

立法會
Legislative Council

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LC Paper No. CB(2)996/16-17
(These minutes have been seen
by the Administration)

Panel on Constitutional Affairs

**Minutes of policy briefing cum meeting
held on Wednesday, 25 January 2017, at 10:30 am
in Conference Room 1 of the Legislative Council Complex**

Members present : Hon Martin LIAO Cheung-kong, SBS, JP (Chairman)
Hon Holden CHOW Ho-ding (Deputy Chairman)
Hon James TO Kun-sun
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon CHAN Kin-por, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, JP
Hon WU Chi-wai, MH
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon Dennis KWOK Wing-hang
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP

Hon Alvin YEUNG
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Hon LAM Cheuk-ting
Hon SHIU Ka-chun
Hon CHAN Chun-ying
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
Dr Hon CHENG Chung-tai
Hon Nathan LAW Kwun-chung
Dr Hon LAU Siu-lai

**Member
attending**

Hon YIU Si-wing, BBS

**Members
absent**

: Hon Abraham SHEK Lai-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon CHUNG Kwok-pan
Hon YUNG Hoi-yan
Hon Tanya CHAN
Hon Kenneth LAU Ip-keung, MH, JP
Hon KWONG Chun-yu

**Public Officers : Item IV
attending**

Mr Ronald CHAN Ngok-pang, JP
Under Secretary for Constitutional and Mainland Affairs

Miss Rosanna LAW Shuk-pui, JP
Deputy Secretary for Constitutional and Mainland
Affairs

Miss Helen CHUNG Chi-ching
Principal Assistant Secretary for Constitutional and
Mainland Affairs

Mr WONG See-man
Chief Electoral Officer
Registration and Electoral Office

Miss Candy MA Siu-hung
Principal Electoral Officer
Registration and Electoral Office

Item V

Mr Raymond TAM Chi-yuen, GBS, JP
Secretary for Constitutional and Mainland Affairs

Ms CHANG King-yiu, JP
Permanent Secretary for Constitutional and Mainland
Affairs

Mr Ronald CHAN Ngok-pang, JP
Under Secretary for Constitutional and Mainland Affairs

Miss Rosanna LAW Shuk-pui, JP
Deputy Secretary for Constitutional and Mainland
Affairs

Miss Charmaine LEE Pui-sze, JP
Deputy Secretary for Constitutional and Mainland
Affairs

Item VI

Mr Raymond TAM Chi-yuen, GBS, JP
Secretary for Constitutional and Mainland Affairs

Ms Alice LAU Yim, JP
Permanent Secretary, Chief Executive's Office

Mr Bobby CHENG, JP
Deputy Director of Administration

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

Staff in attendance : Mr Kelvin LEE
Senior Assistant Legal Adviser 3

Miss Cindy HO
Senior Council Secretary (2) 3

Mr Dennis HO
Council Secretary (2) 3

Mrs Fonny TSANG
Legislative Assistant (2) 3

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I. Confirmation of minutes of meeting
[LC Paper No. CB(2)693/16-17]

The minutes of the meeting held on 19 December 2016 were confirmed.

II. Information paper(s) issued since the last meeting

2. Members noted that no information paper had been issued since the last meeting.

III. Items for discussion at the next meeting
[LC Paper Nos. CB(2)658/16-17(01) and (02)]

3. Members agreed to discuss the following items proposed by the Administration at the next regular meeting on 20 February 2017 at 2:30 pm:

- (a) review of objection mechanism in relation to voter registration ("VR") system; and
- (b) 2017 VR campaign.

4. At the suggestion of the Chairman, members agreed to reschedule the next regular meeting to Thursday, 23 February 2017, at 4:30 pm to avoid clashing with the duty visit of the Panel on Development to the Dongjiang River Basin from 19 to 20 February 2017.

IV. Electoral Affairs Commission Report on the 2016 Legislative Council General Election
[LC Paper Nos. CB(2)567/16-17, CB(2)658/16-17(03) and (04)]

5. At the invitation of the Chairman, the Under Secretary for Constitutional and Mainland Affairs ("USCMA") and the Chief Electoral Officer ("CEO") of the Registration and Electoral Office ("REO") briefed members on the salient points of the Administration's paper [LC Paper No. CB(2)658/16-17(03)].

Clerk

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Discussion

"Abandonment of election" after the nomination period

6. Ms Claudia MO enquired about the justification for the Electoral Affairs Commission's ("EAC") recommendation to regulate claims of "abandonment of election" by candidates after the nomination period. She asked whether the Administration had a time table for implementing the recommendation and details of the implementation plan. Mr LAM Cheuk-ting opposed the recommendation. He considered that a candidate might decide to quit during the election for health, family or any other reasons, and there was nothing wrong for the candidate to announce his/her decision as the candidate might just want to be responsible to his/her supporters and wanted them to know why he/she so decided. Mr LAM and Mr SHIU Ka-chun queried whether it was also necessary to prohibit candidates from publicly announcing that they had no chance of being elected or prohibit candidates from doing too little in their election campaigns, as such acts of a candidate might be tantamount to "abandonment of election".

7. USCMA said that the Administration did not have any preconceived proposals regarding the issue and there was no timetable for submission of any proposals. The Administration would take into account members' views and comments in taking a view on the EAC's recommendation. In reply to the Chairman, USCMA said that the Administration would also make reference to overseas experience in its consideration. CEO explained that EAC had come up with the aforementioned recommendation to address the public concern that the claims of "abandonment of election" might give rise to confusing information about the election, thereby impairing the integrity of the election. USCMA said that there was no mechanism for the so-called "abandonment of election" after the close of nomination, which was a conscious decision reached by the Legislative Council ("LegCo") Members during a previous legislative amendment exercise as Members were concerned that introducing such a mechanism might give rise to malpractices such as that a candidate might abandon his/her election under duress or by way of corrupt conduct.

8. Mr HUI Chi-fung opposed the EAC's recommendation. He considered that even though there was no such mechanism for "abandonment of election", it did not mean that a candidate should be prohibited from announcing his/her wish to "abandon the election". He queried whether such prohibition might amount to infringement of the freedom of opinion and expression enshrined under the International Covenant on Civil and Political Rights and the Hong

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Kong Bill of Rights Ordinance (Cap. 383). Mr WU Chi-wai queried how to determine what should be regarded as "confusing information about the election" that should be prohibited. He said that under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) ("ECICO"), provided that the information published was not for the purpose of promoting or prejudicing the election of a candidate, it should not be regarded as an election advertisement and should not be subject to regulatory control. Mr WU asked whether the Administration would consider introducing a mechanism for "abandonment of election" instead of implementing the EAC's recommendation.

9. USCMA said that the Administration attached great importance to upholding the freedom of expression but it was also obliged to ensure the fairness and impartiality of the election. USCMA added that the Administration would consider the issue in a holistic manner, taking into consideration the various views and suggestions of members.

10. The Deputy Chairman and Dr CHIANG Lai-wan considered it extremely unfair that during the 2016 LegCo General Election, some candidates had announced "abandonment of election" a few days before the polling day and yet they appealed to electors to cast their votes to one to two particular candidates. They expressed concern that the latter had benefited in terms of the votes they gained, owing to the publicity effect achieved by the substantial election expenses incurred by those candidates who had announced "abandonment of election". Dr CHIANG further said that the election expense limit for a candidate of the District Council (second) functional constituency ("FC") election was several millions of dollars which could achieve considerable publicity effect. Mr WONG Ting-kwong also considered that this was an obvious loophole compromising the fairness and impartiality of the election and should be plugged. The Deputy Chairman considered it only reasonable for a candidate to "abandon the election" after the close of nomination on health grounds.

11. Mr LAU Kwok-fan expressed concern that during the 2016 LegCo General Election, a candidate had reportedly claimed that he "abandoned the election" because of the undue pressure exerted on him by others. He considered that the incident was tantamount to "political bid rigging" and asked whether the Administration would look into it. USCMA said that he would not comment on individual cases. He added that upon receipt of any complaint of alleged corrupt or illegal conduct in elections, REO would refer such complaints to law enforcement agencies concerned for investigation and follow-up action.

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12. Dr Helena WONG and Mr CHAN Chi-chuen considered that the EAC's recommendation was not practicable. Dr WONG added that as far as she knew, there was no such regulation of claims of "abandonment of election" in overseas democratic countries.

Polling and counting arrangements

13. Dr CHIANG Lai-wan said that the time taken in counting of votes in the 2016 LegCo Election was unduly long. She and Mr POON Siu-ping enquired about the progress made by the Administration in exploring the use of information technology ("IT") to enhance the voting process. USCMA said that the Administration agreed with the EAC's recommendation that computerization of the electoral process should be the way forward. Nevertheless, more studies would have to be conducted to address technical difficulties that might be encountered in actual operation, e.g. the time required for installing the relevant IT equipment in a large number of polling stations, and the provision of technical support on the polling day.

14. Mr Frankie YICK said that the Transport FC was amongst the four special FCs which adopted the preferential elimination system of voting. In the last election, some electors were not provided with a pen to mark their choices and, instead, were told by the polling staff to use the chop (provided for the geographical constituency and ordinary FC elections) to stamp a "tick" on the special FC ballot paper. As a result, a total of seven such ballot papers for the Transport FC were ruled invalid even though the choice of the electors was clearly indicated. He suggested that REO should enhance staff training in this regard. CEO took note of the issue and undertook that REO would continue to strengthen its training for polling staff.

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15. Mr Frankie YICK observed that the efficiency of vote counting work overnight was affected due to fatigue of the polling staff concerned, and suggested that the counting process could be suspended at late night and resumed at eight o'clock in the next morning. Candidates concerned might send representative(s) to monitor the ballot papers kept at the Central Counting Station. To avoid delaying the counting process, Mr YICK further suggested that all polling stations should be closed at the appointed time, and it was not necessary to extend the polling hours in order to let the queuing electors complete casting their votes. He said that this was also the common practice adopted overseas. CEO agreed to give thought to Mr YICK's suggestions but noted that resuming the count in the next morning might have other operational implications.

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16. In reply to Mr Alvin YEUNG's question, CEO said that a fee would be paid for borrowing venues from non-governmental or private organizations for use as polling stations. Mr YEUNG suggested that where necessary, the Government might pay a higher fee for borrowing such venues in order to ensure that the same polling venues could be secured for use in elections. He considered that changing polling station venues for different elections might deter electors from casting their votes. Referring to the EAC's recommendation of containing the size of ballot papers, Mr Nathan LAW expressed objection to the proposal of deleting the photos of candidates currently printed on ballot papers. He considered that the inclusion of candidates' photos was necessary to facilitate electors to identify the candidates they supported when marking their choices on the ballot papers.

17. Mr CHAN Chi-chuen expressed concern that there were media reports that a candidate and an elector were able to collect ballot papers by only producing photocopies of their Hong Kong identity cards ("HKIDs") on the polling day. He asked whether similar cases had occurred in the past and whether relevant workflow had been reviewed to prevent recurrence of similar incidents. CEO responded that this had not occurred before and he believed that the incident was an isolated case. CEO said that under the existing legislation, an elector was required to produce a proper identity document when obtaining ballot paper(s), but that document was not restricted to HKID. If an elector produced HKID or HKSAR Passport, ballot papers should be issued to him/her. However, if an elector could only produce other government documents carrying his/her name and photograph (e.g. Senior Citizen Card), that person must also produce a copy of his/her HKID at the same time. Dr CHENG Chung-tai asked that apart from Senior Citizen Cards, whether student cards or personalized Octopus cards would also be accepted. He also asked whether the Administration would consider introducing legislative amendments to stipulate that a ballot paper would be issued to an elector only when he/she produced his/her HKID. USCMA said that the Administration was open to any views of members and the public and would be willing to consider any suggestions in this regard.

18. Mr WONG Ting-kwong suggested that consideration should be given to designating seats in the Public Gallery set up in the Media Centre for candidates of different political parties and their agents to enable them to observe the vote counting. CEO said he noted that only about 70 persons were unable to gain admission to the Public Gallery due to limited seating capacity. He undertook to look into relevant arrangements to seek improvement.

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Confirmation Form

19. Mr Alvin YEUNG requested the Administration to explain why a Confirmation Form was adopted for use in the 2016 LegCo Election without public consultation, and whether the Confirmation Form would continue to be used in future LegCo elections.

20. CEO explained that the Confirmation Form was devised for use against the background that there were views and acts which had deviated from Hong Kong's constitutional status as prescribed in the Basic Law ("BL") and some members of the public expressed concerns on whether persons seeking candidature fully understood BL. To assist the Returning Officers ("ROs") in ensuring that all persons seeking candidature clearly understand the contents of BL and the legal requirements and responsibility in signing the declaration in the nomination form so that the nomination procedures were completed in accordance with the law, EAC had prepared a Confirmation Form for the use by ROs. CEO said that pursuant to sections 4 and 5 of the Electoral Affairs Commission Ordinance (Cap. 541), EAC could take steps and make arrangement it considered appropriate for the purpose of ensuring that the LegCo elections were conducted openly, fairly and honestly.

Election advertisements

21. Mr SHIU Ka-chun said he noted that the address labels and mailing database CD-ROM previously provided by REO had contained inaccurate information. Hence, many electors of the Social Welfare FC/Subsector were not able to receive the election mails sent by relevant candidates. CEO explained that in most cases, the inaccurate information was due to the fact that the electors concerned had not updated their email addresses with REO. REO would encourage electors to update their email addresses in the 2017 VR campaign. He added that under the existing arrangement, REO would not provide respective candidates with mailing labels of electors who had provided their email addresses for receiving election advertisements.

22. Mr Nathan LAW said that during the 2016 LegCo General Election, he was informed that the contents of the specimens of his election mail for free postage were found not acceptable. He considered that there was political censorship in the incident. USCMA dismissed that there was any political consideration and he noted that legal advice had been sought for the case.

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Election surveys

23. In response to Dr CHENG Chung-tai's enquiry on whether the Administration had any plans to regulate online election surveys (e.g. "ThunderGo" campaign), USCMA said that while he would not comment on individual cases, members' views expressed on the subject at the previous meeting would be fully taken into account in considering the way forward.

V. Briefing on the Chief Executive's 2017 Policy Address

[LC Paper Nos. CB(2)658/16-17(05) and CB(2)714/16-17(01)]

24. The Secretary for Constitutional and Mainland Affairs ("SCMA") briefed members on salient points of the Administration's paper [LC Paper No. CB(2)658/16-17(05)].

(Post-meeting note: The speaking note of SCMA was issued vide LC Paper No. CB(2)714/16-17(01) on 26 January 2017.)

Discussion

2017 Chief Executive Election

25. Referring to media reports that a prospective Chief Executive ("CE") candidate had said that she ran for the CE election to prevent a constitutional crisis resulting from refusal of the Central People's Government ("CPG") to appoint the CE-elect, Dr Helena WONG asked whether this might constitute a breach of section 26 of ECICO as what the prospective candidate had said might involve publication of a materially false or misleading statement of fact about another prospective candidate. Mr Dennis KWOK said that some Election Committee members had received phone calls from the Liaison Office of CPG requesting them to nominate a particular CE candidate. He asked whether this had breached BL 22. SCMA explained that it was an offence if a candidate or a person published a materially false or misleading statement of fact about a particular candidate (or candidates) for the purpose of promoting or prejudicing that candidate(s) at an election. Complaints about corrupt or illegal conduct in elections should be lodged with EAC or law enforcement agencies concerned for investigation and follow-up action.

Promoting the Basic Law

26. Mr Christopher CHEUNG expressed concern about the effectiveness of the existing measures in promoting BL. He suggested that additional

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measures should be taken to assist LegCo Members in gaining a more in-depth understanding of the content of the BL provisions and of the implementation of "one country, two systems" in accordance with the law. SCMA said that to promote BL and to commemorate the 20th anniversary of its implementation, various activities including large-scale thematic seminars would be organized. LegCo Members would also be invited to participate. Mr CHEUNG enquired whether more innovative measures (e.g. mobile app games and short videos) would be taken to promote BL in a lively manner to attract young people. Dr Priscilla LEUNG also called on the Administration to adopt a more interactive approach (e.g. use of multimedia) to promote BL provisions in a more interesting manner. Deputy Secretary for Constitutional and Mainland Affairs ("DSCMA") said that publicity on BL had already included the use of new media, such as the Internet, smart-phone applications and online interactive games to appeal to the younger generation.

27. Mr Jeffrey LAM considered that more effective measures should be taken to enable people from different walks of life to deepen their understanding of "one country, two systems" in a correct and comprehensive manner. SCMA said that the Basic Law Promotion Steering Committee chaired by the Chief Secretary for Administration would continue to co-ordinate and steer the work of its five working groups. The Home Affairs Bureau, the Education Bureau, the Civil Service Bureau, the Trade and Industry Department and the Information Services Department provided secretariat services to the five working groups respectively and assisted the working groups in planning and organizing activities to promote BL to the respective sectors. Furthermore, the Administration was building up an online database on BL court cases and judgments relevant to BL provisions with a view to promoting public understanding of relevant principles and provisions. SCMA informed members that the online database would be implemented in two phases. The first phase was expected to be launched in April 2017.

28. Dr CHIANG Lai-wan suggested that cases relating to the rights of Hong Kong citizens under "one country, two systems", the principle of state sovereignty, reasons for seeking an interpretation of BL provisions as well as election-related court cases should be included in the database. Relevant materials could be used for production of short videos to facilitate students' learning in their Liberal Studies lessons. Dr CHENG Chung-tai suggested that documents on discussion about the future of Hong Kong and the drafting of BL since the 1960s should be included. DSCMA said that relevant excerpts on BL-related court cases between 1997 to 2010 would be provided,

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and there would also be a content search function. Besides, questions and answers would be included to enrich public understanding of BL in an interactive manner.

29. Referring to the recent proposal of requiring secondary schools to add BL teaching to the Chinese History curriculum, Dr Priscilla LEUNG suggested that there should be a separate module on the principle of "one country, two systems" as well as the formulation of BL and the Joint Declaration. She added that there was no need to specify the teaching hours on BL and no examination should be held on BL.

30. The Chairman considered that more proactive measures should be taken to promote better understanding of the content of BL provisions by the public. He asked whether the Government had allocated sufficient resources in this area in the past five years. SCMA said that the Government had increased its allocation of resources in this area by almost five times since 1997, and additional resources would be provided to strengthen the work if necessary.

Anti-discrimination on grounds of sexual orientation and gender identity and the Discrimination Law Review

31. Mr CHAN Chi-chuen expressed dissatisfaction with the Administration's failure to conduct public consultation with a view to legislating against discrimination on the grounds of sexual orientation, gender identity and intersex status. He criticized that it was the delaying tactics of the Administration to carry out further studies or collect views from stakeholders as both the Advisory Group on Eliminating Discrimination against Sexual Minorities ("Advisory Group") and the Equal Opportunities Commission ("EOC") had already conducted studies on relevant issues and published their study reports. He added that EOC had recommended that public consultation should be conducted on enacting legislation against discrimination in this area.

32. SCMA explained that the Administration was taking active steps to follow up on the recommendations of the Advisory Group, such as raising the sensitivity of the community towards sexual minorities through drawing up a voluntary charter on non-discrimination, stepping up publicity, providing training for some professions and sectors, as well as reviewing and reinforcing support services. On the question of whether legislation should be enacted against discrimination on the grounds of sexual orientation and gender identity, the Administration was conducting a study on the experience

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of other jurisdictions in implementing anti-discrimination measures. The findings would provide useful reference for further consultations and public discussion. SCMA added that the Administration would revert to the Panel on the findings in due course.

33. Dr Priscilla LEUNG considered that it was inappropriate for the current-term Government to initiate discussion at this stage on the above controversial issue. She suggested that the Administration should adopt a non-legislative approach (e.g. mediation) to promote equal opportunities on the grounds of sexual orientation and gender identity. The Deputy Chairman declared that he was a member of EOC. He also expressed reservations about enacting legislation to prohibit discrimination on the grounds of sexual orientation and gender identity having regard to the experience of other jurisdictions. Mr LEUNG Kwok-hung, however, considered that the Administration should not delay taking action to protect the vulnerable minorities until consensus was reached on the relevant issue. Referring to the court case relating to the requirement of the Correctional Services Department that only male prisoners had to have their hair cut short, Mr LEUNG Kwok-hung expressed dissatisfaction that when he lodged the complaint with EOC, EOC did not take the case to court but asked him to institute legal proceedings.

34. Mr LUK Chung-hung enquired about the measures to be put in place by the Administration to promote a culture of diversity, inclusiveness and mutual respect in the community, including elimination of discrimination against Mainlanders and new migrants, as well as ethnic minorities. Mr LUK said that discrimination experienced by Mainlanders in Hong Kong was not protected by the Race Discrimination Ordinance (Cap. 602) ("RDO") as such acts did not constitute discriminatory acts on the ground of race under RDO. SCMA said that the Administration would report on its initial assessment of the EOC's recommendations on the Discrimination Law Review, including recommendations concerning the scope of protection of RDO. In response to Ms Claudia MO's concern, USCMA clarified that the Government was also bound by RDO.

Promotion of children's rights

35. Mr SHIU Ka-chun considered that the efforts made by the Government on promoting children's rights were not fruitful. He criticized that the Administration failed to safeguard children's rights to participate in public affairs and to set up a Children's Commission to protect children's rights. SCMA said that the Government would continue to promote children's rights

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through the Children's Rights Education Funding Scheme and the Children's Rights Forum, which served as a platform for the Government and all stakeholders concerned for exchange views on relevant matters. The views collected would be provided for reference by bureaux/departments in policy formulation. In response to Mr SHIU's suggestion of lowering the voting age, SCMA said that the voting age adopted in Hong Kong public elections was broadly in line with that of other jurisdictions.

Archival law

36. Ms Claudia MO criticized the Government for failing to live up to its promise of enacting an archival law and a freedom of information law as the incumbent CE had promised in his election campaign. SCMA said that the Law Reform Commission was conducting studies on relevant issues and would conduct public consultation to collect public views in this regard.

VI. Establishment of the Office of the Chief Executive-elect
[LC Paper Nos. CB(2)658/16-17(06) and (07)]

37. At the invitation of the Chairman, SCMA briefed members on the salient points of the Administration's paper [LC Paper No. CB(2)658/16-17(06)].

Discussion

38. Mr LAU Kwok-fan, Ms Claudia MO and Mr CHAN Chi-chuen expressed grave concern that under the current plan, the rent (\$12.92 million) as well as the cost for office fitting-out and reinstatement (\$16.95 million) amounted to a total of about \$30 million which, in their view, were too costly and wasteful as the CE-elect's Office would only be used for a few months. Mr CHAN Chi-chuen considered it unacceptable that the cost for office fitting-out and reinstatement was even larger than the rent. He added that it would cost less if the Government changed to renovate a vacant school premise for the purpose and kept it for future use. The Deputy Chairman and Mr LAU Kwok-fan enquired whether any Government premises could be used to accommodate the CE-elect's Office. Mr LAU Kwok-fan considered that the Government should adhere to the principle of economical use of resources in setting up a CE-elect's Office.

39. The Deputy Director of Administration ("DD of Adm") explained that no suitable Government premises in Central and Admiralty could be

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identified to accommodate the CE-elect's Office. Hence, the Government had decided to rent commercial office space. He explained that the Central Government Offices in Tamar had already been fully occupied by various policy bureaux. The existing temporarily vacant space at Queensway Government Offices and Murray Road Multi-storey Carpark Building had been considered. However, the layout was found unsuitable for accommodating the CE-elect's Office and fitting-out would still be required. DD of Adm said that the Architectural Services Department would carry out the fitting-out works on a minimal scale at the proposed venue at Champion Tower, keeping the relevant cost as low as possible. In reply to members' enquiries, DD of Adm said that the tenancy agreement for the proposed CE-elect's Office had been signed in mid-January 2017.

40. The Deputy Chairman enquired how the estimated expenditures for the CE-elect's Office had differed from those for the CE-elect's Office in 2012. He also asked about the penalty cost to be incurred under the tenancy agreement if the Government decided not to lease the proposed office space. SCMA said that compared with the budget for the CE-elect's Office in 2012, the increase in the estimated total expenditure under the current plan was mainly due to the expenditures related to office accommodation. For the other items such as "Salaries" and "Other general departmental expenses", the differences in expenditures were mainly due to inflation. In reply to members' enquiries, DD of Adm said that in 2012, the former Central Government Offices had been used to accommodate the CE-elect's Office and hence no rental cost was incurred. Under the current plan, the proposed venue for the CE-elect's Office was on the 9th floor (whole floor) of Champion Tower at Garden Road, Central, occupying about 1 100 square metres. The size was similar to that of the CE-elect's Office in 2012.

41. Mr CHAN Chun-ying enquired whether the Administration had considered renting refurbished office space so that the fitting-out and reinstatement works could be saved and the lease period might also be shortened. DD of Adm said that according to the Government Property Agency ("GPA") which was responsible for searching suitable office premises, all available office premises that had been considered required fitting-out works.

[The Chairman advised that the meeting would be extended for 15 minutes.]

42. Mr YIU Si-wing enquired whether the Administration had considered streamlining the staff establishment in the light of previous operational

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experience in 2012 so as to minimize the office space required under the current plan. DD of Adm said that the establishment and office size were based on operational needs. The Permanent Secretary of Chief Executive's Office ("PSCEO") said that the current proposal had been prepared after an evaluation of the 2012 experience. As a result, two additional headcounts had been included to meet operational needs. In response to Mr YIU, PSCEO said that with the exception of two positions which would be special appointments on non-civil service terms, the Civil Service Bureau would fill the other posts in the CE-elect's Office by deployment from within the civil service. However, it might not be possible to deploy the same staff who had worked for the CE-elect's Office in 2012 for reasons such as retirement or promotion of the staff concerned.

43. Ms Claudia MO, Mr CHAN Chi-chuen and Dr Helena WONG expressed serious concern that the relevant tenancy agreement had been signed prior to consultation with LegCo. They criticized the Administration for failing to consult the Panel before signing the agreement. SCMA said that the Administration had briefed the Panel at its meeting in January 2012 on the Administration's plan to set up a CE-elect's Office in 2012. In line with the established practice, the Administration attended this meeting to brief members on the relevant plan.

44. Mr CHAN Chi-chuen and Mr LEUNG Kwok-hung enquired about the relevant decision-making process and whether the former Chief Secretary for Administration or Financial Secretary had taken part in selecting the venue. Dr CHENG Chung-tai enquired which Government official was responsible for signing the tenancy agreement. Dr CHENG further said that the venue had undergone major renovations in the previous year and raised concern on whether there was potential conflict of interests of Government officials in the venue selection. DD of Adm said that GPA had conducted the venue selection process in consultation with the Administration Wing of the Chief Secretary for Administration's Office and in strict compliance with the relevant regulations and procedures.

45. Members noted that Ms Claudia MO and Mr CHAN Chi-chuen had indicated intention to move a motion under this item. At 1:29 pm, the Chairman sought members' views on further extension of the meeting. Mr CHEUNG Wah-fung, Mr WONG Ting-kwong and the Deputy Chairman expressed objection. Due to insufficient time, the Chairman said that the motion could not be dealt with.

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VII. Any other business

46. There being no other business, the meeting ended at 1:30 pm.

Council Business Division 2
Legislative Council Secretariat
15 March 2017