

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 2025 Legislative Council (“LegCo”) session. It will be tabled at the Council meeting of 22 October 2025 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 18 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

2025 Voter Registration Campaign

4. The Panel received a briefing from the Administration on the overall publicity plan and main features of the 2025 Voter Registration Campaign. Members noted that the Registration and Electoral Office (“REO”) had been

actively promoting voter registration through different channels and had introduced a number of new measures to facilitate and motivate more eligible persons to complete voter registration.

5. The deadline for new applications for voter registration in 2025 was 2 June. However, under the existing legislation, all Hong Kong permanent residents who had reached 18 years of age on or before the statutory deadline for the publication of the next final register (i.e. 25 September 2025) were eligible to register as electors. Members were concerned that members of the public who turned 18 years of age between 2 June and 25 September might mistakenly believe they were ineligible to apply because they were under 18 years of age before the application deadline, thereby missing the opportunity to register. In this connection, members hoped that the Administration could step up its efforts to explain this point to members of the public.

6. Regarding the cost-effectiveness of voter registration campaigns, members were of the view that the Administration should step up its assessment of whether the relevant promotional efforts could effectively reach out to members of the public, and optimize its publicity strategies in light of the assessment results to ensure proper use of public funds. According to the Administration, the estimates for voter registration campaigns in the past few years had been maintained at around \$10 million. The Administration had kept pace with the times and adjusted promotional strategies as appropriate. For example, in recent years, more resources had been allocated to online publicity work to reach out to members of the public of different types and age groups through online platforms, so as to enhance the overall effectiveness of publicity work.

7. Members were also concerned about the accuracy of electoral registers and their updating arrangements. To remind electors of the need to update their registered address information after moving, members suggested that the Administration should adopt more targeted publicity approaches, such as distributing leaflets or electronic information to new property owners during the processing of property sale registrations to remind them to update their particulars, or conveying relevant messages to new residents through property management companies. The Administration advised that REO would disseminate information to residents of newly completed buildings via circulars. It would also disseminate information to residents moving into newly completed public housing estates through the Housing Department, or distribute leaflets through the Care Teams during home visits. Moreover, REO would conduct inquiries if it identified cases where voter registration particulars were suspected to be out of date. Members of the public who received

inquiry letters should provide the required particulars in a timely manner to avoid being disqualified as electors.

Practical arrangements for elections

8. The 2025 Election Committee Subsector By-elections (“EC By-elections”) was held on 7 September 2025, and the LegCo General Election will be held on 7 December 2025. The Panel received a briefing from the Administration on the practical arrangements for the two elections.¹

9. Members supported the Administration’s plan to adopt more electronic measures in elections, including continuing to adopt the Electronic Poll Register (“EPR”) System and preparing for the adoption of the electronic counting (“e-counting”) system in the LegCo functional constituency (“FC”) election.

10. Members were concerned about whether contingency plans had been formulated to deal with the failure of the e-counting system on the polling day of the LegCo General Election. The Administration advised that the procurement procedures for the e-counting system for the FC election had been completed, and preparatory work such as system testing, workflow design, staff deployment and contingency plans was underway as planned. In addition to the primary counting system, a backup counting system would be set up.

11. Members also expressed deep concern about how the Administration would ensure the stability and reliability of the EPR System on the polling day, and noted that the Administration had implemented the improvement recommendations made by the Electoral Affairs Commission in its report on the 2023 District Council Ordinary Election, including the arrangement for strengthening the three-tier confirmation mechanism, i.e. the Mission Critical System Development and Maintenance Board and the Technical Advisory Committee would review the necessity of any system modifications, the reasonableness of relevant designs, the potential impacts on overall operations, and independent third-party contractors would conduct independent load and stress tests.

12. To boost voter turnout rates and facilitate electors to cast their votes, some members suggested that the Administration should, in the long run,

¹ The Panel also received a briefing from the Administration on the proposed amendments to the electoral legislation on 16 December 2024, and the Electoral Legislation (Miscellaneous Amendments) Bill 2025 was introduced into LegCo on 26 March 2025. A Bills Committee was formed to scrutinize the Bill, which was passed at the Council meeting of 30 April 2025.

explore allowing electors to cast their votes at any polling station within their respective constituencies, or even at any polling station in Hong Kong. Other members also suggested allowing over 30 000 polling staff to cast their votes at the polling stations near the places where they were on duty. The Administration advised that if electors were allowed to cast their votes flexibly at any polling stations, some polling stations might become crowded due to a concentration of electors, thereby affecting order management. If cross-district vote casting was allowed for polling staff, the relevant ballot papers would have to be sent back to the original geographical constituencies for counting after the close of poll, presenting certain procedural difficulties and challenges.

13. Members supported the Administration's continued establishment of Near Boundary Polling Stations. Regarding the current arrangement requiring electors to complete prior registration, some members suggested allowing electors to register through the online system until the polling day at the latest. The Administration advised that the prior registration arrangement facilitated the deployment of corresponding manpower and resources. The Administration would strive to move the registration deadline closer to the polling day to facilitate electors.

14. Members noted that the estimated expenditure for the EC By-elections amounted to \$200 million, while that for the LegCo General Election was \$1.2 billion. Members were particularly concerned about the relatively high cost of the EC By-election. The Administration reiterated that it had adopted the value-for-money principle in preparing the estimates and would exercise prudent control over expenditure to ensure proper use of public funds.

Promoting the Constitution and the Basic Law

15. The Panel received a briefing from the Administration on the latest progress of the work in promoting the Constitution and the Basic Law.

16. Given that the civil service bore the responsibility of upholding the Constitution and the Basic Law and safeguarding national security, members expressed concern about how the Administration would implement the relevant training initiatives targeted at all civil servants. The Administration advised that it attached great importance to the training for civil servants on the Constitution, the Basic Law and national security. All new recruits, irrespective of rank, were required to undergo foundation training, while officers of degree or professional grades were required to take part in advanced training upon confirmation to the permanent establishment. The Administration would also arrange for middle and senior-level civil servants to attend national studies courses in the Mainland, continuously

organize local thematic seminars for serving civil servants, and provide civil servants at all levels with more opportunities to pursue continuous learning on the subjects of the country's latest development and national security through online learning platforms.

17. Regarding the practical effectiveness and long-term benefits of civil service training, members noted that the feedback provided by trainees upon course completion indicated the training courses enabled them to gain a comprehensive understanding of the holistic approach to national security, grasp the significance and importance underlying the Constitution and the Basic Law, and recognize that safeguarding national security was a duty incumbent upon every civil servant. The Administration stated that the training aimed to foster a sense of national identity among civil servants, enabling them to understand the importance of national security to both the country's development and individuals, and to enhance their awareness of consciously safeguarding national security.

18. In addition, a number of members were pleased to note the significant increase in young people's interest in international political situation in recent years. They also suggested that the Administration could focus more on international situation and use it as an entry point, such as explaining the pressures and challenges that the country currently faced from other countries and analysing the impacts of these challenges on the country, so as to help young people understand how the Constitution and the Basic Law served as the important legal basis for safeguarding national sovereignty and stable development. The Administration advised that the Constitutional and Mainland Affairs Bureau ("CMAB"), the Home and Youth Affairs Bureau and the Committee on the Promotion of Civic Education had consistently promoted the Constitution and the Basic Law to young people through various means, including producing short videos on relevant topics to enhance their learning interest in a more lively and vivid manner.

Promoting patriotic education

19. Members acknowledged the progress made by the Administration in promoting patriotic education in recent years, which had established the values of patriotism and "Love our Country, Love Hong Kong, Love our Community" as the mainstream in society. Members noted that since the establishment of the Working Group on Patriotic Education under the Constitution and Basic Law Promotion Steering Committee led by the Chief Secretary for Administration in April 2024, the Working Group had actively coordinated government departments and non-governmental organizations in promoting patriotism, and fostered and enhanced patriotic sentiments among members of the public, so as to motivate the general public to heartily and consciously love and safeguard the country. Regarding the Chief

Executive's proposal in the 2025 Policy Address to establish close connection with patriotic groups to unite resources and efforts in organizing more patriotic education activities, members strongly agreed with the direction, believing it would help leverage synergies between the Government and the community.

20. Members agreed with the integration of a number of key milestones and mega events in 2025, including the 80th anniversary of victory in the Chinese People's War of Resistance Against Japanese Aggression and the World Anti-Fascist War, the 60th anniversary of Dongjiang water supply to Hong Kong, and the hosting of the 15th National Games ("NG"), as well as the use of them as key entry points for promoting patriotic education. Members supported the SAR Government to organize a series of large-scale activities this year to commemorate the victory in the War of Resistance, thereby enabling members of the public to gain a deeper understanding of the unity and perseverance demonstrated by the Chinese people in the process of striving for peace. Furthermore, members noted that the Administration would leverage the organization of NG to strengthen the promotion of patriotism among young people, such as conducting promotional activities and roving exhibitions in schools, as well as introducing the events and participating cities of NG through various channels such as television and radio.

21. Members also suggested making good use of Hong Kong's museum resources to organize large-scale thematic exhibitions related to patriotism, enabling visitors to immerse themselves in patriotic sentiments and consolidate their sense of national identity. The Administration advised that in recent years, it had collaborated with Mainland's museums to organize a number of thematic exhibitions showcasing the country's achievements, such as the China Manned Space Exhibition on the country's achievements in aerospace development. Moreover, the Hong Kong Museum of Coastal Defence had been officially renamed as the Hong Kong Museum of the War of Resistance and Coastal Defence to highlight the theme of the War of Resistance, and had collaborated with Mainland authorities, such as the Culture, Media, Tourism and Sports Bureau of Shenzhen Municipality, to jointly organize the "Brothers in Arms: War of Resistance Activities of the East River Column in Shenzhen and Hong Kong" thematic exhibition.

22. Some members pointed out that the Sha Tau Kok Anti-Japanese War Memorial Hall, which was operated by a community group, was also an important historical site commemorating the victory in the War of Resistance, and were pleased to note that the Administration had actively followed up on various efforts to enhance the memorial hall and enrich local resources for promoting patriotism. The Administration acknowledged

that the history of the War of Resistance was an important topic for promoting patriotic education, and would continue to actively explore historical sites, figures or events, etc. related to the War of Resistance, with a view to revisiting more vividly and concretely the deeds of the War of Resistance and conveying the spirit of patriotism to members of the public.

23. On the other hand, some members expressed concern about the spreading of anti-patriotic sentiments by some hostile forces both within and outside Hong Kong through various channels. The Administration advised that since the implementation of the Hong Kong National Security Law, HKSAR had established a robust legal framework for safeguarding national security, which was sufficient to address all situations. The Administration would remain vigilant and closely monitor the situation at all times, and take appropriate measures where necessary.

Strengthening liaison and cooperation with the Mainland

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

Promoting closer alignment of rules and mechanisms with cities in the Greater Bay Area

25. Members considered that the SAR Government's ongoing efforts to promote closer alignment of rules and mechanisms in different fields within the Greater Bay Area ("GBA") were crucial for Hong Kong's better integration into the overall national development, and the premise was to achieve mutual benefits with other GBA cities under "one country, two systems", with the goal of jointly promoting the high-quality development of the country and GBA. In response to the successive tariff trade wars launched by the United States against China, enhancing Hong Kong's alignment with GBA cities would further assist local manufacturers, traditionally focused on export sales businesses, in shifting their business focus to the domestic sales market. The Administration advised that it would more actively assist Hong Kong businessmen in aligning with the country's robust domestic demand market, including stepping up the promotion of products of Hong Kong enterprises to different Mainland provinces and municipalities, and providing necessary support for Hong Kong enterprises in exploring markets.

26. Members pointed out that Guangzhou had taken the lead in implementing two batches of 72 items on the list of matters for alignment of rules with Hong Kong and Macao, and the Guangdong Provincial Office of the Leading Group for the Development of the Guangdong-Hong

Kong-Macao Greater Bay Area had released in batches 52 typical cases under the Guangdong Province's mechanism for promoting alignment of rules within the Guangdong-Hong Kong-Macao Greater Bay Area, covering areas such as customs clearance models, hospital accreditation and cross-boundary credit referencing. Members were of the view that the Administration should follow the example of Mainland authorities by compiling a list of cases for promoting alignment of rules and mechanisms with GBA cities, so as to enhance public understanding of the SAR Government's efforts in this area.

27. The Administration advised that through the joint efforts of GBA cities, hundreds of cases for alignment of rules had been achieved. The SAR Government would continue to promote alignment in different areas, leveraging as far as possible innovative thinking to achieve continuous breakthroughs and formulate more alignment policies. CMAB had detailed cases of cooperation agreements reached on the "[Guangdong-Hong Kong-Macao Greater Bay Area](#)" webpage, and would consider highlighting key initiatives in the numerous cooperation cases to enable members of the public to better understand the achievements of such work.

28. On the other hand, members noted that the governments of Guangdong, Hong Kong and Macao had formulated a total of 235 GBA Standards for different products and services to promote and enhance their quality, thereby promoting the interconnectivity and integrated development among these three places.² Members enquired about the timetable and roadmap for introducing more GBA Standards. The Administration advised that the governments of Guangdong, Hong Kong and Macao would continue to maintain communication and discussion on further promoting the development of GBA Standards in accordance with the established mechanism. In the long run, the SAR Government would strive to enable products or services meeting GBA Standards to enjoy facilitation or preferential treatment when entering the Mainland market.

Establishing a new "Hong Kong/Zhejiang Co-operation Conference" Mechanism

29. In April 2025, the Chief Executive led a SAR Government delegation to visit Zhejiang, during which he exchanged views with representatives from Hangzhou's "Six Little Dragons" innovation and technology enterprises to explore new opportunities for innovation and technology

² At present, GBA Standards that had been formulated and promulgated covered the fields of food quality and safety, Cantonese cuisine, prepared dishes, transportation, mechanical and electrical products, as well as medical care, nursing care, education, e-sports and "Environmental, Social and Governance", etc.

cooperation between Hong Kong and Zhejiang. Members suggested that the SAR Government should step up the promotion of Hong Kong's advantages in law and talents to innovation and technology enterprises in Hangzhou, Zhejiang, and leverage Hong Kong's strengths in finance and innovation and technology to actively develop fintech to attract Zhejiang's enterprises to establish bases in Hong Kong for development.

30. The Administration advised that during the visit, the SAR Government delegation actively promoted Hong Kong's advantages in various aspects to Zhejiang's enterprises, and signed the Co-operation Memorandum of the High-Level Meeting cum First Plenary Session of the Hong Kong/Zhejiang Co-operation Conference ("the Co-operation Memorandum"). The content of which included actively establishing two-way fintech investment and financing channels to support Zhejiang's high-tech enterprises to list in Hong Kong for financing.

31. Regarding the provision of exchange and internship opportunities in Zhejiang for Hong Kong young people under the Co-operation Memorandum, members suggested offering longer internship periods and covering internship opportunities in job types that were relatively difficult to access in Hong Kong, such as nature conservation, so as to enrich the content of internship. The Administration advised that the internship programmes under the HYAB Funding Scheme for Youth Internship in the Mainland normally lasted for three to eight weeks. At present, internship programmes in Zhejiang predominantly focused on fields such as innovation and technology, finance, and marketing. The Government would promote the provision of more internship opportunities in diverse areas such as cultural conservation and environmental protection in the future.

Assisting Mainland enterprises in "connecting to the world"

32. Members considered that when promoting cooperation with Mainland provinces and municipalities, the SAR Government should fully assume the role of a two-way platform to assist Mainland enterprises in "connecting to the world". The Administration stated that under "one country, two systems", Hong Kong possessed the advantage of connectivity with both the Mainland and the world. It was the only region in the whole country that implemented common law and used both Chinese and English, and was well-aligned with international markets, providing a familiar commercial and legal environment for international enterprises. Enterprises from Mainland provinces and municipalities could "go global" more smoothly by establishing companies, listing, setting up headquarters or exhibition platforms in Hong Kong.

Follow up of the Court of Final Appeal’s judgment in the judicial review case *Sham Tsz Kit v Secretary of Justice* (FACV 14/2022)

33. On 5 September 2023, the Court of Final Appeal (“CFA”) delivered a judgment in the case of *Sham Tsz Kit v Secretary for Justice* (FACV 14/2022) (“Sham Tsz Kit Case”),³ which held that in view of the privacy rights protected under Article 14 of the Hong Kong Bill of Rights (“BOR14”),⁴ the Government has a positive obligation to establish an alternative framework for legal recognition of same-sex partnerships (“alternative framework”) and provide for appropriate rights and obligations attendant on such recognition. Thereafter on 27 October 2023, CFA made the final order⁵ which directed that the operation of the judgment in this case be suspended for a period of two years from the date of the final order. The Panel held a special meeting on 3 July 2025 to receive a briefing from the Administration on its follow-up work on the judgment.

34. The Administration indicated that the Government had the responsibility to implement the CFA’s order by establishing through legislation an alternative framework. In developing the alternative framework, it should, on the one hand, establish the legal recognition of same-sex partnerships and, on the other hand, provide for appropriate rights and obligations attendant on such recognition to meet their basic social needs. Meanwhile, the court had clearly pointed out that the Government had a flexible margin of discretion in deciding the form of legal recognition.

Controversy over the proposal to establish an alternative framework

35. A number of members were worried that the establishment of an alternative framework would have a direct impact on the traditional heterosexual marriage system in Hong Kong, which would shake the community’s traditional understanding of marriage and family ethics, and therefore strongly opposed to establishing an alternative framework through legislation. Members also expressed concern that the proposed registration system for same-sex partners objectively encouraged same-sex partners to return to Hong Kong for registration after getting married overseas and in

³ See (2023) 26 HKCFAR 385, [\[2023\] HKCFA 28](#) (English version only).

⁴ [BOR14](#):

- (1) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
- (2) Everyone has the right to the protection of the law against such interference or attacks.

⁵ See (2023) 26 HKCFAR 478, [\[2023\] HKCFA 31](#) (English version only).

effect recognized same-sex marriages from overseas, and might become the first step in promoting the legalization of same-sex marriage in Hong Kong.

36. Some members pointed out that under the principle of respecting the rule of law, the Government had the obligation to establish an alternative framework to implement the CFA's judgment. The alternative framework proposed by the Administration was to allow same-sex partners with marital relationships recognized outside Hong Kong to register in Hong Kong, rather than recognizing their marital relationships directly, and on the other hand, to protect only the basic rights of same-sex partners as far as practicable, e.g. claiming of the bodies of their same-sex partners and participation in the medical decisions of their same-sex partners at critical moments, etc.

37. The Administration responded that the Basic Law expressly protected the monogamous and heterosexual marriage system in Hong Kong. The Government would firmly uphold this marriage system as the foundation from which no policies and policy directions should deviate, and it had no intention to recognize same-sex marriage in Hong Kong. In establishing the proposed alternative framework, the Government had endeavoured to take into account the views of various parties and strike a proper balance, so as to ensure the compliance with the requirements of the court's judgment, while considering factors such as the actual situations in Hong Kong, family values and traditional social values of Hong Kong, so as to avoid impacting on Hong Kong's marriage system and traditional social values.

38. A number of members were concerned that there was no broad consensus in the community on the establishment of an alternative framework, and therefore urged the Administration to conduct extensive consultation immediately to fully assess the impact of the proposal. The Administration advised that the alternative framework involved complex issues and wide-ranging implications. During the two-year suspension period, the Government had been conducting detailed research on establishing the alternative framework, including carrying out in-depth research on various policies and legal aspects, and research on practices in different jurisdictions, etc. Moreover, the proposal was formulated having regard to the content of the court's judgment, and after considering and assessing the overall interests of Hong Kong.

39. Some members asked the Administration how the Government would give effect to the order made by CFA in Sham Tsz Kit Case if the legislative proposal put forward by the Government was eventually voted down by LegCo. The Administration explained that CFA made a declaration in the judgment of Sham Tsz Kit Case, stating that the Government had a positive obligation to propose an alternative framework to safeguard the rights of same-sex partners. Assuming that the legislative

proposal put forward by the Government was not passed by LegCo by the end of the suspension period, CFA's judgment remained valid in principle, and the Government still had a continuing legal duty to make every effort to fulfil this obligation.

Feasibility of adopting a non-legislative approach to implement the judgment

40. Some members suggested that the Administration should consider resolving the difficulties faced by same-sex partners in their daily lives through the formulation of individual administrative measures, e.g. allowing same-sex partners to, by engaging a lawyer, sign a legal document authorizing their partners to deal with their medical-related matters or after-death arrangements, instead of establishing an alternative framework through legislation, so as to avoid destabilizing Hong Kong's marriage system. The Administration reiterated that CFA had ruled that in view of the privacy rights protected under BOR14, the Government had a positive obligation to establish a legal alternative framework for legal recognition of same-sex partnerships. Under the principles of respect for the rule of law, the Government must comply with the court's judgment to fulfil that positive obligation.

Application for extension of deadline for implementation of the alternative framework

41. Some members pointed out that the CFA's judgment had allowed the Government to apply to the court for an extension of the deadline for the implementation of the alternative framework for compelling reasons. Members considered the subject to be highly controversial, but there was still no consensus in the community on how to grant legal recognition for same-sex partnerships, and urged the Administration to apply to CFA for an extension of the suspension period for the operation of the judgment for such reasons. The Administration advised that it must respect and comply with the judgments made under the judicial system and had a duty to fulfil the positive obligation declared by the court under BOR14. Therefore, the Government had strived to submit a legislative proposal for consideration by LegCo within the two-year suspension period set down by CFA, and there was no plan at this stage to apply to the court for an extension of the suspension period for the operation of the judgment.

Registration of Same-sex Partnerships Bill

42. The Administration had subsequently introduced the Registration of Same-Sex Partnerships Bill into LegCo for its First Reading at the Council meeting of 16 July 2025. A Bills Committee was formed to scrutinize the

Bill, and its Second Reading was negatived at the Council meeting of 10 September 2025.

Work of the Equal Opportunities Commission

43. The Panel received a briefing from the Chairperson of the Equal Opportunities Commission (“EOC”) on EOC’s work in 2024 and its work outlook for 2025-2026.

Promoting mainstreaming of universal design

44. On promoting the mainstreaming of universal design, members suggested that the Government should promote the full implementation of universal design in society through legislation, formulation of guidelines and strengthening supervision, and suggested that EOC should require public and private organizations to report regularly on implementation and promote full implementation through district-based pilot projects. EOC stated that it had positively encouraged organizations to provide more accessible environments through the Universal Design Award Scheme. Two new categories of residential buildings and higher education institutions would be added in the second round of the scheme to promote participation of housing courts in various districts. Moreover, EOC participated in the consultation meetings organized by the Buildings Department on the review of the Design Manual: Barrier-Free Access 2008, discussing with representatives from multiple sectors to incorporate the universal design concept into the new version of the Design Manual. The compilation of the new Design Manual was expected to be completed in 2026.

45. Members suggested that EOC and the Administration should enhance arts accessibility services, such as increasing resources to promote sign language interpretation, theatre visual interpretation and oral description, and providing more accessible passages in cultural and sports venues to facilitate participation of persons with disabilities (“PWDs”) in cultural and sports activities. EOC stated that in recent years, it had actively promoted the universal design concept, including providing sufficient and reasonable accommodations during performances to enable people with different abilities to participate in and enjoy these activities, and positive feedback had been received on the accessible facilities in newly built sports facilities in recent years (such as the Kai Tak Sports Park).

Promoting equal opportunities for disadvantaged groups and promoting an inclusive society

46. Members supported EOC’s organization of the Racial Diversity & Inclusion Recruitment Fair for ethnic minorities in 2024, considering that

inviting multiple government departments and large enterprises to participate would set an example in society. They also urged EOC to oversee the Government's efforts to increase the employment rate of PWDs from the current 1.4% to 2%.

47. In addition, members expressed keen concern about the support provided for students with special educational needs ("SEN students") in terms of pursuing further studies and employment, as well as the effectiveness of integrated education. Members were pleased to note that the Education Bureau had introduced a series of enhancement measures in recent years, including the creation of the post of Special Educational Needs Coordinator and the provision of additional permanent teaching posts, to continuously improve the integrated education system. The number of SEN students pursuing studies in sub-degree and undergraduate programmes funded by the University Grants Committee rose from 318 in the 2014/15 academic year to 1 525 in the 2023/24 academic year, representing a nearly fivefold increase over the decade.

Handling of complaints and self-initiated investigations

48. Members noted that over 70% of the complaints handled by EOC in 2024 involved the employment field, with a larger number of cases involving the Disability Discrimination Ordinance (Cap. 487) ("DDO"). The number of such cases had been on the rise in the past three years, typically involving employees being dismissed due to work-related injuries or illnesses, or PWDs receiving less favorable treatment in terms of remuneration. EOC advised that it generally resolved disputes through mediation by promoting communication between employers and employees. If no settlement could be reached, EOC would, depending on the circumstances of the case, initiate court proceedings on behalf of the complainant against the employer.

49. Members noted that EOC only conducted 28 self-initiated investigations in 2024. They hoped that EOC would exercise its statutory power to conduct self-initiated investigations more proactively to follow up on discrimination cases, and the Administration should also consider amending DDO to confer EOC with more power. The Administration advised that it would maintain close communication with EOC and review the implementation of DDO to ensure that it met the needs of society.

Work of the Office of the Privacy Commissioner for Personal Data

50. The Panel received a briefing from the Privacy Commissioner for Personal Data ("PCPD") on the work of the Office of the Privacy Commissioner for Personal Data, Hong Kong ("the Office") in 2024 and its work outlook for 2025.

Mandatory notification of personal data breach incidents

51. Members expressed concern about the occurrence of a number of personal data breach cases involving public organizations in recent years, and suggested that the Administration and the Office should establish a mandatory notification mechanism as soon as possible. PCPD stated that recommendations had been made to the Government to amend the Personal Data (Privacy) Ordinance (Cap. 486) (“PDPO”), including establishing a mandatory personal data breach notification mechanism, introducing direct regulation of data processors, increasing penalties, and enhancing the Office’s power to impose administrative fines, etc. The Administration advised that, taking into account the concerns of enterprises (especially small and medium enterprises (“SMEs”)) about increased penalties and compliance costs, it was studying appropriate adjustments to the proposed legislative amendments, such as considering whether the proposed amendments could be implemented in phases and determining the appropriate amount of administrative fines.

52. Given that in recent years, some lawbreakers had placed “blind” recruitment advertisements to collect sensitive information such as job seekers’ personal data and work experience under the guise of recruitment, and then resold such information for profit, members questioned the adequacy of the existing penalties and recommended that the Office should refer suspected illegal activities to the police for follow-up. PCPD stated that in 2024, the Office conducted investigations into one recruitment platform and eight recruiting organizations, and the investigation results revealed that the platform and organizations required job seekers to provide personal data in their recruitment advertisements, but did not disclose the names and contact channels of the hiring organizations. Therefore, the Office ruled that the platform and organizations had violated the provisions of PDPO, and issued advisory letters or enforcement notices based on the contents of the breaches.

Challenges posed by the development of artificial intelligence to the protection of personal data privacy

53. Members were of the view that with the rapid development of artificial intelligence (“AI”), the risks it posed to personal data privacy should not be overlooked. Members pointed out that most generative AI platforms were currently developed overseas. When members of the public used these AI programs, they might face the risk of personal data breaches to overseas organizations. Concerns had been raised that under the existing legal framework of PDPO, it was difficult to effectively safeguard the rights and interests of members of the public.

54. PCPD advised that once personal data was collected by the system when members of the public used overseas generative AI or chatbots, the data might be stored within the system for training AI systems, and such personal data might even be provided to other users when they inquired about information, posing a risk of privacy breaches. The Office had stepped up publicity and education efforts in this regard, including publishing the leaflet “10 TIPS for Users of AI Chatbots” in 2023 to educate members of the public on how to use AI systems safely and responsibly.

55. Members suggested the Office consider studying the enactment of dedicated legislation on privacy protection in response to AI developments. PCPD pointed out that the existing PDPO was a principle-based law that was technology-neutral. It applied regardless of the technological means an organization employed to collect, process or use personal data, including the use of AI.

Guidelines on protection of personal data privacy

56. Members expressed concern about how the Office would assist enterprises and organizations in ensuring compliance with the requirements of protecting personal data privacy during AI development and application. Members also pointed out that SMEs generally lacked resources to formulate internal guidelines on the use of AI. Employees using AI without guidance or regulation might inadvertently breach the law due to inadvertent disclosure of personal data. Members urged the Office to assist SMEs in formulating internal guidelines and step up publicity on the secure use of AI.

57. PCPD advised that the Office published the “Artificial Intelligence: Model Personal Data Protection Framework” in 2024 to assist enterprises in understanding the potential risks and contingency plans when using or procuring AI. The Office also published the “Checklist on Guidelines for the Use of Generative AI by Employees” in March 2025, providing a checklist to help SMEs formulate appropriate internal AI policies. The Office had also launched the “AI Security Hotline”, enabling organizations or SMEs to obtain privacy protection information related to the use of AI through the hotline.

Meetings held

58. During the period from January to October 2025, the Panel held a total of nine meetings (including one special meeting).

Visit

59. The Panel visited REO on 13 October 2025 to observe a demonstration of the e-counting system for the FC election of the 2025 LegCo General Election.

Council Business Divisions
Legislative Council Secretariat
14 October 2025

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 2025 session

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

Deputy Chairman Hon CHAN Yung, SBS, JP

Members Dr Hon Starry LEE Wai-king, GBS, JP
Prof Hon Priscilla LEUNG Mei-fun, GBS, JP
Hon Paul TSE Wai-chun, JP
Dr Hon Junius HO Kwan-yiu, BBS, JP
Hon Holden CHOW Ho-ding, JP
Hon Doreen KONG Yuk-foon
Ir Hon LEE Chun-keung, BBS, JP
Dr Hon TIK Chi-yuen, SBS, JP
Hon Nixie LAM Lam
Hon Maggie CHAN Man-ki, MH, JP
Hon Kingsley WONG Kwok, BBS, JP
Hon TANG Fei, MH
Hon Kenneth FOK Kai-kong, BBS, JP
Hon Carmen KAN Wai-mun, JP
Dr Hon SO Cheung-wing, SBS, JP
Hon Erik YIM Kong, JP

(Total: 18 members)

Clerk Ms Doris LO

Legal Adviser Miss Rachel DAI