

立法會 CB(2)1822/17-18(01)號文件
LC Paper No. CB(2)1822/17-18(01)

Hong Kong Special Administrative Region
Panel on Constitutional and Mainland Affairs
Hon. Martin Liao Cheung-kong

28 June 2018

Dear Chairman Liao,

**THIRD REPORT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION
FOR THE UNITED NATIONS HUMAN RIGHTS COUNCIL UNIVERSAL
PERIODIC REVIEW**

The Legislative Council members who are signatories to this letter are writing to you to kindly request that the Panel on Constitutional Affairs (the Panel) call for the Hong Kong Special Administrative Region (HKSAR) section of the national report for the United Nations Human Rights Council Universal Periodic Review (UPR) to be made available for review by the Panel, prior to being submitted to the People's Republic of China (PRC) government.

We note that the Hon Hui Chi-fung, wrote to you on 10 May 2018 regarding this matter. Miss Cathy Li, Constitutional Mainland Affairs Bureau (CMAB), responded on 18 May 2018. In the response, Miss Li stated that there had been an "extensive public consultation" and as such there was "no plan to launch another round of public consultation".

We do not agree that the consultation has been "extensive" and are concerned that the process adopted by CMAB has not provided the opportunity for active feedback. The 'established practice' adopted by CMAB does not allow civil society organisations who have spent an extensive amount of time preparing submissions to know whether their views are incorporated until the national report is publically released.

We are aware that it is common for many jurisdictions to make the draft versions of their national report available for consultation before it is lodged with the United Nations. For example, in 2018, Canada consulted on a draft version of its national report for the Third Cycle UPR and included a summary of their views on the draft in an Annex to the report. In another case, Australia, in 2015, sought the views of a draft version of their national report during their Second Cycle UPR. Finally, in another case, New Zealand, in 2013, also sought views on a draft version of their

national report during their Second Cycle UPR.

Given that there are just three pages of the national report which focuses on the HKSAR, it would not be as challenging for CMAB to run a consultation in comparison to countries which are preparing reports of 20 pages in length. As the Hon Hui Chi-fung noted in his letter of 10 May 2018, even if there was only as small amount of time, consultation on the draft HKSAR section would be of great benefit, demonstrating a commitment to constructive, meaningful and considered public consultation.

Releasing the HKSAR section of the national report for public consultation prior to presenting to the PRC would be a positive measure which could be referenced in the HKSAR section of the national report. Additionally, it would improve relations with civil society organisations, who have expressed interest in working collaboratively with government through the UPR. Many organisations have also expressed an interest in having a draft of the HKSAR section provided in advance to comment on.

We kindly request that you make the HKSAR section prior to presenting to the PRC for public consultation.

Yours sincerely,

Hui Chi-fung	James To Kun-sun	Leung Yiu-chung	Joseph Lee Kok-long
Claudia Mo	Wu Chi-wai	Charles Peter Mok	Chan Chi-chuen
Kenneth Leung	Kwok Ka-kei	Dennis Kwok	Fernando Cheung Chiu-hung
Ip Kin-yuen	Lam Cheuk-ting	Shiu Ka-chun	Helena Wong Pik-wan
Alvin Yeung	Chu Hoi-dick	Tanya Chan	Andrew Wan Siu-kin
Kwong Chun-yu	Gary Fan	Au Nok-hin	Jeremy Tam Man-ho