

立法會
Legislative Council

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**Report of the Panel on Constitutional Affairs
for submission to the Legislative Council**

PURPOSE

This report gives an account of the work of the Panel on Constitutional Affairs ("the Panel") during the 2020-2021 Legislative Council ("LegCo") session. It will be tabled at the Council meeting of 13 October 2021 in accordance with Rule 77(14) of the Rules of Procedure of the Council.

THE PANEL

2. The Panel was formed by a resolution passed by the Council on 8 July 1998 and as amended on 20 December 2000, 9 October 2002, 11 July 2007 and 2 July 2008 for the purpose of monitoring and examining Government policies and issues of public concern relating to implementation of the Joint Declaration and the Basic Law, relations between the Hong Kong Special Administrative Region ("HKSAR") Government and the Central People's Government ("CPG") and other Mainland authorities, electoral matters, district organizations, human rights, personal data protection and press freedom. The terms of reference of the Panel are at **Appendix I**.

3. The Panel comprises 22 members, with Hon Holden CHOW and Hon Kenneth LAU elected as Chairman and Deputy Chairman respectively. The membership list of the Panel is at **Appendix II**.

MAJOR WORK

Electoral matters

2021 Election Committee Subsector Ordinary Elections

Practical arrangements for the 2021 Election Committee ("EC") Subsector Ordinary Elections ("ECSSOEs")

4. The 2021 ECSSOEs were held on 19 September 2021. In June 2021, the Panel was consulted on the practical arrangements for the election. Members considered the proposed polling hours (from 7:30 am to 10:30 pm) too long, given the relatively small number of eligible voters in the 2021 ECSSOEs. The Administration explained that the Electoral Affairs Commission ("EAC") had considered whether the polling hours should be shortened in the light of the reduction in the number of voters. The reason for EAC to propose maintaining the polling hours from 7:30 am to 10:30 pm was to ensure that those voters, who had been accustomed to the past long polling hours, would not miss the chance to vote. Nevertheless, the Administration undertook to relay members' views to EAC for consideration and review.

5. Members enquired how the problem of repeated queuing during the 2019 District Council Ordinary Election ("DCOE") would be addressed under the proposed polling arrangements. The Administration advised that in the 2019 DCOE, there were reports that some people had resorted to repeated queuing with a view to prolonging the voting process for specific age groups of electors. The Administration pointed out that in the 2021 ECSSOEs, the Presiding Officers were empowered to set up special queues for voters in need (namely voters who were 70 or above, pregnant women, and persons who were unable to queue for a long time or had difficulty in queuing). The Administration considered that this new measure could help tackle the above problem. Besides, security staff would be deployed to maintain order outside the polling stations and, where necessary, assistance could be sought from the law enforcement officers at the polling stations.

6. Noting that the Electronic Poll Register ("EPR") would be adopted in the 2021 ECSSOEs, members expressed concern about the measures to ensure the smooth implementation of the new system and the contingency measures. The Administration advised that an independent information technology contractor had been hired to conduct the Security Risk Assessment and Audit for the EPR system thoroughly, and contingency arrangements would be formulated accordingly. In addition, the Registration and Electoral Office ("REO") had formed a Technical Advisory Committee to provide independent experts' advice on the technical aspects of the EPR system so as to ensure its smooth implementation and enhance public confidence in the new system.

7. Members were gravely concerned about the safety measures amid the Coronavirus Disease 2019 ("COVID-19") pandemic and enquired whether the use of the "LeaveHomeSafe" mobile application ("app") would be made compulsory for anyone entering a polling station during the election. The Administration advised that this might not be necessary as the use of the app might raise concerns about disclosing whether the voter concerned had cast his/her vote at the election. The Administration pledged that REO would continue to closely monitor the development of COVID-19 in Hong Kong, and

draw up details of the electoral arrangements and safety measures to ensure voters' safety, and prevent the spread of COVID-19 in the polling stations and the Central Counting Station in consultation with the Centre for Health Protection.

Updated Guidelines on Election-related Activities in respect of the EC Subsector Elections ("the Guidelines")

8. The Panel was consulted on the Guidelines before they were issued by EAC in July 2021. Members requested EAC to publish the Guidelines as early as possible so as to facilitate members of the public and potential candidates to have a thorough understanding of the Guidelines and to comply with the relevant requirements. Members considered that the Guidelines should be written in an easy-to-understand manner and that the Administration should step up publicity on the Guidelines. Members also enquired whether organizations, which planned to arrange for persons to stand as candidates at the 2021 ECSSOEs, could still carry out their normal public activities such as visits/social activities, and whether such public activities might be interpreted as election canvassing activities.

9. The Administration advised that EAC would publish the Guidelines as soon as possible, and EAC would then hold a press conference and a briefing session for candidates to explain the content of the Guidelines and to answer relevant enquiries from candidates. Besides, the Returning Officer ("RO") for each EC subsector would handle enquiries from the candidates, and REO would provide full support to ROs in handling the relevant work. As for organizations which might arrange for persons to stand as candidates at the 2021 ECSSOEs, the Administration advised that these organizations could continue to conduct their normal public activities, as long as these activities were not held for the purpose of promoting or prejudicing the election of any candidates. Details of the relevant requirements were set out in the Guidelines.

10. Members enquired about the requirements on the provision of information by candidates in the 2021 ECSSOEs in respect of their political affiliation. The Administration advised that the Guidelines would provide, among other things, a reminder to candidates that it would be imperative for any candidate claiming to be "independent" or "non-affiliated" (or other similar descriptions) to have a factual basis for the claim. Candidates would be advised to seek independent legal advice if they had any doubt about the political affiliation information that they would need to provide both in the nomination form and in the Introduction to Candidates for the 2021 ECSSOEs.

11. While welcoming that the Guidelines would specify that Presiding Officers might make special queuing arrangement for voters/authorized representatives in need, members considered that clear instructions and adequate

training should be provided to the electoral staff to facilitate their implementation of such arrangements at the 2021 ECSSOEs in accordance with the Guidelines. The Administration assured members that staff training would be stepped up to familiarize the electoral staff with the relevant arrangements so as to ensure the smooth conduct of the elections.

Practical arrangements and publicity for the 2021 Legislative Council General Election

12. The Panel discussed both the practical arrangements and proposed publicity programme for the 2021 LegCo General Election ("LCGE") to be held on 19 December 2021. As the 2021 LCGE would be the first LCGE held under the improved electoral system, members considered that the Administration should step up publicity on the major changes in the electoral system and the new electoral arrangements, including the new offences under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) ("ECICO").¹ Members also considered that the proposed publicity programme for the 2021 LCGE should include promoting the principle of "patriots administering Hong Kong".

13. The Administration advised that the Government would spend about \$37.7 million to publicize the 2021 LCGE and encourage electors to stand for the election and vote at the election. REO would launch a dedicated website for the 2021 LCGE in mid-October to provide important electoral information in languages of different races. The Administration pointed out that since March 2021, the Government had launched a thematic website on improving the electoral system. Featuring simple language and images, the website elaborated on, among other things, the main features of the Improving Electoral System (Consolidated Amendments) Bill 2021, the methods for the selection of the Chief Executive, the constitution of EC and the formation of LegCo, etc. The Administration advised that the principle of "patriots administering Hong Kong" was also elaborated on the dedicated website on "Improve Electoral System". Besides, REO would work with the Radio Television Hong Kong to ensure that the principle of "patriots administering Hong Kong" would be covered in television and radio Announcements of Public Interests under the proposed publicity programme.

14. The Administration further advised that the Independent Commission Against Corruption ("ICAC") would promote awareness of the new legal provisions in ECICO among electors and the general public. ICAC would arrange talks and other publicity and education activities for political parties and

¹ Two new offences relating to corrupt conduct that willfully obstruct and prevent another person from voting at an election, and illegal conduct that incite voters not to vote, to cast blank or invalid votes by way of public activity during an election period, were introduced to ECICO through the Improving Electoral System (Consolidated Amendments) Bill 2021.

relevant organizations, such as tertiary institutions, elderly centres and district organizations, to promote the importance of a clean and fair election.

15. As regards the practical arrangements for the 2021 LCGE, members referred to the prolonged vote counting process at the earlier 2021 ECSSOEs, and expressed concern about whether the Administration had learnt from the experience and would take measures to prevent recurrence of similar incidents at the upcoming LCGE. Members considered it utterly unacceptable for the vote counting, which only involved about 4 380 votes, to take about 13 hours to complete. The Administration acknowledged that the processes of ballot box delivery and counting were not satisfactory, and the time taken was beyond reasonable expectation. Members urged the Administration to review the arrangements and avoid recurrence. Members suggested that the Administration should conduct more rehearsals before the 2021 LCGE, and electoral staff training should be strengthened. Members also considered that REO should step up publicity on the voting procedures, points to note and new arrangements (e.g. the application of EPR, special queuing arrangement for electors in need and safety measures amid COVID-19 pandemic, etc.) so that the public could have a better understanding of the related arrangements. Besides, the Panel was concerned about whether the position of EAC Chairman should continue to be filled by a judge in future. Members considered that while the position should be filled by a credible person to ensure the fairness and impartiality of elections, EAC, which was responsible for conducting and supervising public elections, should be led by a person with ample administrative experience as well. As such, the Panel questioned whether it was appropriate for the position of EAC Chairman to continue to be filled by a judge in the future. The Administration undertook to relay members' views on the appointment of the EAC Chairman to the Chief Executive.

16. The Administration advised that EAC would conduct a detailed review, and would submit a report on the 2021 ECSSOEs to the Chief Executive as prescribed by the law. Members requested that the relevant EAC report should be made available as early as possible to facilitate better arrangements to be made for the upcoming LCGE.

Legislative amendments to the National Flag and National Emblem Ordinance

17. On 17 October 2020, the 22nd session of the Standing Committee of the 13th National People's Congress endorsed the amendments to the Law of the People's Republic of China on the National Flag ("the National Flag Law") and the Law of the People's Republic of China on the National Emblem ("National Emblem Law"), which came into force on 1 January 2021. The National Flag Law and the National Emblem Law have been listed in Annex III to the Basic

Law.² The HKSAR Government announced on 17 October 2020 that it would suitably introduce amendments to the National Flag and National Emblem Ordinance ("NFNEO"), with a view to implementing provisions that were applicable to HKSAR and fulfilling the constitutional responsibility of the HKSAR Government.

18. In February 2021, the Panel was consulted on the proposed direction and an outline of the amendments to NFNEO. Members expressed support for the Administration's proposal and enquired about the principle of the legislative amendments and how the Administration would "suitably adopt" the provisions of the amended National Flag Law and the amended National Emblem Law ("the two amended national laws") in NFNEO. The Administration explained that the principle of the legislative amendments to NFNEO was to fully reflect the provisions, principles and spirit of the two amended national laws, safeguard the proper use and preserve the dignity of the national flag and the national emblem which were the symbols and signs of the People's Republic of China ("PRC"), so as to promote respect among citizens for the national flag and national emblem, enhance the sense of national identity among citizens and promote patriotism, whilst taking into account the common law system and the actual circumstances in Hong Kong. The Administration advised that an example of how it would "suitably adopt" the provisions of the two amended national laws in NFNEO was that certain provisions in the two amended national laws involving Mainland institutions which were not applicable to HKSAR would not be incorporated into the relevant Amendment Bill.

19. Members requested the Administration to clearly explain what would constitute an offence under the Amendment Bill so that members of the public would not inadvertently commit an offence under the amended NFNEO. The Administration advised that there was no need to worry about "inadvertently contravening the law" provided that one did not commit an insulting act in relation to the national flag and the national emblem publicly and wilfully. The Administration pointed out that the elements of an offence were already clearly set out in the existing section 7 of NFNEO, i.e. whether a person had committed such an act of desecration publicly and wilfully.

20. Members urged the Administration to effectively promote and educate students about the national flag, and provide clear guidance to schools on the requirements and detailed arrangements of holding flag-raising ceremonies. The Administration explained that as stipulated in Article 21 of the amended National Flag Law, the national flag would be taken as an important part of school education; and that primary and secondary schools would have to educate their students on the history and connotation of the national flag, and obey the rules for

² According to Article 18(2) of the Basic Law, the national laws listed in Annex III to the Basic Law shall be applied locally by way of promulgation or legislation by HKSAR.

the display and use of the national flag and the etiquette in a flag-raising ceremony. Upon passage of the Amendment Bill, the Education Bureau ("EDB") would update and issue relevant guidelines to schools, and related curriculum resources would be provided to schools accordingly. All primary and secondary schools, including international schools, would be required to implement the arrangements as set out in the relevant legislative amendments.

21. In response to members' enquiries on the publicity and educational work in respect of the national flag and the national emblem, the Administration advised that it was mapping out the relevant promotion and publicity strategy and would suitably consider using online channels on top of traditional ones in the publicity work.

Personal data protection

Proposed amendments to the Personal Data (Privacy) Ordinance (Cap. 486)

22. The Panel was consulted on the proposed amendments to the Personal Data (Privacy) Ordinance (Cap. 486) ("PDPO") with a view to addressing the problem of doxxing. While members were supportive of the Administration's legislative proposal, they considered that the proposed threshold to convict doxxers, which included the requirement of proving that the doxxing acts had caused psychological harm to the data subject or any immediate family member, was too high, thus rendering conviction for doxxing acts difficult. They suggested that the threshold for convicting doxxers should be lowered in order to achieve a deterrent effect. In this connection, they suggested imposing a two-tier penalty such that those who disclosed any personal data of a data subject without the data subject's consent should be liable to a lighter penalty; and that those who had been proved to have an intent to threaten, intimidate or harass the data subject or cause psychological harm to the data subject, and with psychological harm caused to the data subject, might be subject to a heavier penalty.

23. The Administration explained that doxxing was a serious offence and the elements of the offence should require both malicious intent and actual harm to be proportionate to the gravity of the penalty. Nevertheless, the Administration agreed to consider members' suggestions.

24. Members noted that under the legislative proposal, the Privacy Commissioner for Personal Data ("the Privacy Commissioner") would be empowered to serve a Rectification Notice on any person who provided services in Hong Kong to Hong Kong residents to direct the relevant online platform to rectify the doxxing content. Members expressed concern about the ability of the Privacy Commissioner to request removal of web links containing personal data in case where the online platform was registered overseas. They also asked

whether the Administration or the Office of the Privacy Commissioner for Personal Data ("PCPD") had the technical capability to block websites containing doxxing contents from being accessible in Hong Kong to protect the victims given that it took time for the recipient(s) of the Rectification Notice to comply with the requirements specified in the Notice.

25. The Administration advised that the legislative proposal would expedite the processing of doxxing cases by PCPD, as the Privacy Commissioner would be empowered to serve a Rectification Notice on any person to rectify the offensive contents by a deadline when it had reasonable grounds to believe a doxxing offence had been committed without going through court proceedings. It would also be an offence to contravene a Rectification Notice, and offenders would be subject to a penalty. Besides, the Privacy Commissioner reckoned that with the proposed legislative amendments, overseas online platforms would be more cooperative with PCPD, as most of them had a policy that the contents of the platforms should comply with the requirements of local legislation.

Work of the Office of the Privacy Commissioner for Personal Data

26. The Panel received a briefing by the Privacy Commissioner on an update of the work of PCPD. Members considered that doxxing activities had been prevalent since June 2019 and requested PCPD to step up efforts to proactively identify and combat doxxing-related cases. The Privacy Commissioner advised that PCPD had set up a special team to conduct online patrols proactively for tracking cases involving doxxing posts. Furthermore, PCPD had strengthened collaboration with the Police and other organizations concerned in a bid to combat doxxing behaviour more effectively. Besides, PCPD would continue to actively collaborate with the Government to work on the amendments to PDPO in order to effectively tackle the issue.

27. Referring to the allegations made by some people in the community that taking the COVID-19 nucleic acid test under the Universal Community Testing Programme ("UCTP") and using the "LeaveHomeSafe" app would result in leakage of personal data, members considered that PCPD should proactively clarify the relevant rumours. The Privacy Commissioner advised that PCPD had clearly stated in public that UCTP complied with the requirements of PDPO and had clarified misconceptions about UCTP, including highlighting that there was no information showing that UCTP involved collection of participants' DNA information and transfer of such information outside Hong Kong.

28. As regards the "LeaveHomeSafe" app, the Privacy Commissioner advised that the app was, by international standards, in line with the least privacy-intrusive principle for the following reasons: it did not have location tracking function using the global positioning system; it could be used without the need for registration of any personal data; and it did not involve centralized storage and

processing of user records and the venue check-in data was encrypted and stored in the user's mobile phone only. The Privacy Commissioner further advised that the Government had consulted PCPD on the privacy issues involved in formulating anti-pandemic measures. PCPD had advised the Government the requirements under PDPO and relevant data protection principles for the Government to take heed of.

Work of the Equal Opportunities Commission and anti-discrimination

Work of the Equal Opportunities Commission

29. The Panel received a briefing by the Chairperson of the Equal Opportunities Commission ("EOC") on EOC's work in 2020-2021 and its key focuses in 2021-2022. Members raised concern about the prevalence of discrimination against Mainland Chinese people in Hong Kong and enquired about EOC's timetable for submitting its recommendations in respect of strengthening the protection of these people against discrimination. The Chairperson of EOC advised that in its submission to the Government on the Discrimination Law Review in 2016, EOC had recommended that the Government should conduct public consultation and introduce legal protection from discrimination on the grounds of nationality, citizenship and residency status under the Race Discrimination Ordinance (Cap. 602). EOC had subsequently embarked on an international comparative study on the issue of discrimination against people from other places of origin, and explored various possibilities of legislative amendments in conjunction with the Constitutional and Mainland Affairs Bureau ("CMAB"). The Chairperson of EOC advised that the final report of the study was near completion and would be submitted to CMAB in due course.

30. Members enquired how EOC would take enforcement actions to follow up cases involving certain local restaurants which had committed discriminatory acts by refusing to serve people who came from the Mainland or spoke Putonghua. The Chairperson of EOC advised that EOC had all along made its stance clear that the aforementioned discriminatory behaviour should not be tolerated by society and had therefore issued several statements to explain relevant laws to the public, as well as reminded restaurants and other service providers to avoid discriminatory practices against certain customers. In order to enhance the efficient and effective handling of these cases, the Chairperson of EOC informed members that EOC was exploring the possibility of legislative amendments, such that EOC could initiate proceedings in its own name for discriminatory practices.

31. Members enquired about the progress of EOC's review of the current legal regime on anti-sexual harassment. They called on EOC to formulate measures

and policy frameworks for preventing sexual harassment in workplaces in the private sector (including small and medium enterprises ("SMEs")) and in the ethnic minority ("EM") community. The Chairperson of EOC advised that the report of EOC's review on anti-sexual harassment legislation would be submitted to the Government shortly. EOC had also been in close liaison with the EM groups and had prepared anti-sexual harassment publicity materials in various EM languages for the EM community. Moreover, EOC would continue to step up its anti-sexual harassment efforts in the private sector including SMEs.

Implementation of the improved Administrative Guidelines on Promotion of Racial Equality

32. The Panel was briefed on the implementation of the improved Administrative Guidelines on Promotion of Racial Equality ("the new Administrative Guidelines"), which have been implemented since April 2020 by all Government bureaux and departments ("B/Ds") as well as related organizations (collectively referred to as "public authorities").³ Members raised concern as to whether adequate and timely interpretation services were provided to EM service users in public hospitals and clinics, and whether there was any EM language interpretation service the supply of which failed to meet the demand.

33. The Administration advised that to tie in with the implementation of the new Administrative Guidelines, public authorities had allocated additional resources as necessary for the provision of interpretation and translation services to people of diverse races. According to the statistics collected in the first half year since the implementation of the new Administrative Guidelines (i.e. from April to September 2020), all requests for interpretation services made by service users had been fully met by public authorities. It was noted that in public hospitals and clinics, whenever interpretation service had been arranged for a patient, the healthcare personnel concerned would register the delivery of such service in the patient's medical record so as to facilitate prior arrangement of interpretation service for subsequent medical appointments made by the same patient. For non-scheduled cases (such as hospital admission during emergency), hospital staff would also make appropriate arrangements, such as utilizing telephone/video call interpretation service and arranging on-site interpretation service as soon as possible where necessary and feasible, so as to ensure that appropriate medical treatment could be provided to the patient in a timely manner.

³ The key features of the new Administrative Guidelines include new guidance notes on language services and data collection on service users of diverse race, as well as compulsory training on diversity and inclusion for front-line staff and new recruits. Since April 2020, the new Administrative Guidelines have been implemented by all public authorities, making a total of over 100.

34. Members expressed concern about the effectiveness of the training on racial diversity and inclusion provided to the frontline staff and new recruits of public authorities. They enquired whether such training could enhance staff competencies in assisting EM service users to overcome the language barrier in accessing public services. The Administration explained that the compulsory training provided under the new Administrative Guidelines was aimed mainly to enhance staff understanding of the racial diversity and inclusion as well as their sensitivity towards the needs (including language service needs) of service users of different races in the process of delivering public services. The Administration further advised that additional funding had been provided to EOC to enhance the provision of training, publicity and public education programmes on, among others, racial equality and cultural sensitivity. Furthermore, the Civil Service Training and Development Institute would develop more training materials in collaboration with relevant organizations to complement the provision of training on racial diversity and inclusion to civil servants.

Human rights reports

International Covenant on Civil and Political Rights

35. The Panel discussed the preparations for the hearing of the United Nations ("UN") Human Rights Committee ("HRC") scheduled for March 2021 to consider the Fourth Report of HKSAR in the light of the International Covenant on Civil and Political Rights ("ICCPR"). The Panel also invited written views from deputations/individuals on the subject. Members noted that the HKSAR Government would prepare a written response to the list of issues ("the List") issued by HRC in August 2020 to be taken up in connection with the consideration of the Fourth Report of HKSAR. The written response would be submitted to HRC through CPG. Members in general expressed concern about the social unrest and disturbances in recent years and the law enforcement issues involved. Members considered that in preparing its written response to the List, the HKSAR Government should not only refute any unfounded and misleading claims but also request HRC to base their questions or accusations on facts.

36. The Administration advised that Hong Kong had been besieged by a series of violent events from June 2019 to early 2020. The scale of violent and unlawful acts had been unprecedented, resulting in huge difficulties and challenges faced by the Police in enforcing the law and maintaining public order. Whenever violent and unlawful acts took place, the Police must make assessment in accordance with the actual situation and take appropriate actions to restore public peace and protect citizens' life and property. The Police had a set of stringent guidelines on the use of force which were consistent with

international human rights norms and standards. The Administration advised that the arrests made by the Police were based on evidence and strictly according to the laws in force.

37. Members suggested that the HKSAR Government should clearly explain to HRC that as the interpretations of the Basic Law by the Standing Committee of the National People's Congress of PRC had solid legal basis and were consistent with the Constitution of PRC and the Basic Law, they would not undermine the rule of law and the independence of the judiciary in HKSAR as alleged by HRC. The Administration advised that the HKSAR Government would respond to the relevant issues and clarify misconceptions about HKSAR in preparing HKSAR's response to the List and oral response for HRC's hearing on HKSAR's Fourth Report. The Administration stressed that the HKSAR Government would take every opportunity to inform the international community of the actual situation of Hong Kong as well as refute biased and misleading accusations that human rights had been undermined in Hong Kong.

Convention on the Rights of the Child

38. The Government would submit the Third Report of HKSAR under the UN Convention on the Rights of the Child ("CRC") for incorporation into PRC's combined fifth and sixth reports under CRC. The Panel discussed the outline of topics to be included in the Third Report of HKSAR and invited written views from the public on the subject. Members enquired whether the Commission on Children ("CoC") would be upgraded to become a statutory body so that it could be given enforcement powers to step up the protection of children's rights. Members also expressed support for CoC's proposal of establishing a central databank on children in Hong Kong as they considered that the proposed databank would be conducive to CoC's work by consolidating and integrating children-related data from various B/Ds and other organizations. Members sought details of the progress of the preparatory work in this regard, such as the relevant consultancy study commissioned by CoC.

39. The Administration advised that CoC had been effective in driving the work to promote the well-being of children through policy formulation as well as co-ordination and follow-up on the implementation of measures under different B/Ds. Hence, the Administration had not come to any decision to upgrade CoC to be a statutory body at the present stage. The Administration informed members that the consultant appointed by CoC had completed review of relevant overseas experiences of implementing central databanks and was conducting a series of engagement sessions with stakeholders. Specific work in taking forward the proposed databank would draw reference from the outcome of the consultancy study.

40. Members expressed concern that while the reliance on e-learning had increased amid the COVID-19 pandemic, the support provided to children from

grassroots backgrounds to facilitate their e-learning at home was inadequate. Members enquired whether EDB would strengthen its support in this regard to ensure that all children would enjoy equal opportunities in accessing education. The Administration advised that EDB had been implementing an assistance programme through the Community Care Fund to subsidize needy primary and secondary students to purchase mobile computer devices. In addition, EDB would disburse one-off top-up grants to subsidize schools for the additional expenses incurred in purchasing portable Wi-Fi routers and/or mobile data cards for needy primary and secondary students. EDB further planned to launch a three-year programme under the Quality Education Fund to provide \$1.5 billion to schools to subsidize their purchase of mobile computer devices for loan to needy students so as to ensure that all students would have equal opportunities in accessing e-learning. Meanwhile, EDB had maintained close communication with schools to ensure that students in need of support for e-learning were provided with the necessary assistance.

41. In response to members' enquiry about the measures to assist children who were in poverty, the Administration advised that on the social welfare front, the Administration had been providing support for these children in a number of ways, including providing higher standard rates for eligible children and various special grants to meet the educational needs of children under the Comprehensive Social Security Assistance ("CSSA") Scheme. As for working households who were not on CSSA, financial assistance was provided under the Working Family Allowance Scheme. Moreover, there were fee reduction/waiving arrangements under the Social Welfare Department's child care centre services and after-school care programme to enable needy low-income families to receive necessary services. Short-term Food Assistance Service Projects were also in place to help families with difficulties in coping with their daily food expenditure. On the education front, the Administration advised that the Life-wide Learning Grant was provided to schools to support them to organize diversified learning activities and enrich students' learning experiences. EDB had also set up the Student Activities Support Fund to support students with financial needs to participate in various learning activities.

MEETINGS HELD

42. During the period between October 2020 and October 2021, the Panel held a total of 11 meetings including an informal meeting for policy briefing by videoconferencing.

Legislative Council

Panel on Constitutional Affairs

Terms of Reference

1. To monitor and examine Government policies and issues of public concern relating to implementation of the Joint Declaration and the Basic Law, relations between the Hong Kong Special Administrative Region Government and the Central People's Government and other Mainland authorities, electoral matters, district organizations, human rights, personal data protection and press freedom.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

Panel on Constitutional Affairs

Membership list for the 2020-2021 session*

Chairman	Hon Holden CHOW Ho-ding
Deputy Chairman	Hon Kenneth LAU Ip-keung, BBS, MH, JP
Members	Hon Jeffrey LAM Kin-fung, GBS, JP Hon WONG Ting-kwong, GBS, JP Hon Starry LEE Wai-king, SBS, JP Hon CHAN Kin-por, GBS, JP Dr Hon Priscilla LEUNG Mei-fun, SBS, JP Hon WONG Kwok-kin, GBS, JP Hon Mrs Regina IP LAU Suk-yeet, GBM, GBS, JP Hon Paul TSE Wai-chun, JP Hon Steven HO Chun-yin, BBS, JP Hon MA Fung-kwok, GBS, JP Hon LEUNG Che-cheung, SBS, MH, JP Hon Alice MAK Mei-kuen, BBS, JP Hon Christopher CHEUNG Wah-fung, SBS, JP Hon Elizabeth QUAT, BBS, JP Hon Martin LIAO Cheung-kong, GBS, JP Hon CHUNG Kwok-pan Hon Jimmy NG Wing-ka, BBS, JP Dr Hon Junius HO Kwan-yiu, JP Hon CHEUNG Kwok-kwan, JP Hon LUK Chung-hung, JP

(Total : 22 members)

Clerk Ms Joanne MAK

Legal Advisers Miss Rachel DAI
Ms Clara WONG

* Changes in membership are shown in Annex.

Panel on Constitutional Affairs

Changes in membership

Member	Relevant date
Prof Hon Joseph LEE Kok-long, SBS, JP	Up to 10 November 2020
Hon Charles Peter MOK, JP	Up to 10 November 2020
Hon IP Kin-yuen	Up to 10 November 2020
Hon SHIU Ka-chun	Up to 11 November 2020
Hon HUI Chi-fung	Up to 11 November 2020
Hon Jeremy TAM Man-ho	Up to 11 November 2020
Hon James TO Kun-sun	Up to 12 November 2020
Hon Claudia MO	Up to 12 November 2020
Hon WU Chi-wai, MH	Up to 12 November 2020
Dr Hon Helena WONG Pik-wan	Up to 12 November 2020
Hon Andrew WAN Siu-kin	Up to 12 November 2020
Hon LAM Cheuk-ting	Up to 12 November 2020
Hon KWONG Chun-yu	Up to 12 November 2020
Hon Tommy CHEUNG Yu-yan, GBS, JP	Up to 16 November 2020
Dr Hon Fernando CHEUNG Chiu-hung	Up to 18 November 2020
Ir Dr Hon LO Wai-kwok, GBS, MH, JP	Up to 1 December 2020
Hon Tony TSE Wai-chuen, BBS, JP	Up to 1 December 2020
Hon Abraham SHEK Lai-him, GBS, JP	Up to 2 December 2020
Dr Hon CHIANG Lai-wan, SBS, JP	Up to 3 December 2020
Dr Hon CHENG Chung-tai	Up to 25 August 2021

For **changes in LegCo Membership**, please refer to the link below:
<https://www.legco.gov.hk/general/english/members/yr16-20/notes.htm>)