

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 2024 Legislative Council (“LegCo”) session. It will be tabled at the Council meeting of 18 December 2024 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 19 members, with Hon LAI Tung-kwok and Hon CHAN Yung elected as Chairman and Deputy Chairman respectively. The membership list of the Panel is in [Appendix 2](#).

Major Work

Electoral matters

Report on the 2023 District Council Ordinary Election

4. The Panel received a briefing from the Administration on the outcomes of review and recommendations set out in the Electoral Affairs Commission

(“EAC”) Report on the 2023 District Council Ordinary Election (“the Report”). Members in general were satisfied with the overall arrangements for the 2023 District Council Election, and provided their views and suggestions on a number of issues.

5. Members welcomed the Administration’s setting up of four Near Boundary Polling Stations (“NBPSs”) in the vicinity of Sheung Shui MTR Station to facilitate electors working and living in the Mainland to return to Hong Kong to cast their votes, and suggested the Administration consider setting up NBPSs in the vicinity of more major immigration control points (e.g. the Shenzhen Bay Port and the Hong Kong-Zhuhai-Macao Bridge Hong Kong Port) in the future. Members also suggested that the Administration should explore setting up polling stations in the Mainland cities of the Guangdong-Hong Kong-Macao Greater Bay Area (“GBA”). The Administration advised that setting up polling stations in the Mainland involved complex legal and actual operational issues, which required careful consideration and discussion with the Mainland authorities.

6. Members expressed concern about the incident of the failure of the Electronic Poll Register system in the evening of the polling day of the election, and urged the Administration to make every endeavour to prevent the recurrent of similar incidents, including strengthening the existing arrangements for system administration to ensure the security and integrity of the system. The Administration advised that after a detailed examination of the results of the investigation by a dedicated investigation group in respect of the incident, EAC had put forward a number of recommendations to the Registration and Electoral Office (“REO”), including the setting up of the Mission Critical System Development and Maintenance Board as the first tier confirmation mechanism to scrutinize and approve requests for alterations to any mission critical systems, and assess any substantial or potential impact and risks.

7. In addition, members made suggestions on further introduction of digitalization measures to enhance the efficiency of elections and reviewing election expenses. Some members were concerned that the expenditure for the 2023 District Council Election was far higher as compared with previous District Council elections, and suggested that the Administration should review the number of polling staff and the scale of publicity plan to explore whether the expenditure could be reduced. The Administration responded that as the election was the first District Council election held after the improvement of the district governance system and the reform of District Councils, it was necessary to strengthen publicity and manpower to ensure the smooth conduct of the election. The Administration undertook to explore stepping up the application of information technology to improve efficiency and report to the Panel on the progress of the introduction of digitalization measures in due course.

2024 Voter Registration Campaign

8. The Panel received a briefing from the Administration on the overall publicity plan and main features of the 2024 Voter Registration Campaign. The main objectives of the publicity plan were to encourage eligible persons to register as electors by the deadline on 2 June 2024, and remind registered electors to update their registration particulars, where necessary, by the deadline.

9. Members noted that the Administration would carry out publicity targeted at potential groups of electors, including setting up voter registration counters at the Registration of Persons Offices of the Immigration Department; setting up mobile voter registration counters at tertiary institutions; contacting and encouraging new arrivals to register as electors after obtaining their permanent identity cards through relevant departments, such as the Labour and Welfare Bureau, the Immigration Department and various District Offices. In addition, members of the public could, via “iAM Smart+”, log onto the Online Voter Information Enquiry System and submit applications for new registration and change of registration particulars for geographical constituencies, etc.

10. Members also expressed concern about the effectiveness of REO’s inquiry work. The Administration advised that through the contact methods provided by electors (including telephone, email or mobile phone SMS messages), electors would be reminded to reply to inquiry letters by the statutory deadline to confirm or update their residential address information, in order to avoid the loss of elector status. Moreover, based on the information transferred from relevant departments and organizations and the cases of poll cards being returned undelivered, REO identified the electors who might have changed their residential addresses and reminded such electors to update their information.

11. Members were also concerned about the measures in place to promote voter registration messages to Hong Kong people in the Mainland. The Administration advised that various Mainland Offices of the SAR Government had been promoting messages on voter registration and elections through regular interactions with Hong Kong people in the Mainland. Hong Kong people in the Mainland might submit applications for voter registration online or by post, and registered electors might submit applications for change of registration particulars and address proof via “iAM Smart+”.

12. Given that there were currently quite a number of Hong Kong permanent residents residing in the Mainland, members requested the Administration to clarify the meaning of “ordinarily residing in Hong Kong”, so as to clearly confirm the voting right of Hong Kong electors residing in the Mainland. Members suggested the Administration consider allowing Hong Kong permanent residents without residential addresses in Hong Kong to use their office addresses in Hong Kong for voter registration purpose, and allowing them to cast votes in

the geographical constituencies where those addresses were located. The Administration advised that for electors who were often absent from Hong Kong or did not live in Hong Kong for a period of time, their eligibility for voter registration would not be affected if they still had a certain degree of connections with the geographical constituencies where they lived when they were in Hong Kong (e.g. returning to Hong Kong from time to time and living in their homes). Regarding the suggestion of accepting office addresses as the registered addresses of electors, as major policy changes would be involved, it should be considered with care. In view of members' concerns, the Administration undertook to review the requirement of "ordinarily residing in Hong Kong" in the eligibility for voter registration in due course.

2025 Legislative Council General Election

13. At the policy briefing on the 2024 Policy Address, members raised a number of concerns about the enhancement of the arrangements for the 2025 LegCo Election, including urging the Administration to introduce more information technology and smart technologies, and take measures to ensure that the election would not be subject to external interference. According to the Administration, voter registration had been intelligentized, and the efficiency of voting had been enhanced with the implementation of electronic mode of ballot paper distribution to replace the previous mode of manual verification of voter identity. The Administration hoped that the introduction of information technology and smart technologies in the future would speed up the vote counting time, with a view to announcing the election results as soon as possible. The Administration would make technical legislative amendments to the specific arrangements for the 2025 LegCo General Election and empower EAC to take forward the relevant enhanced arrangements. The Administration would strive to ensure that public elections under the new electoral system would be smoothly conducted in a fair, just, honest, safe and orderly manner.

Promotion of the Constitution, the Basic Law and the rule of law education

14. Members suggested that the Administration should adopt more soft-selling approaches (e.g. embedding publicity messages in movie/TV works) and step up publicity and promotion of the Constitution of the People's Republic of China ("the Constitution") and the Basic Law among members of the public jointly with the District Councils. The Administration advised that a generally welcomed and lighthearted approach would be adopted to promote the Constitution and the Basic Law among members of the public, including producing promotional songs, broadcasting publicity videos on television, radio and online social media platforms, as well as organizing the Constitution Day Seminar, etc. At the district level, various District Offices had been taking proactive measures to enable residents in various districts to have a deeper understanding of the Constitution and the Basic Law through, for example, the provision of venues for youth

uniformed groups to conduct Chinese-style foot drill training and activities, and the organization of activities such as roving exhibitions and quiz competitions.

15. On civil service training, members suggested that a more diversified approach could be adopted to develop a sense of mission among civil servants. The Administration advised that all new appointees to the civil service were required to complete foundation training during their probationary period, and officers in graduate or professional grades were also required to take part in advanced training covering the Constitution, the Basic Law and the safeguarding of national security. Soft approaches such as movies, videos, song appreciation and historical stories, as well as the provision of historical background information, would also be used to enhance their understanding of the Constitution and the Basic Law and strike a chord in them, so that they could reflect on their roles and responsibilities as civil servants.

16. Members also enquired about the Administration's measures to step up the promotion of the Constitution and the Basic Law to members of the industrial, commercial and professional sectors. The Administration advised that the Trade and Industry Department was responsible for organizing different promotional activities among the sectors. For example, renowned members of the commercial sector were invited to be interviewed about the Constitution, the Basic Law and the actual business environment of Hong Kong, etc.

17. In addition, regarding the enhancement of the rule of law education, members noted that the Department of Justice established the Steering Committee on Rule of Law Education in February 2023 and launched the ROLE Stars Train-the-Leaders Programme in November of the same year, and the first phase of which was under the theme of "Rule of Law Education Stars". The second phase, which was launched in July 2024, aimed at organizing rule of law leaders training programmes for different target groups, including teachers responsible for national education and national security education, and providing them with advanced knowledge and knowledge on the Safeguarding National Security Ordinance.

Stepping up patriotic education and national education

18. The Panel received a briefing from the Administration on the latest progress of implementing patriotic education. Members generally supported the establishment of the Working Group on Patriotic Education ("the Working Group") by the Administration and made specific recommendations on the functions of the four sub-groups under the Working Group. Members were of the view that the Education Sub-group should step up patriotic education targeted at teachers and suggested that performance indicators should be formulated to assess the effectiveness of teacher training; the Local Community Sub-group should enhance cooperation with different government departments; the History,

Politics, Economics and Culture Sub-group should strengthen cooperation with local patriotic cultural and arts groups. The Administration advised that it attached great importance to the role of teachers in patriotic education in schools, and the Education Sub-group would continue to improve and deepen the relevant teacher training work. At the same time, all sub-groups would actively collaborate with various sectors of the community, including patriotic cultural groups, so as to bring together the community forces and jointly take forward patriotic education.

19. On the overall promotion strategy and direction of patriotic education, members suggested that the Administration should adopt a softer approach to more effectively promote the concept of patriotism among the younger generation. Members were particularly concerned about the implementation of patriotic education in schools and were pleased to note that the Administration had embedded patriotic education in school education. For example, Civics, Economics and Social Studies at junior secondary levels now included learning contents related to patriotism. In addition, Humanities would be implemented in primary schools starting from the 2025-2026 school year. The curriculum would include learning elements such as national education, education on the Constitution and the Basic Law, national security, etc., with enrichment of learning contents on national geography, history, Chinese culture and national security. Schools would also provide curriculum guides, develop learning and teaching resources, and provide training to enhance the professional competence of teachers. Members also noted that on enhancing the teaching of the history and structure of the Communist Party of China (“CPC”), patriotic education covered the political system of China, and the history of CPC was already included in the current secondary school curriculum.

20. In addition, members suggested that the Administration should be more proactive in introducing to members of the public the War of Resistance and other local historical events related to patriotism. Members commended the Administration for organizing a variety of celebration activities for the 75th National Day this year, which had aroused and enhanced patriotic sentiments in the community.

21. Members also suggested the Administration organize more high quality cultural exchange activities in GBA and other Mainland cities, and arrange for each primary and secondary school student to go on at least one exchange visit to the Mainland, so as to enable them to learn about the development of the Mainland and enhance their sense of belonging to the country. The Administration advised that the SAR Government, through its participation in the Guangdong-Hong Kong-Macao Greater Bay Area Culture and Arts Festival, organized more than 100 cultural exchange activities with cities in GBA each year.

Liaison and cooperation with the Mainland

22. The Panel received a briefing from the Administration on the relevant arrangements for HKSAR to strengthen regional cooperation with the Mainland.

Strengthening regional cooperation with the Mainland

23. Members noted that the Chief Executive (“CE”) established at the end of 2022 the Steering Group on Integration into National Development (“the Steering Group”), which was chaired by CE personally with the three Secretaries of Departments as deputies. The Steering Group coordinated and took forward at the top level the formulation and implementation of various policy measures, with a view to dovetailing with national strategies such as the National 14th Five-Year Plan, development of GBA and high-quality Belt and Road development.

24. Members noted that through consultation and close communication at both the central and regional levels, HKSAR had established cooperation mechanisms with nine Mainland provinces, municipalities and regions¹, covering a wide range of areas such as finance, economy and trade, innovation and technology, transportation, healthcare, culture, tourism and education. The SAR Government would continue to deepen cooperation with various Mainland provinces and municipalities, and give full play to Hong Kong’s distinctive advantages of “one country, two systems” and being “backed by the motherland and connected to the world” as well as its role as a “super-connector” and “super value-adder”, so as to collaborate with various regions in the Mainland to develop the new quality productive forces of each other, promote mutual development and contribute to the country’s high quality development. In addition, leveraging on its characteristics of highly commercialized and internationalized and the high degree of rule of law, as well as its “eight centres”² positioning established under the National 14th Five-Year Plan, the SAR Government would seek to complement each other’s strengths for mutual benefit and a win-win situation with various Mainland provinces and municipalities.

¹ The nine Mainland provinces, municipalities and regions include Beijing, Shanghai, Guangdong, Shenzhen, Fujian, Sichuan, Hubei, Chongqing and the Pan-Pearl River Delta Region.

² The 14th Five-Year Plan has supported the development of Hong Kong in eight key areas, including the international financial centre, international innovation and technology centre, East-meets-West centre for international cultural exchange, international trade centre, international shipping centre, international aviation hub, centre for international legal and dispute resolution services in the Asia-Pacific region as well as regional intellectual property trading centre.

25. Members suggested that the Administration should step up publicity on the highlights under the agreement on regional cooperation with the Mainland, such as the GBA Legal Professional Examination and cross-boundary elderly care initiatives. In response to members' request, the Administration had provided the Panel with supplementary information by coordinating and compiling a brief summary on the current situation of regional cooperation between Hong Kong and the Mainland, with the information set out by cooperation area, so as to assist members' in telling together the achievements of Hong Kong's cooperation with Mainland regions well.³

26. Members further suggested that HKSAR could establish cooperation mechanisms with more provinces (in particular emerging economic regions), including strengthening cooperation with Hainan Province to support the development of the Hainan Free Trade Port by leveraging Hong Kong's experience. The Administration advised that it would take forward cooperation with different provinces and municipalities on various fronts by adopting a pragmatic approach and launching initiatives once they were ready. At present, the Pan-Pearl River Delta regional cooperation mechanism had already included HKSAR and Hainan Province, and cooperation issues were discussed at the annual Chief Executive Joint Conference.

27. In addition, members commended the effectiveness of the work of the five Mainland offices and 11 liaison units⁴ of the HKSAR Government, including strengthening liaison and communication with the Central Authorities and the provincial and municipal governments at all levels, telling Hong Kong's story well in the Mainland, liaising and communicating with the business sector, "bringing in" Mainland enterprises and assisting Mainland enterprises in "going global", promoting youth and cultural exchanges between Hong Kong and the Mainland, and supporting Hong Kong people and Hong Kong businessmen. Members also put forward a number of views on further stepping up and enhancing the effectiveness of the work of the Mainland offices, including making effective use of the Mainland's social media platforms to promote Hong Kong, enhancing the knowledge of the Mainland offices' staff on local distinctive industries for better complementing the promotion of industrial cooperation, strengthening exchanges with e-commerce-related organizations and institutions

³ "Overview of Major Areas of Cooperation between HKSAR and the Mainland" provided by the Administration (LC Paper No. [CB\(2\)1235/2024\(01\)](#)) has been uploaded onto the Panel's website.

⁴ The five Mainland offices are [the Beijing Office](#), [the Hong Kong Economic and Trade Office in Shanghai](#) and [the Hong Kong Economic and Trade Office in Guangdong](#), [the Hong Kong Economic and Trade Office in Chengdu](#) and [the Hong Kong Economic and Trade Office in Wuhan](#). The HKSAR Government has also set up at least two liaison units under each of the Mainland offices, and a total of 11 liaison units have been set up at present.

in the Mainland and attracting cross-boundary e-commerce logistics service providers to set up businesses in Hong Kong, and facilitating the staging of outstanding Mainland cultural and arts programmes in Hong Kong, etc.

28. Members noted that in promoting people-to-people exchanges, the SAR Government had actively complemented the Central Authorities in expanding the Individual Visit Scheme, and attracted Mainland tourists through the distribution of consumption vouchers and publicity on themes such as gourmet paradise and mega event economy. Given that the 15th National Games would be held in 2025, members were pleased to note that the Administration would put in place measures to enhance exchanges with the leaders, participating teams and coaches of various Mainland provinces and municipalities when the competition events were about to be finalized.

Promotion of the development of the Guangdong-Hong Kong-Macao Greater Bay Area

29. Members suggested that the Administration should continue to step up investment promotion efforts with respect to the development of GBA among overseas markets, targeting not only mature overseas markets such as Europe and the United States, but also emerging markets such as the Association of Southeast Asian Nations (“ASEAN”) and the Middle East region. The Administration advised that it would continue to promote, through overseas visits by senior officials and investment promotion roadshows, Hong Kong’s role as the best dual platform for “attracting foreign investment and going global” in GBA. In addition, the Guangdong-Hong Kong-Macao Greater Bay Area Development Office (“the GBA Office”) planned to visit within this year more countries and regions, including ASEAN, Australia and Korea.

30. Members suggested that the GBA Office should strengthen liaison with the Mainland authorities to keep abreast of the latest development of GBA (e.g. the relevant ordinances of Shenzhen Municipality on the Qianhai Shenzhen-Hong Kong Modern Service Industry Co-operation Zone), and liaise with the industry to help them get well prepared. The Administration pointed out that the Government had worked with the Hong Kong Trade Development Council to develop and roll out the “GoGBA” Digital Platform and WeChat Mini Programme to provide Hong Kong people and Hong Kong enterprises with practical business and trade information. Regarding the development of Qianhai in Shenzhen, the GBA Office had been liaising closely with the Shenzhen Municipal Government and the Qianhai Authority, and had convened task force meetings to explore ways to strengthen collaboration; the GBA Office had also organized a number of activities to promote the Overall Development Plan for the

Qianhai Shenzhen-Hong Kong Modern Service Industry Co-operation Zone⁵, and will share with the industry in a timely manner information on the relevant ordinances on the Qianhai Shenzhen-Hong Kong Modern Service Industry Co-operation Zone.

31. Members enquired about the Administration's facilitation measures to promote cross-boundary flows of capital and information in GBA. The Administration advised that it had been promoting a higher level of interconnectivity in GBA through the "Four Flows and Five Connectivities",⁶ with a view to providing a favourable business and development environment for talents and enterprises. For example, in respect of information flow, significant breakthrough had been achieved in the promotion of a cross-boundary flow of personal information in areas such as healthcare, personal credit referencing and banking in GBA in December 2023, the Administration would like to achieve further breakthroughs in other industries and sectors in the future. In addition, the SAR Government set up the Guangdong-Hong Kong-Macao Greater Bay Area Development Promotion Centre in Guangzhou in April 2023 to provide practical assistance to Hong Kong people and Hong Kong enterprises interested in pursuing development in the Mainland cities in GBA.

32. Besides, the Administration also consulted the Panel on the proposal to retain two time-limited supernumerary directorate posts of Commissioner for the Development of Greater Bay Area (Administrative Officer Staff Grade A) and Assistant Commissioner for the Development of Greater Bay Area (1) (Administrative Officer Staff Grade C).⁷

Work of the Equal Opportunities Commission

33. The Panel received a briefing from the Chairperson of the Equal Opportunities Commission ("EOC") on the progress of EOC's work in 2023-2024 and its key focuses in 2024-2025.

⁵ The Central Authorities promulgated the Overall Development Plan for the Qianhai Shenzhen-Hong Kong Modern Service Industry Co-operation Zone in December 2023, which covers, among others, the strategic positioning, development objectives, spatial layout, industry planning, business environment, urban planning, quality living environment, and governance model of the Qianhai Co-operation Zone. Its objective is to promote the demonstrative and leading roles Qianhai plays in the development of GBA, further deepening the collaboration between Hong Kong and Shenzhen.

⁶ The "Four Flows" refer to the flows of people, goods, capital and information, while the "Five Connectivities" refer to the connectivities in respect of hardware facilities, movement of people, convergence of rules and regulations, flow of capital and people's life in GBA.

⁷ The establishment proposal ([EC\(2024-25\)4](#)) was endorsed by the Establishment Subcommittee on 26 June 2024 and approved by the Finance Committee on 19 July 2024.

Prevention of sexual harassment

34. In view of the sexual harassment incidents that took place during university orientation activities in recent years, members were concerned about EOC's measures to assist institutions in preventing acts of sexual harassment on campus, and suggested that EOC should set up an online anonymous complaint channel, and step up publicity and education in this respect to reverse the unhealthy trend.

35. The Chairperson of EOC advised that EOC had all along endeavoured to prevent sexual harassment through complaint handling and public education. On the front of campus, EOC had recommended that institutions should offer short compulsory training to all incoming students in their orientation programmes and called on institutions to require students (including personnel who organized, carried out and participated in orientation activities) to receive sexual harassment prevention training. Moreover, most of the universities funded by the University Grants Committee had established offices tasked with handling equal opportunity issues. These universities had also issued guidelines on the organization of orientation activities and required the organizers to provide the contents of activities for approval by the universities.

36. Members were also concerned that while according to the existing Sex Discrimination Ordinance (Cap. 480), it is unlawful for a student, staff member, or member of the responsible body of an educational establishment to sexually harass another student, staff member, or member of the responsible body of the same educational establishment, the provision could not deal with acts of sexual harassment between teachers and students from different institutions. As EOC advised that the relevant legislative amendment proposals had been drawn up and were being discussed with policy bureaux, members requested the Administration to expedite its follow-ups and report to the Panel on the outcome.

Promotion of equal opportunities for ethnic minorities

37. Members were concerned about the Administration's measures to eliminate some employers' misunderstanding of the cultures and customs of ethnic minorities and encourage employers to adjust the Chinese language proficiency requirements for some posts. The Chairperson of EOC advised that EOC had launched the Racial Diversity and Inclusion Charter for Employers in August 2018, under which organizations were encouraged to establish a racially inclusive environment for employees, undertake to employ more ethnic minority staff, and deploy them based on their abilities as appropriate. In addition, the Administration had allowed more freedom for various government departments to recruit ethnic minority staff by, for example, adjusting the entry requirements on language proficiency according to the job requirements of respective grades, so as to encourage ethnic minorities to apply for the jobs.

38. Besides, members enquired about the measures currently in place to improve ethnic minority students' efforts to learn Chinese as a second language. The Chairperson of EOC advised that in recent years, EOC recommended the Education Bureau ("EDB") to offer formal teacher training on teaching Chinese as a second language and provide continuous "Chinese as a second language" curriculum in primary and secondary schools. EOC would continue to follow up with EDB on the recommendations.

Intra-racial discrimination

39. Members were concerned about the problem of discrimination encountered by people from the Mainland in Hong Kong. They were of the view that EOC should promote social inclusion through publicity and education to tackle problems relating to intra-racial discrimination. The Chairperson of EOC advised that EOC had regular contact with relevant community organizations to keep abreast of the latest situation, and would continue to closely keep watch on the latest situation following further importation of Mainland talents and Mainland workers into Hong Kong.

Complaint handling

40. Members were concerned about how EOC handled complaints about discrimination and vilification if they were made by bystanders or third parties instead of the aggrieved persons. The Chairperson of EOC advised that the aggrieved persons in discrimination and vilification cases could lodge complaints with EOC in person or through authorized representatives. If the cases concerned were found to be substantiated and civil proceedings were required, the aggrieved persons would have to authorize EOC personally to institute litigation on their behalf. EOC would also refer cases with criminal elements to the Police for follow up. For cases of complaints made by bystanders or third parties, EOC might consider commencing self-initiated investigation to follow them up if there were public interest concerns in the cases (e.g. failure to provide barrier-free access in premises).

Work of the Office of the Privacy Commissioner for Personal Data

41. The Panel received a briefing from the Privacy Commissioner for Personal Data ("the Privacy Commissioner") on the work of the Office of the Privacy Commissioner for Personal Data ("the Office") in 2023 and its strategic focuses in 2024.

Review and amendment of the Personal Data (Privacy) Ordinance (Cap. 486)

42. In view of the successive incidents of personal data breach at a number of organizations in recent years, members suggested that the Office should step up

its publicity and education efforts to raise the awareness of personal data privacy protection among members of the public and organizations. The Office was also requested to comprehensively review the Personal Data (Privacy) Ordinance (Cap. 486) (“PDPO”) with the Government, with a view to addressing the challenges posed by cyber technologies for privacy. The Office advised that it was working closely with the Administration to comprehensively review PDPO, and planned to make legislative amendment proposals to keep up with the international development trend in privacy protection and address the challenges posed by the development of cyber technologies. Relevant legislative amendment proposals included establishing a mandatory personal data breach notification mechanism, requiring data users to formulate personal data retention policies, empowering the Privacy Commissioner to impose administrative fines, introducing direct regulation of data processors, and clarifying the definition of personal data, etc.

43. Members were concerned that when studying the establishment of the mandatory personal data breach notification mechanism, the Office should take into full account the impacts of relevant requirements on the operating costs of enterprises (especially small and medium enterprises). In this connection, the Privacy Commissioner advised that the Office was examining the specific proposals for the proposed mechanism, including the definition of relevant incidents, the notification threshold, etc., by reference to the relevant experience in other jurisdictions and taking into account the actual situation in Hong Kong. The Office was also aware that the introduction of the proposed mechanism would have certain impacts on the operation of enterprises, but considered that all enterprises had a responsibility to protect data security.

Challenges posed by artificial intelligence development for personal privacy protection

44. In view of the increasing prevalence of artificial intelligence (“AI”) technologies, members were concerned about what measures had been put in place by the Office to protect the security of biometric data and regulate organizations’ collection or use of personal data through AI. The Privacy Commissioner stressed that as a piece of principle-based and technology-neutral legislation, PDPO was also applicable to the collection or use of biometric data as well as the collection or use of personal data through AI. Moreover, the Office published the Guidance on the Ethical Development and Use of Artificial Intelligence in 2021 for enterprises’ reference. It also planned to publish an AI governance framework in 2024 together with a related compliance check report, and provide organizations with practical advice from the perspective of personal data protection.

45. Members were also concerned that many scammers committed fraud by using the deep fake technology to impersonate the face or voice of another person and induce victims to provide their personal data and money. The Office advised that it had stepped up efforts on anti-deception publicity and education, which included publishing promotional videos and organizing seminars targeted at the elderly.

46. Members enquired about the details of the Office's work in explaining the Standard Contract for the Cross-boundary Flow of Personal Information Within the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong) ("the GBA Standard Contract") introduced in December 2023. The Privacy Commissioner advised that the Office had been involved in the drawing up of the GBA Standard Contract, and it had issued the Guidance on Cross-boundary Data Transfer to assist industries in understanding the contents and scope of application of the GBA Standard Contract. Regarding personal data privacy problems encountered by Hong Kong residents in the Mainland, the Office advised that it had established a communication mechanism with the Cyberspace Administration of China ("CAC") in 2023, through which the Office would refer to CAC relevant cases of complaints from Hong Kong residents as necessary.

Actively facilitating the development of smart city

47. Members considered that the Office should actively facilitate the Government's promotion of smart city development and realization of "single portal for online government services". The Privacy Commissioner advised that the Office had provided the Administration with professional advice and recommendations on the "iAM Smart" application which would realize "single portal for online government services", the Consented Data Exchange Gateway which facilitated data interchange within the Government, the Commercial Data Interchange which enabled more efficient financial intermediation in the banking system, cross-boundary data flow in GBA, etc., so as to ensure that relevant measures were in line with the requirements of PDPO.

48. The Panel also noted that in response to the plan of the Hong Kong Police Force ("the Police") to install 2 000 sets of closed-circuit television ("CCTV") throughout the territory, which had given rise to privacy concern among the public, the Privacy Commissioner had offered professional advice to the Police and reiterated that organizations had to comply with the requirements of PDPO if they used CCTV systems to collect, hold or process information. The design of the current CCTV pilot scheme of the Police was in compliance with the requirements of PDPO.

Human rights reports

Summary of the United Nations Human Rights Council's fourth review of the Hong Kong Special Administrative Region

49. The Administration reported to the Panel that on 4 July 2024, the United Nations Human Rights Council had formally adopted the review report by its Working Group on the Universal Periodic Review on the fourth review of HKSAR.

50. Members commended the HKSAR Government delegation, which was led by the Chief Secretary for Administration, for attending the working group's meeting where the delegation responded to the views and recommendations of Member States on HKSAR's human rights situation, and sternly refuted the unfounded and untrue remarks made by some Member States on Hong Kong, including groundless smears and attacks against the implementation of the Hong Kong National Security Law. The Administration pointed out that among the some 160 Member States speaking or making recommendations at the meeting, more than 120 Member States supported China, affirming the country's efforts to promote and safeguard human rights. At the meeting, the Administration instantly rebutted the unfounded accusations and smears made by a few Member States against China.

51. In view of the false accusations made by the few countries, a number of members enquired whether the Administration had taken any follow-up measures after the meeting, such as making serious representations directly to the personnel of those countries stationed in Hong Kong. The Administration explained that regarding follow-up measures on the review, consultation with the Central Government was required and final decisions were left to the Central Government. The Government would relay members' views to the Central Government.

52. A number of members suggested that the Administration might enlist the Central Government's support, mobilizing various sectors' efforts to tell the good stories of Hong Kong on international occasions by leveraging the country's important position in the United Nations and other international organizations. For instance, non-governmental organizations in the local "love the country and Hong Kong" camp might be encouraged to strive for presence and opportunities to speak at different meetings held by the United Nations. Members also suggested that the Government should make good use of community strength, supporting community groups in increasing exchange activities in other countries, so that they could directly introduce to foreigners the current situation of Hong Kong, including Hong Kong's human rights situation. The Administration advised that it would call on members of various sectors to be active in promoting Hong Kong's stories externally.

Other issues

53. The Panel also discussed the outline of the fourth report of HKSAR under the International Convention on the Elimination of All Forms of Racial Discrimination (“ICERD”). Members noted that the report would be incorporated as part of the next periodic report to be submitted by the country under ICERD to the United Nations. The Administration conducted a public consultation on the outline of the report from 11 November to 2 December 2024, and would take into account relevant views in drafting the report.

Work of the Subcommittee on Improving the Practical Arrangements for Elections

54. In the 2023 session, the Subcommittee on Improving the Practical Arrangements for Elections (“the Subcommittee”) was formed under the Panel to comprehensively review and study the existing laws and administrative measures relating to the practical arrangements for elections, and make recommendations for improvement. Since the commencement of its work in mid-May 2023, the Subcommittee had held a total of five meetings. The Subcommittee completed its work and submitted a [report](#) to the Panel in May 2024.

Meetings held

55. During the period from January to November 2024, the Panel held a total of nine meetings. The Panel has scheduled another meeting for 16 December 2024 to discuss: (a) the legislative framework for the Improving Electoral Arrangements (Consolidated Amendments) Bill; and (b) briefing by the Chairperson of EOC on promoting the mainstreaming of universal design in the community.

Council Business Divisions
Legislative Council Secretariat
9 December 2024

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 2024 session*

Chairman Hon LAI Tung-kwok, GBS, IDSM, JP

Deputy Chairman Hon CHAN Yung, SBS, JP

Members Prof Hon Priscilla LEUNG Mei-fun, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon MA Fung-kwok, GBS, JP
Hon Martin LIAO Cheung-kong, GBM, GBS, JP
Dr Hon Junius HO Kwan-yiu, BBS, JP
Hon Holden CHOW Ho-ding, JP
Hon Tony TSE Wai-chuen, BBS, JP
Dr Hon Hoey Simon LEE, MH, JP
Ir Hon LEE Chun-keung, JP
Dr Hon TIK Chi-yuen, SBS, JP
Hon Nixie LAM Lam
Hon Kingsley WONG Kwok, BBS, JP
Hon TANG Fei, MH
Hon Carmen KAN Wai-mun, JP
Dr Hon TAN Yueheng, JP
Hon YIM Kong, JP
Prof Hon CHAN Wing-kwong

(Total: 19 members)

Clerk Ms Joanne MAK (up to 30 June 2024)
Ms Doris LO (since 1 July 2024)

Legal Adviser Miss Rachel DAI

* Changes in membership are shown in Annex to Appendix 2.

Annex to Appendix 2

Panel on Constitutional Affairs

**Changes in membership
(2024 session)**

Member	Relevant date
Hon Tony TSE Wai-chuen, BBS, JP	Since 16 January 2024
Hon TANG Fei, MH	Since 16 January 2024