Interest and Acceptance of Advantages and Entertainment Concerning Politically Appointed Officials". Since the Panel on Constitutional Affairs will discuss the following two issues on 21 July –

- (i) Third Report of the Hong Kong Special Administrative Region under the United Nations Convention on the Elimination of All Forms of Discrimination against Women; and
- (ii) Disqualification of candidates with unserved sentences and other related matters.

We hereby report in writing the latest progress of the aforementioned items 11 and 13 of the outstanding items for discussion.

For item 11 of the “List of Outstanding Items for Discussion”, the Independent Review Committee for the Prevention and Handling of Potential Conflicts of Interests (the Committee) issued its Report in May 2012. On the same day, the Government expressed that it agreed with the recommendations of the Report in principle, and would consider how to follow up and implement individual recommendations. So far, the Government has implemented more than half of the recommendations in the Report of the Committee, including amendments to the Code for Officials under the Political Appointment System to set out requirements for handling conflicts of interests and other matters involving Politically Appointed Officials, and guidelines for related matters. The Government is also following up on the remaining recommendations, including the recommendations to amend the Prevention of Bribery Ordinance (POBO). In considering the recommendations to amend POBO, the Government must exercise great care and examine them in detail and in a holistic manner, taking into full consideration the constitutional, legal and operational implications as well as possible impact on the existing POBO. As issues involved are very complex, the Government needs more time to study the matter before consulting the Legislative Council.

For item 13 of the “List of Outstanding Items for Discussion”, the Guidelines for the Chief Executive in Handling Potential Cases of Conflict of Interest and Acceptance of Advantages and Entertainment Concerning Politically Appointed Officials which took effect in August 2013 were among the series of measures being implemented. For transparency's sake the Guidelines have been uploaded to the website of the Chief Executive's Office for public inspection.

The Government will gradually follow up on the remaining recommendations and report to the Legislative Council as and when appropriate.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'D.C. Cheung', written over a long horizontal line that extends across the page.

(D. C. CHEUNG)

for Secretary for Constitutional and Mainland Affairs