

立法會

Legislative Council

LC Paper No. CB(2)1014/2022

Ref: CB2/PL/CA

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 2022 Legislative Council (“LegCo”) session. It will be tabled at the Council meeting of 14 December 2022 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, 2 July 2008 and 26 October 2022 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 and other Mainland authorities, electoral matters, district organizations, human rights, personal data protection and press freedom. The terms of reference of the Panel are in **Appendix 1**.

3. The Panel comprises 17 members, with Hon Holden CHOW Ho-ding and Dr Hon Hoey Simon LEE elected as Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix 2**.

Major Work

Electoral matters

2021 Legislative Council General Election

4. The 2021 LegCo General Election (“LCGE”) on 19 December 2021 was the first LCGE and the largest election following the improvement to the

electoral system.¹ The Panel was briefed on the major review findings of the Electoral Affairs Commission (“EAC”) Report on the 2021 LCGE (“the Report”).² Members were satisfied with the overall electoral arrangement and noted that a series of new measures had been smoothly implemented, such as the adoption of the Electronic Poll Register (“EPR”) system for the issuance of ballot papers³ and the setting up of special queues for electors in need, as well as setting up polling stations at three boundary control points at Heung Yuen Wai, Lo Wu and Lok Ma Chau Spur Line to facilitate electors to return from the Mainland to Hong Kong to vote amid the Coronavirus Disease 2019 (“COVID-19”) pandemic.

5. With regard to the implementation of the EPR system, members noted with concern the delay in the local area network (“LAN”) installation for the EPR system as a result of the failure of technicians of the network service contractor to show up on the set-up day (i.e. one day before the polling day) at 160 polling stations within reasonable time to conduct the installation. Members considered that the incident was totally unacceptable and asked how the Administration had followed up with the network service contractor.

6. The Administration advised that as emergency remedial measures, the network service contractor and the Registration and Electoral Office (“REO”) had deployed reserve temporary technicians and Government staff to carry out and complete the LAN installation at the polling stations concerned. The Administration further advised that REO would deduct relevant fee payable to the network service contractor in accordance with the contract in consultation with the Department of Justice. Furthermore, the network service contractor concerned would not be engaged in the upcoming 2022 Chief Executive (“CE”) Election. For future elections, the incident would also be taken into account in the relevant tender/quotation assessment processes.

7. Noting that the voter turnout rate was 30.2% for geographical constituencies (“GC”) and 32.22% for functional constituencies, members took

¹ The Improving Electoral System (Consolidated Amendments) Ordinance 2021 was passed by LegCo on 27 May 2021. It was published in the Gazette and came into effect on 31 May 2021.

² Section 8 of the EAC Ordinance (Cap. 541) requires, inter alia, that EAC shall make a report to the Chief Executive (“CE”), within three months after the election, on matters relating to that election in respect of which EAC has any function under Cap. 541 or any other Ordinance. Accordingly, EAC submitted the Report to CE on 18 March 2022.

³ To enhance the efficiency and accuracy of issuing ballot papers, the EPR system was used on a large scale in the 2021 LCGE. Among the 636 polling stations, 596 with wired network coverage adopted the EPR system for issuing ballot papers, while printed copies of the Final Register of Electors were used instead for ballot paper issuance at the remaining 40 polling stations where wired network coverage was unsatisfactory.

the view that the Administration should boost the voter turnout, particularly among the younger electors, and explore more different ways in reaching out to them, such as making use of social media platforms and enlisting the assistance of youth organizations where necessary. Members considered that there was also a need to promote public understanding of the improved electoral system and encourage more eligible persons to register as electors.

8. The Administration considered that the overall voter turnout rate of the 2021 LCGE was not low. That said, the Administration pledged that it would continue to make use of various channels to encourage more eligible persons to register as electors and to cast votes at elections as well as promote public understanding of the improved electoral system.

9. Regarding illegal conduct to incite another person not to vote, or to cast an invalid vote, by activity in public during election period, which was a new offence under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), members enquired about the law enforcement action taken in this regard during the 2021 LCGE. The Administration advised that 14 complaints in relation to this new offence had been received and referred to the Independent Commission Against Corruption (“ICAC”) for follow-up investigation. As at the end of March 2022, ICAC had completed investigation into six cases and a total of 12 persons had been arrested. Three of them had been prosecuted, of which two had been convicted. Members were also informed that the overall number of unmarked and invalid votes in the 2021 LCGE was smaller than that in the 2016 LCGE.

Practical arrangements for the 2022 Legislative Council Election Committee Constituency By-election

10. As the offices of four Members returned for the Election Committee Constituency (“ECC”) in the Seventh LegCo became vacant on 19 June 2022, the Administration will conduct the 2022 LegCo ECC By-election (“the By-election”) on 18 December 2022 to fill the four vacancies. The Panel was briefed on the key electoral arrangements for the By-election. Members noted that most of the electoral arrangements were by and large the same as those adopted in ECC of the 2021 LCGE. In view of the COVID-19 epidemic situation, a polling station would be set up at the Penny’s Bay Community Isolation Facility for electors who were under isolation or quarantine order on the polling day. Besides, electors with fever or respiratory symptoms or sudden loss of taste/smell would be assigned to vote at designated compartment(s) at the polling stations. Members requested REO to closely monitor the development of COVID-19 in Hong Kong and draw up safety measures in consultation with the Health Bureau and the Centre for Health Protection to safeguard electors’ health and prevent the spread of COVID-19 in the polling stations/Central Counting Station.

11. Some members expressed concern about the improvement measures to be implemented in this By-election in the light of the experience gained from the loss of two REO notebook computers containing the personal data of about 3.78 million GC electors in March 2017. The Administration advised that following the incident, a Task Force was set up to conduct a comprehensive review of the causes and circumstances of the incident, and propose improvement measures on operational matters. Besides, the Privacy Commissioner for Personal Data (“the Privacy Commissioner”) conducted an investigation on the incident and published an investigation report. The Administration advised that REO had implemented all the recommendations of the Task Force regarding the handling of personal data, information technology security, the security arrangement for election venues as well as REO’s internal supervision system having regard to the lessons learnt from the incident. REO had also duly followed up on the enforcement notice served by the Privacy Commissioner on REO to remedy and prevent any recurrence of similar incidents. The Administration further advised that REO had stepped up training for electoral staff with regard to the handling of personal data. Besides, REO would strictly follow the internal physical and technical security guidelines governing the handling and safe-keeping of computer equipment and personal data used in elections. The Administration assured members that the use of personal data would be restricted to staff on a “need-to-know” and “need-to-use” basis.

2022 Voter Registration Campaign

12. The Panel was briefed on the overall publicity plan and the main features of the 2022 Voter Registration (“VR”) Campaign. Members considered that the Administration should step up publicity to call upon eligible persons of all age groups to register as electors and to enhance their understanding about VR under the improved electoral system.

13. The Administration advised that it had stepped up the use of the new media for more extensive and efficient dissemination of information to the public. Moreover, VR application forms and posters were sent to tertiary and secondary education institutions, where their assistance was solicited to collect application forms submitted by students. The Administration further advised that registration counters would continue to be set up at the Registration of Persons Offices and Smart Identity Care Replacement Centres of the Immigration Department to help the public register as electors when they visited these offices to apply for or collect their identity documents. The Administration also undertook that it would continue its efforts in enhancing the public’s understanding of the VR arrangement under the improved electoral system.

14. Some members enquired whether the Administration would consider implementing an automatic VR system for Hong Kong so that all eligible permanent residents aged 18 or above would automatically be registered as electors. The Administration advised that according to overseas experience, a mandatory VR system might entail consequences (such as penalties) for persons who declined to be registered as electors. The Administration considered that a consensus needed to be reached in society in order to take forward the suggestion. The Administration further advised that the existing voluntary VR arrangements had operated smoothly over the years and, according to the 2021 Final Register, the VR rate stood at 92.5%.

Promotion of the Constitution of the People's Republic of China and the Basic Law

15. The Panel was briefed on the work of the Government on the promotion of the Constitution of the People's Republic of China ("the Constitution") and the Basic Law. Members stressed that it was important for the public to have an accurate understanding of the Constitution and the Basic Law, which formed the constitutional basis of HKSAR and provided the strongest safeguard for the long-term prosperity and stability of Hong Kong. In this connection, members suggested that the Basic Law Promotion Steering Committee ("BLPSC") should be renamed as "The Constitution and Basic Law Promotion Steering Committee" to reflect that the HKSAR Government was committed to promoting both the Constitution and the Basic Law.⁴ Members pointed out that in the past, some people had emphasized only the "Two Systems" and neglected the "One Country". They enquired whether and how the misconception would be addressed in the promotion work conducted by the HKSAR Government.

16. The Administration advised that BLPSC had endorsed in May 2022 three guiding directions as the focus for future promotion of the Constitution and the Basic Law, which included, among others, emphasis on the fact that the Constitution preceded the Basic Law, and "One Country" preceded "Two Systems".⁵ The Administration further advised that "One Country" was the prerequisite and foundation of "Two Systems". BLPSC was of the view that the public should have a correct understanding of the constitutional basis of HKSAR formed by the Constitution and the Basic Law, and enhance their sense of

⁴ In response to members' suggestion, the Constitutional and Mainland Affairs Bureau informed the Panel in October 2022 that BLPSC had been renamed as the "Constitution and Basic Law Promotion Steering Committee" to emphasize the importance the HKSAR Government attached to the promotion of the Constitution.

⁵ BLPSC endorsed in May 2022 three guiding directions as the focus for future promotion of the Constitution and the Basic Law, namely "The Constitution precedes the Basic Law, and 'One Country' precedes 'Two Systems'"; "The high degree of autonomy in HKSAR comes under the authorization of the Central Government"; and "Safeguarding national security is our collective responsibility".

national identity. The Administration pointed out that under the three guiding directions, BLPSC's five working groups would continue to organize activities to actively promote the Constitution, the Basic Law and the Law of the People's Republic of China on Safeguarding National Security in HKSAR ("NSL") to their respective sectors with the assistance rendered by the relevant bureaux/departments ("B/Ds").

17. Members considered it most important to ensure that all teachers and students should have an accurate understanding of the key concepts of the Constitution, the Basic Law and NSL. They requested the Education Bureau ("EDB") to strengthen teachers' training as well as provide appropriate and necessary learning and teaching resources for schools. Members suggested that the training materials on the Constitution and the Basic Law should be made public on the Internet to allow easy access by members of the public. They also suggested establishing an education centre on the Constitution, the Basic Law and national affairs to provide more extensive information and learning resources for teachers and students for reference. Members considered that the Administration should attach great importance to teachers' training in order to ensure that students' learning of the Constitution and the Basic Law in school was effective.

18. The Administration advised that EDB would continue to step up teachers' training on the Constitution, the Basic Law and NSL. Apart from enhancing teachers' understanding of the constitutional order established under the Constitution and the Basic Law, the training content also emphasized, among others, how the Constitution, the Basic Law and NSL safeguarded people's rights and way of life. According to the Administration, over 40 000 primary and secondary teachers had participated in the relevant online training courses in the past two years. The key training materials and videos had also been uploaded to the Internet for teachers' reference. The Administration further advised that from the 2022-2023 school year onwards, newly-appointed teachers in all public sector schools were required to pass the Basic Law Test in order to be considered for appointment.

19. Members also considered that the Administration should strive to enhance civil servants' understanding of the Constitution, the Basic Law and NSL, as well as their knowledge of national affairs. There was a suggestion that the Administration should make completion of training on the Constitution and the Basic Law a prerequisite for promotion in the civil service. The Administration advised that the Civil Service College ("CSC") had been working to further enhance training for civil servants on the Constitution, the Basic Law and NSL. CSC would establish a more systematic training framework and designate some training programmes for mandatory attendance by officers of different levels. Moreover, all new recruits would be required to complete within the probationary period a comprehensive foundation training programme on the relevant topics.

Remuneration for Politically-Appointed Officials serving in the sixth-term Government

20. In May 2022, the Panel was briefed on the report of the Independent Commission on Remuneration for Members of the Executive Council and the Legislature, and Officials under the Political Appointment System of HKSAR (“the Independent Commission”) on the remuneration package for politically-appointed officials (“PAOs”) serving in the sixth-term HKSAR Government. Members noted that the Independent Commission recommended, among others, that (i) the remuneration for PAOs should continue to be adjusted annually in line with the movement of Consumer Price Index (C) (“CPI(C)”) and, (ii) with effect from 1 July 2022, the cash remuneration for Directors of Bureau be restored to the level of \$357,150 per month subject to annual adjustment based on the change in the average annual CPI(C) for the year ending May 2022 (“the adjustment proposal”). Some members expressed reservations about the adjustment proposal in view of the prevailing high unemployment rate and economic downturn. Moreover, they noted that many members of the public considered that the performance of some PAOs in the fifth-term Government was far from satisfactory and should not have any pay rise.

21. The Administration explained that the adjustment proposal only served to restore the original levels of the cash remuneration for PAOs under the approved adjustment mechanism and should not be construed as a pay rise. The Administration pointed out that as recommended by the Independent Commission in 2016 and approved by the Finance Committee (“FC”) in 2017, the cash remuneration for PAOs would be adjusted annually in line with the movement of CPI(C) with effect from 1 July 2018. There had since been two adjustments to PAOs’ cash remuneration under such mechanism in 2018 and 2019. The then CE had, however, decided not to make an upward adjustment to the cash remuneration for PAOs in 2020 and 2021 notwithstanding the positive change in CPI(C) as part of the concerted efforts to tide over the challenging times of the COVID-19 epidemic with the community. The current cash remuneration for PAOs had thus been kept at July 2019 level.

22. The Administration further advised that the Independent Commission considered that the pay freeze for serving PAOs in 2020 and 2021 was a decision made by the fifth-term Government under the prevailing social, economic and political environment; it was voluntary in nature and should only be applicable to PAOs serving in the fifth-term Government. The Independent Commission therefore recommended that the cash remuneration for PAOs in the sixth-term Government should be adjusted in accordance with the change in the average annual CPI(C) since July 2019, so as to continue to follow the established adjustment mechanism as agreed and approved by FC.

23. Some members agreed to the Independent Commission's view that the cash remuneration for PAOs serving in the sixth-term Government should be adjusted in accordance with the change in average annual CPI(C) since 1 July 2019 following the established adjustment mechanism. These members considered that the individual performance of PAOs was not a factor for consideration under the established adjustment mechanism. They pointed out that the cash remuneration of LegCo Members was also adjusted in accordance with the same mechanism, i.e. adjusted on an annual basis in accordance with the change in the average annual CPI(C).

24. Members noted that the CE in Council had accepted the Independent Commission's recommendations, which would be effective from the sixth-term Government. Members were also informed that the Independent Commission's report had been passed to the Office of the CE-elect for consideration.⁶

Work of the Equal Opportunities Commission and anti-discrimination

Work of the Equal Opportunities Commission

25. The Panel received a briefing by the Chairperson of the Equal Opportunities Commission ("EOC") on EOC's work in 2021-2022 and its key focuses in 2022-2023. Members expressed concern about the tackling of sexual harassment and pointed out that small and medium enterprises often lacked internal mechanisms to handle relevant complaints. Members called on EOC to step up publicity and education on the prevention of sexual harassment and address the issue of underreporting of sexual harassment cases among victims.

26. The Chairperson of EOC advised that EOC's Anti-Sexual Harassment Unit ("ASHU") established in November 2020 was tasked to act as a first port of call for those affected by sexual harassment, with a view to addressing the issue of underreporting among victims. To this end, ASHU had been providing victim-oriented services with a view to preventing victims of sexual harassment from suffering from secondary damages when they sought redress. Besides, EOC had been hosting seminars and training across various sectors to help them strengthen awareness of sexual harassment and explore measures for combating sexual harassment. On the legislative review front, EOC had conducted a holistic review of the current protection from sexual harassment under the Sex Discrimination Ordinance (Cap. 480) to identify gaps in protection and, where appropriate, make recommendations for legislative amendments. EOC had submitted the review findings to the Government for consideration in October 2021.

⁶ The Government announced on 3 May 2022 that the Office of the CE-elect had been established to ensure a smooth transition to the new term of government. The Office of the CE-elect ceased to operate on 30 June 2022.

27. Members enquired about the progress of the internal legal study of EOC on possible options for eliminating discrimination on the grounds of sexual orientation, gender identity and intersex status. The Chairperson of EOC advised that the internal study, which aimed at finding out how legislation might facilitate promotion of equal opportunities of sexual minorities in certain fields, including employment, education and the provision of goods, services and facilities, was still in progress. Some members expressed concern that tackling discrimination against sexual minorities by legislation might result in “reverse discrimination”. In particular, they considered that legalization of same-sex marriage would have a huge impact on the existing institution of monogamy and heterosexual marriage and undermine traditional values. The Chairperson of EOC assured members that given the controversial nature of the issue, EOC would handle it in a prudent manner.

28. Members agreed with EOC that to promote equal opportunities for ethnic minority (“EM”) children in education, a full-fledged Chinese-as-a-second-language curriculum should be developed. Noting that it was the Government’s policy to help EM students learn Chinese as a second language with a view to enabling them to bridge over to mainstream Chinese Language classes, some members expressed concern that the mainstream Chinese Language curriculum might be too difficult for EM students as Chinese was not their mother tongue and EM students might therefore be put in a disadvantaged position. The Chairperson of EOC advised that EOC had been calling for the Government to review comprehensively the existing learning framework, and develop a progressive Chinese-as-a-second-language curriculum under which EM students should be taught to attain a level of Chinese proficiency that was required for the job market, and in a manner that was most effective given the different starting points of EM students.

29. Concerned about the problem of discrimination against Mainland people in Hong Kong, members enquired about the updated position of EOC’s legal study on tackling intra-racial discrimination. The Chairperson of EOC advised that EOC had completed the study and submitted the study report to the Government in March 2021, proposing to tackle the issue by legislation. The Administration advised that it was formulating proposals on the way forward to consult the Panel in due course.

Implementation of the improved Administrative Guidelines on Promotion of Racial Equality

30. The Panel discussed the implementation of the improved Administrative Guidelines on Promotion of Racial Equality (“the improved Administrative Guidelines”), which had been implemented since April 2020 by all Government B/Ds as well as related organizations (collectively referred to as “public

authorities”).⁷ Members considered that public authorities should proactively provide language services to people in need, so as to enable service users’ equal access to public services. The Administration advised that public authorities had proactively offered interpretation services to service users of diverse race, and had acceded to all requests for interpretation services. In nearly 35 600 cases where interpretation services were proactively offered by public authorities to service users, over 70% of the service users accepted the offers for interpretation services.

31. Noting that the improved Administrative Guidelines required public authorities to take practicable steps to collect data on the use of services from service users of diverse race for assessment of effectiveness of their policies and measures in promoting racial equality, members enquired how such data collection had been implemented. The Administration advised that public authorities had collected the data on a voluntary and confidential basis. Service users would not be compelled to provide relevant data to public authorities as a condition for obtaining or using the services concerned.

32. Members noted that the Constitutional and Mainland Affairs Bureau (“CMAB”) had allocated an additional provision of \$4 million to EOC for promotion of equal opportunities for EMs for two years from 2022 to 2024. The funded items included the Racial Diversity and Inclusion Charter for Employers (“the Charter”), various publicity campaigns as well as training programmes provided to public authorities, the private sector and the general public. Members were pleased to note that as at June 2022, there were 230 Charter signatories, which employed a total of around 250 000 employees. EOC had facilitated the sharing of good practices in promoting racial equality at workplaces among the Charter signatories, and had successfully engaged 30 Charter signatories to provide internship opportunities for EM tertiary students.

Work of the Office of the Privacy Commissioner for Personal Data

33. The Panel received a briefing by the Privacy Commissioner on an annual update of the work of the Office of the Privacy Commissioner for Personal Data (“PCPD”). Noting that the Personal Data (Privacy) (Amendment) Ordinance 2021 (“Amendment Ordinance”) came into effect on 8 October 2021,⁸ members

⁷ The key features of the improved 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 improved Administrative Guidelines have been implemented by all public authorities, making a total of over 100.

⁸ The major aspects of the Amendment Ordinance include creating offences to curb doxxing acts, empowering the Privacy Commissioner to carry out criminal investigations and institute prosecution, and conferring on the Privacy Commissioner statutory powers to serve cessation notices to demand the cessation of doxxing contents.

were concerned about PCPD's enforcement of the Amendment Ordinance. The Privacy Commissioner advised that between 8 October 2021 and the end of April 2022, PCPD received a total of 368 complaints relating to the new doxxing offences, which was six times of that before the Amendment Ordinance came into effect. PCPD had initiated criminal investigation into 66 cases. Besides, PCPD and the Police had made arrests in seven doxxing-related cases and six persons were arrested.

34. The Privacy Commissioner further advised PCPD had issued 689 cessation notices to 13 online platforms, requesting them to remove over 3 500 doxxing messages, and around 80% of such messages had been removed. Members expressed concern on what further actions would be taken by PCPD to require the online platforms concerned to remove the remaining 20% of the doxxing messages.

35. The Privacy Commissioner advised that PCPD had been closely monitoring the situation through online patrol and had repeatedly issued cessation notices to the platforms concerned to request the removal of doxxing messages. If the online platforms failed to remove the doxxing messages, PCPD would issue warning letters to the platforms and would also liaise with its overseas counterparts to pursue the matter.

36. The Privacy Commissioner further advised in tackling doxxing messages from online platforms which were based outside Hong Kong, pursuant to section 66M introduced by the Amendment Ordinance, she was empowered to serve a cessation notice on a Hong Kong person and/or a non-Hong Kong service provider directing the person or the provider to take cessation action in respect of a doxxing message. Contravention of a cessation notice would constitute a criminal offence. As section 66M had an extra-territorial effect, PCPD would seek assistance and cooperation from its overseas counterparts in ensuring compliance with the cessation notices whenever necessary.

37. Referring to media reports that the Government was considering adding a new function to the "LeaveHomeSafe" app to trace the location of its users for anti-epidemic purposes, members requested the Privacy Commissioner to clarify whether such a new function might violate the Data Protection Principles and relevant requirements under the Personal Data (Privacy) Ordinance (Cap. 486) ("PDPO"). The Privacy Commissioner explained that PDPO did not prohibit the collection, holding, processing or use of personal data for anti-epidemic or public health purposes, including the addition of the contact tracing function to the "LeaveHomeSafe" app. The Privacy Commissioner pointed out that when collecting personal data, relevant departments had to ensure compliance with the requirements of PDPO, including the requirements that only necessary, adequate but not excessive personal data should be collected. The data subjects should be informed of the data collected, the purposes for which the data would be used,

and to whom the data might be transferred (e.g. the Department of Health). In addition, section 59 of PDPO provided that if public health issues were involved, information such as the identity, health status and location of data subjects could be exempted from the relevant data use principles.

The fourth report of the Hong Kong Special Administrative Region in the light of the International Covenant on Civil and Political Rights

38. The United Nations (“UN”) Human Rights Committee (“the Committee”) considered the fourth report of HKSAR in the light of the International Covenant on Civil and Political Rights on 7, 8 and 12 July 2022, and issued its Concluding Observations on 27 July 2022. The Panel discussed the outcome of the UN meetings for consideration of HKSAR’s fourth report with the Administration. Members noted that a number of comments and questions on a wide range of issues were raised by the Committee, such as the Hong Kong NSL, the improved electoral system, Police oversight mechanism and protection of privacy.

39. Members strongly criticized that the Committee’s Concluding Observations on many areas concerning HKSAR were false and biased. Members considered that the concerns raised by the Committee on a number of issues including the enactment of NSL as well as HKSAR’s improved electoral system were misguided and based on ungrounded accusations. Members urged the HKSAR Government to swiftly rebut all the false allegations and give detailed responses to dispel the Committee’s misunderstanding of the situation in HKSAR.

40. The Administration advised that after the Concluding Observations on HKSAR’s fourth report had been issued on 27 July 2022, the HKSAR Government promptly issued a detailed press release on the same day to firmly and forcefully voice its strong objection and respond to a number of so-called issues of concern raised by the Committee in its Concluding Observations so as to set the record straight. The Administration stressed that Hong Kong people’s human rights and freedoms were fully protected by the Constitution, the Basic Law and other relevant laws of Hong Kong. In response to members’ concern on further measures to respond to similar allegations or smearing of Hong Kong, the Administration advised that “Tell a good Hong Kong story” was a major task of the current-term Government and it would spare no effort to promote Hong Kong in the international community. In this connection, HKSAR’s overseas Economic and Trade Offices would step up publicity to showcase Hong Kong’s efforts and achievements in various areas. CE and principal officials of HKSAR would also conduct visits abroad to tell the success story of Hong Kong under “One Country, Two Systems”.

Other issues

41. Apart from receiving briefings on the 2021 and 2022 Policy Addresses, the Panel also discussed CMAB's policy measures on the development of the Guangdong-Hong Kong-Macao Greater Bay Area.

Meetings held

42. During the period between January and December 2022, the Panel held a total of seven meetings. The Panel has scheduled another meeting for 13 December 2022 to discuss (a) the fourth report of HKSAR under the International Covenant on Economic, Social and Cultural Rights; and (b) the Concluding Observations by the UN Committee on the Rights of Persons with Disabilities on the combined second and third reports of HKSAR under the Convention on the Rights of Persons with Disabilities.

Council Business Division 2
Legislative Council Secretariat
6 December 2022

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 2022 session *

Chairman Hon Holden CHOW Ho-ding

Deputy Chairman Dr Hon Hoey Simon LEE, MH, JP

Members Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBM, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Martin LIAO Cheung-kong, GBS, JP
Dr Hon Junius HO Kwan-yiu, JP
Ir Hon LEE Chun-keung
Dr Hon TIK Chi-yuen, SBS, JP
Hon Nixie LAM Lam
Hon LAM San-keung, JP
Hon CHAN Yung, BBS, JP
Hon Kingsley WONG Kwok, BBS, JP
Hon TANG Fei, MH
Hon LAI Tung-kwok, GBS, IDSM, JP
Hon Carmen KAN Wai-mun
Hon YIM Kong

(Total : 17 members)

Clerk Ms Joanne MAK

Legal Adviser Miss Rachel DAI

* Changes in membership are shown in Annex.

Panel on Constitutional Affairs

Changes in membership

Member	Relevant date
Hon Alice MAK Mei-kuen, BBS, JP	Up to 18 June 2022
Hon CHEUNG Kwok-kwan, JP	Up to 18 June 2022
Prof Hon SUN Dong	Up to 18 June 2022

For **changes in LegCo Membership**, please refer to the link below:

(<https://www.legco.gov.hk/en/members/legco-members/changes-in-legco-membership.html>)