

立法會 *Legislative Council*

LC Paper No. CB(2)1755/16-17

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 2016-2017 Legislative Council ("LegCo") session. It will be tabled at the Council meeting of 5 July 2017 in accordance with Rule 77(14) of the Rules of Procedure of the Council.

The Panel

2. The Panel was formed by a resolution passed by the Council on 8 July 1998 and as amended on 20 December 2000, 9 October 2002, 11 July 2007 and 2 July 2008 for the purpose of monitoring and examining Government policies and issues of public concern relating to implementation of the Joint Declaration and the Basic Law ("BL"), 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 I**.

3. The Panel comprises 40 members, with Hon Martin LIAO Cheung-kong and Hon Holden CHOW Ho-ding elected as Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix II**.

Major work

Electoral matters

2017 Chief Executive Election

4. The Panel discussed the practical arrangements for the 2017 Chief Executive ("CE") Election. Some members expressed concern as to whether measures were in place to prevent an incumbent CE from having an unfair advantage by using public resources for his/her electioneering campaign in seeking re-election. The Administration advised that the Guidelines on Election-

related Activities in respect of the CE Election had clearly set out the general principle that a candidate should not use any public resources for his/her electioneering campaign. Besides, some members questioned the rationale for the new requirement that a CE candidate would have to sign a Confirmation Form as part of the nomination procedure. The Administration explained that section 16(7) of Chief Executive Election Ordinance (Cap. 569) ("CEEEO") provided that a nomination of a candidate would have to be accompanied by a declaration to the effect that the candidate stood for the election in an individual capacity; and he/she would uphold BL and pledge allegiance to HKSAR; as well as a declaration as to the candidate's nationality and whether he/she had a right of abode in any foreign country. The Administration considered that the Confirmation Form enabled a candidate to confirm that he/she understood the above requirements and responsibilities. The Form, therefore, would assist the Returning Officer ("RO") in the exercise of his/her statutory power to discharge his/her duties to ensure that the nomination procedure was completed in accordance with the law.

5. Some members noted with concern that some candidates of certain subsectors had been ruled by RO to be not validly nominated at the subsector elections concerned for failure to have "substantial connection" with their respective subsectors. They requested the Administration to explain the considerations for determining what constituted "substantial connection". The Administration explained that the eligibility for nomination as a candidate at a subsector election was set out in CEEEO. The Schedule to CEEEO also provided an interpretation on the term "substantial connection". In making the decision, RO would take into consideration the electorate and the constituents of the subsector concerned. However, each subsector varied in these respects under the law. Hence, the circumstances in which a person had substantial connection with a subsector also varied amongst different subsectors. Whether a nominee had substantial connection with his/her subsector needed to be considered on a case-by-case basis.

2016 Legislative Council General Election

6. The Panel was briefed on the major findings and recommendations in the Report on the 2016 LegCo General Election submitted by the Electoral Affairs Commission ("EAC") to CE in accordance with the EAC Ordinance (Cap. 541). Members expressed diverse views on EAC's recommendation to regulate claims of "abandonment of election" by candidates after the nomination period. EAC considered that the society should consider whether it was necessary to prohibit validly nominated candidates from publicly announcing "abandonment of election", such that the relevant authority could study whether existing legislation needed to be amended to that effect, in order to uphold the spirit of the existing legislation.

7. Some members considered it extremely unfair that, after announcing "abandonment of election" a few days before the polling day, the candidates concerned appealed to electors to cast their votes to one to two particular candidates. As a result, the latter had benefited in terms of the votes they gained, owing to the publicity effect achieved by the substantial election expenses incurred by those candidates who had announced "abandonment of election". Some other members, however, considered that a candidate might decide to quit during the election for personal reasons, and there was nothing wrong for the candidate to announce his/her decision early.

8. The Administration advised that there was no such mechanism for the so-called "abandonment of election" after the close of nomination. The Administration noted that EAC had made the aforementioned recommendation in a bid to address the public concern that the claims of "abandonment of election" might give rise to confusing information about the election, thereby impairing the integrity of the election. The Administration indicated that it would take into account members' comments in taking a view on the EAC's recommendation.

9. Some members expressed concern that the time taken in the counting of votes in the 2016 LegCo Election was unduly long and that many electors were stranded in long queues outside some small polling stations. The Panel urged the Administration to explore the use of information technology ("IT") to speed up the voting process. The Administration advised that it agreed with EAC's recommendation that computerization of the electoral process should be the way forward. Nevertheless, more studies would still have to be conducted to address technical difficulties that might be encountered in actual operation, e.g. the time required for installing the relevant IT equipment in a large number of polling stations, and the provision of technical support on the polling day.

10. In response to members' concern about the media reports that a candidate and an elector were able to collect ballot papers by only producing photocopies of their Hong Kong identity cards ("HKIDs") on the polling day, the Administration advised that this had not occurred before and the incident was an isolated case. Under the existing legislation, an elector was required to produce a proper identity document when obtaining ballot paper(s), but that document was not restricted to HKID. If an elector produced HKID or HKSAR Passport, ballot papers would be issued to him/her. However, if an elector could only produce other government documents carrying his/her name and photograph (e.g. Senior Citizen Card), that person must also produce a copy of his/her HKID at the same time.

Regulation of the use of social media, the imposition of a cooling-off period¹ and the conduct of election polls in public elections

11. When the Panel discussed the EAC's proposed guidelines on election-related activities in the last legislative session, members expressed concern about the regulation of election-related materials published on social networking websites and related issues. There were concerns over the definition of election advertisements ("EAs"), and whether the relevant expenses of publishing such materials on social networking websites would be regarded as election expenses. At the request of the Panel, the Administration conducted a study on overseas experience. In the current session, the Administration reported the outcome of the study to the Panel and sought members' views on the relevant practices in Hong Kong.

12. Members noted that EAs published through the Internet (including social media) or by means of traditional publicity media were equally subject to the regulation of the existing legislation. Under the law, whether an advertisement should be treated as an EA depended on whether the purpose of publishing the advertisement was to promote or prejudice the election of a candidate or candidates. Some members considered that the Administration should not regulate the use of social media in public elections as this would, in their view, restrict the freedom of speech and subject web surfers to inadvertent breach of electoral laws. Members in general considered that exemption should be provided for views expressed by individuals and groups on the Internet, as long as the publication of those views did not involve making or receiving payments.

13. In conducting the study, the Administration had taken the opportunity to look at the regulations and guidelines relating to the imposition of a cooling-off period in elections in overseas countries. While noting that Australia, Canada, New Zealand and Singapore had put in place a cooling-off period in elections, members in general considered that any proposal of imposing a cooling-off period in elections in Hong Kong required careful consideration as it might affect the voting desire of electors. Some members suggested that to facilitate consideration of the issue in future, the Administration might conduct a study to provide information on electors' behavior, e.g. the percentage of electors who did not make their voting choice until the polling day.

14. On the regulation of election surveys, some members criticized that the "ThunderGo" campaign during the 2016 LegCo General Election was aimed to influence electors' choice by disseminating to electors on the polling day the data collected from opinion polls and recommended lists of candidates, thereby

¹ It refers to a period of time on or before the polling day during which the conduct of canvassing activities is prohibited so as to allow electors to reflect on how they are going to vote before the poll.

causing unfairness to certain candidates. They urged the Administration to study if the "ThunderGo" campaign had published EAs and involved election expenses incurred without the authorization of the candidates concerned. They called on the Administration to review the relevant legislation to plug the loophole.

15. The Administration advised that it would not comment on individual cases. However, according to the provisions on election expenses stipulated in the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), for EAs published by a candidate through online platforms, the production and operating costs should also be counted towards the candidate's election expenses and be clearly declared in his/her election return. As provided in EAC election guidelines, whether a particular item of expenditure should be regarded as an election expense was a question of fact to be answered in the circumstances of each case. Upon receipt of any complaint that someone might have engaged in corrupt or illegal conduct in elections, the Registration and Electoral Office ("REO") would refer such complaint to law enforcement agencies for investigation and follow-up action.

Design of ballot papers

16. Under the existing legislation, the names and photos of candidates, as well as the registered names and emblems of prescribed bodies are printed on the ballot papers. According to EAC, with the growing number of candidates in recent elections, the sizes of ballot papers for geographical constituencies ("GCs") have become exceedingly large. It has hindered the printing, production, checking and delivery processes and the polling and counting workflows. Hence, EAC recommended that consideration be given to adjusting the particulars of the candidates currently printed on ballot papers, e.g. by deleting the photos of candidates. The Administration subsequently put forward different options in adjusting the design of ballot papers (e.g. deleting photos of candidates or the names and emblems of prescribed bodies from the ballot paper) for consultation with the Panel. Members in general opposed deleting photos of candidates and the emblems of prescribed bodies from the ballot paper, as they considered that such particulars relating to the candidates were important to electors in identifying the candidates when casting their votes. Some members proposed that the Administration should tackle the problem by application of technology, such as by exploring the feasibility of electronic voting as the way forward.

17. The Administration advised that it had an open position on the issue and would take heed of members' views and comments in reviewing the relevant arrangements. The Administration considered that the suggestion of electronic voting required in-depth study. Nevertheless, the Administration agreed to conduct a preliminary study and would provide an initial assessment to the Panel at its meeting to be held in July 2017.

Computer theft incident of the Registration and Electoral Office

18. In the wake of wide public concern on the loss of two REO notebook computers containing the personal data of about 3.78 million GC electors, the Panel convened a special meeting to discuss the incident and the follow-up measures. Members were briefed of a summary of the incident and the follow-up actions, as well as the result of a preliminary review conducted by REO. In response to members' grave concern about the possibility of unlawful use of the personal data of registered electors for fraudulent purposes, REO advised that the information of about 3.78 million GCs electors had been encrypted in accordance with the relevant security requirements and protected by multiple encryptions. Besides, REO had written to government departments and organizations of various sectors to notify them of the incident and appeal to their assistance in adopting appropriate measures to prevent using the relevant information as a means of identity theft in criminal activities. REO also encouraged electors to use the Online Voter Information Enquiry System to check their registration status and particulars. Two motions were passed by the Panel urging the Administration to, amongst others, expeditiously review and improve the handling of personal data of electors. At that meeting, the Administration announced the setting up of a Task Force to conduct a comprehensive review of the causes and circumstances of the incident, and propose improvement measures on operational matters.

19. Following the publication of the Report of the Task Force and the investigation report by the Privacy Commissioner for Personal Data² ("the Privacy Commissioner") in mid-June 2017, the Panel held a meeting to discuss both reports. The Report of the Task Force made a number of recommendations on REO's practice in the handling of personal data, IT security and venue security. Some members considered it unacceptable that the Report of the Task Force failed to pinpoint responsibility in the incident. They also criticized that there was gross negligence on the part of REO in the relevant venue security arrangements.

20. The Administration stressed that REO would implement all the recommendations of the Task Force regarding the handling of personal data, IT security, the security arrangement for election venues as well as its internal supervision system having regard to the lessons learnt from the incident. The Administration advised that REO would also duly follow up on the enforcement notice served by the Privacy Commissioner on REO pursuant to section 50(1) of the Personal Data (Privacy) Ordinance (Cap. 486) ("PDPO") to remedy and prevent any recurrence of similar incidents. In response to concerns about whether any officials would be held responsible for the incident, the

² Pursuant to section 38(b) of PDPO, the Privacy Commissioner commenced an investigation on 10 April 2017 on the incident.

Administration advised that the Government would take disciplinary action in accordance with the established procedures.

Voter registration system

Enhancement of the voter registration system

21. During the 2015 Voter Registration ("VR") cycle, there was a substantial increase in the number of notices of objection received by REO. In light of the public concerns and in response to the strong call of the Panel, the Administration embarked on a review of the existing VR system, and issued the Consultation Document on Enhancement of VR System on 26 November 2015 to collect views from the public regarding a series of proposed measures³ for enhancing the VR system.

22. The Consultation Report was released in January 2016, and after consultation with the Panel, some of the recommendations were implemented in the 2016 VR cycle (including aligning the statutory deadlines for applications for new registration and change of registration particulars, as well as the use of surface mail for all inquiries and notifications relating to VR). In the current legislative session, the Panel was consulted on review of the VR objection mechanism, as well as proposals for raising the penalties on offences relating to VR and introducing the requirement of submitting address proofs by electors.

Proposals to improve the objection mechanism

23. The significant surge of the number of objection cases compared with past years aroused public concerns on whether the existing objection mechanism was susceptible to abuse. The Administration proposed to specify in the law that the burden of proof rested on the objectors and that the objector be required to appear at the hearings. Some members expressed opposition to the proposal and queried whether the objector would be required to conduct investigations to collect evidence. The Administration clarified that the objector or a claimant was not required to prove beyond doubt of the objection/claim case(s). The purpose of the proposal was to set out in the law that the objector or claimant had the responsibility to provide sufficient information and grounds to substantiate his/her cases.

³ The proposed measures to enhance the VR system were:

- (a) VR and checking arrangements (including to advance the statutory deadline for change of registration particulars, and to change to use ordinary surface mail for all inquiries and notifications);
- (b) raising penalties on VR offences;
- (c) review of the objection mechanism;
- (d) time limit for processing objection cases; and
- (e) requiring applicants to submit address proofs when submitting applications for new registrations or change of registration particulars.

24. As for attendance at the hearings, the Administration did not propose to make it mandatory for the objector/claimant to appear at the hearing. However, if the objector only provided limited information in the notice of objection, the Revising Officer might require the objector to attend the hearing so as to seek clarifications from the objector at the hearing. Some members expressed support for these proposals which, in their view, would be able to enhance the objection mechanism and prevent abuse of the mechanism.

Proposals of increasing the penalties and submission of address proofs

25. Members in general expressed support for the proposal to increase the maximum penalties for the offence of making false statements in VR, from a fine at level two (\$5,000) and imprisonment for six months, to a fine at level three (\$10,000) and imprisonment for two years so as to reflect the severity of the offence concerned and to achieve sufficient deterrent effect.

26. The Administration also proposed to introduce the requirement of producing address proofs so as to facilitate verification of the accuracy of electors' address information and reduce the possibility of vote-rigging. Under the proposal, the new requirement would be implemented on existing registered electors who applied for change of registered addresses first. The new measure would be extended to cover new registrations after it had been implemented smoothly. The Administration considered it necessary to consider the public's response to the new requirement, in particular, whether the requirement might affect the desire of members of the public to register as electors, before extending it to new registrations.

27. Some members, however, considered that as most of the suspected vote-rigging cases in the past were related to applications for new registrations, the Administration should introduce the requirement for address proofs to applications for new registration as well. The Administration assured members that the requirement for address proofs would be extended to applications for new registration in the long run. The Administration also believed that after introducing the address proof requirement in relation to change of registration particulars, the desire of a third party to impersonate an elector to submit application for change of registration particulars would be significantly reduced. Some other members expressed support for this progressive approach as they also considered that introducing the requirement for address proofs to new VR registrations might dampen the desire of members of the public to apply for VR.

Remuneration package for politically-appointed officials serving in the fifth-term Government

28. The Administration consulted the Panel on the proposals to increase the cash remuneration for politically-appointed officials ("PAOs") by 12.4% with

effect from 1 July 2017; and to introduce an annual adjustment mechanism for the cash remuneration for PAOs in accordance with the change in the average annual Consumer Price Index (C) with effect from 1 July 2018. Some members supported the proposals as there had been no increase in PAO's remuneration since 2002. They also considered it reasonable to introduce an annual adjustment mechanism for PAOs similar to that for LegCo Members. Some other members, however, criticized that the performance of some incumbent PAOs fell short of public expectations and opposed any proposed increase in remuneration for the next-term PAOs. These members suggested that a performance-based element and the popularity rate of PAOs should be taken into account for their future pay review. The above proposals were submitted to the Finance Committee for consideration and received its approval in February 2017.

Discrimination Law Review and Equal Opportunities Commission's work

29. In March 2013, the Equal Opportunities Commission ("EOC") launched the Discrimination Law Review ("DLR") to review comprehensively the four existing anti-discrimination Ordinances. In March 2016, EOC submitted a report on DLR to the Administration. The report contained a total of 73 recommendations, including 27 which were considered by EOC to be of higher priority. The Administration consulted members on nine prioritized recommendations⁴ that the Administration considered to be capable of forging consensus among stakeholders and the society, and might be taken forward at this juncture.

30. While members in general had no objection to the nine prioritized recommendations, some members expressed dissatisfaction that the Administration had only identified nine recommendations that might be taken forward at this juncture for discussion by the Panel. These members considered that some of the remaining recommendations were not controversial or complex, such as to amend the Disability Discrimination Ordinance (Cap. 487) by adding "being accompanied by an assistance animal" as a category of protection from discrimination and to amend the four anti-discrimination Ordinances to include a

⁴ The nine prioritized recommendations involve the following: (a) to introduce express provisions in the Family Status Discrimination Ordinance (Cap. 527) ("FSDO") (or the Sex Discrimination Ordinance (Cap. 480) ("SDO")) prohibiting direct and indirect discrimination on grounds of breastfeeding, and to include expressing milk in the definition of breastfeeding; (b) to amend provisions in the Race Discrimination Ordinance (Cap. 602) ("RDO") that prohibit direct discrimination on the ground of race of a "near relative" by replacing the definition of "near relative" by a definition of an "associate" which is wider in scope, and to include protection from direct discrimination by perception or imputation that a person is of a particular racial group; (c) to expand the scope of protection from sexual, disability and racial harassment, such as between persons in a common workplace (e.g. consignment workers and volunteers) and between tenants/sub-tenants occupying the same premises; and (d) to repeal provisions which require proof of intention to discriminate in order to obtain damages for indirect discrimination under SDO, FSDO and RDO.

provision that they applied to all public authorities. These members expressed dissatisfaction with the lack of information on how the Administration would follow up on the rest of EOC's recommendations. The Administration was requested to provide a timetable for taking forward the 73 recommendations, particularly the 27 recommendations considered by EOC to be of higher priority.

31. The Administration explained that among the recommendations that were of higher priority, the Administration intended to focus on those that were relatively less complex or controversial at this juncture, with a view to taking forward necessary legislative amendments in a step-by-step manner. The Administration considered that some of the recommendations, such as the one relating to protection from discrimination on grounds of nationality, citizenship and residency status, were relatively complex and controversial, and the public had expressed strong and divergent views on them. The Administration needed more time to carefully consider those recommendations.

32. The Panel also received a briefing by the Chairperson of EOC on an update of the work of EOC. Members exchanged views with the EOC Chairperson on the key initiatives of EOC in 2017-2018 and beyond. Some members expressed the view that among the various discriminatory issues, sexual harassment remained rife in various sectors. They urged EOC to step up efforts in eliminating sexual harassments. The EOC Chairperson advised that in 2016, EOC's training team had conducted over 250 training sessions for over 10 500 staff members of a wide range of sectors, including Government departments, public bodies, non-government organizations, law firms, airlines, banks and schools, etc. Training was also developed for the ethnic minorities ("EM"), including the foreign domestic workers. Members were pleased to note that EOC had commenced a review of its complaint-handling and legal assistance functions taking into account the views and interests of stakeholders. The purpose of the review was to assess whether the current system of EOC's complaint-handling and legal assistance functions was the most efficient and effective in meeting EOC's objectives and mission within the statutory parameters, and to propose any changes to the system.

33. Some members expressed concern about the adequacy of the Government's allocation of resources to EOC to cover its rental and operating expenditure. They stressed that the Administration should provide the necessary funding support to ensure the smooth operation of EOC and its effective monitoring of the Government in the relevant policy areas. The Panel passed a motion urging the Administration to strengthen the provision of support for the work of EOC, and requesting expeditious provision of adequate financial resources for EOC's EM Unit.

Tackling discrimination on grounds of sexual orientation and gender identity

34. The Administration briefed members on the progress of taking forward the recommendations submitted by the former Advisory Group on Eliminating Discrimination against Sexual Minorities ("Advisory Group")⁵ to the Government in December 2015. The Advisory Group had recommended strategies and measures in various areas, which included enhancing public education and publicity to promote the message of non-discrimination, reinforcing the relevant support services, drawing up a charter on non-discrimination of sexual minorities for voluntary adoption by relevant organizations, and conducting further study on the experience of other jurisdictions in implementing anti-discrimination measures to form the basis for future public consultation.

35. Some members urged the Administration to introduce legislation against discrimination on the grounds of sexual orientation and gender identity, taking into account the findings of the relevant EOC's study⁶ which showed that there had been a significant increase of public support for legislating against discrimination on such grounds in the past 10 years from 28.7% to 55.7%. Moreover, about 50% of the respondents with religious beliefs agreed that there should be legal protection against such discrimination. These members considered that there was an imminent need for enacting legislation in this area in order to protect the rights of sexual minorities. Some other members, however, considered that legislating against discrimination on the ground of sexual orientation might result in "reverse discrimination". They considered that the freedom of parental choice of children's religious and moral education under the International Covenant on Civil and Political Rights, as well as the freedom of religious belief under BL32, should be safeguarded. These members suggested that the Administration should tackle the issue by strengthening various administrative measures.

36. The Administration advised that as recommended by the Advisory Group, the Administration was conducting a further study on the experience of other jurisdictions in tackling discrimination through legislative and non-legislative measures. The findings of the study would form the basis for public consultation on both legislative proposals and administrative measures to eliminate discrimination on the grounds of sexual orientation and gender identity. The study was expected to be completed by the end of 2017. The Administration would examine the findings of the study and draw up a plan for conducting public consultation.

⁵ The Advisory Group was established in June 2013 to advise on the longer term strategy and measures to take forward the objective of eliminating discrimination against sexual minorities.

⁶ EOC published the Report on Study on Legislation against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status in January 2016.

Work of the Office of the Privacy Commissioner for Personal Data and section 33 of the Personal Data (Privacy) Ordinance

37. The Panel received a briefing by the Privacy Commissioner on an update of the work of the Office of the Privacy Commissioner for Personal Data ("PCPDO"). Some members expressed concern about the large decrease in the number of self-initiated investigations from 76 in 2015 to 13 in 2016. The Privacy Commissioner explained that this was due to better awareness of the general public of personal data privacy protection. PCPDO had endeavoured to promote the culture of "Protect, Respect Personal Data" through promotion and education to raise the awareness of personal data privacy protection of organizational data users and the public. Furthermore, PCPDO released media statements and responses to address public concerns about privacy related issues in a timely manner, so that the public could have an early understanding of those issues.

38. The Panel noted that while 112 cases had been referred by PCPDO to the Police for criminal investigation and prosecution in 2016 (of which 109 related to contraventions involving the use of personal data in direct marketing), only three were substantiated and resulted in a fine or a Community Service Order of 80 hours. In response to members' enquiry on whether the penalty was too light to have sufficient deterrent effect, the Privacy Commissioner advised that it was the first time the court imposed a Community Service Order of 80 hours after the new direct marketing regulatory regime took effect on 1 April 2013. The Privacy Commissioner considered this penalty of Community Service Order to be a deterring penalty to a certain degree, and PCPDO would keep in view of the penalties imposed in the future.

39. The Panel continued to closely follow up on the progress in bringing section 33 of PDPO⁷ into operation. The Privacy Commissioner advised that his Office had submitted recommendations to the Government in 2014 and remained in close communication with the Administration on the matter. The Administration explained that it appreciated that the implementation of section 33 could bring about significant and substantive impact on businesses. Thus, it had commissioned a consultant to study the compliance measures that data users would have to adopt in order to fulfill the requirements under section 33. At the request of the Panel, the Administration briefed members on the preliminary findings of the business impact assessment on the implementation of section 33 of PDPO. A number of members relayed the concerns expressed by the industrial and commercial sectors about the potential impacts of the implementation of

⁷ The purpose of section 33 is to ensure that the standard of protection afforded by PDPO to the data under transfer will not be reduced as a result of the transfer.

section 33 of PDPO, especially on the small and medium-sized enterprises ("SMEs"), such as the high compliance cost that might be involved as a result of adopting measures to fulfil the requirements under section 33, as well as impacts on their operations and their online business.

40. The Administration advised that the consultant would first consolidate the final business impact assessment report. Upon receipt of the business impact assessment report, PCPDO would study the issues raised by the trades with regard to section 33 of PDPO, such as whether the industries already subject to stringent regulations could be regarded as having met the requirements of section 33 by means of compliance with the data protection requirements of their regulatory authorities, and the support measures required by SMEs to comply with the relevant requirements. The Administration would then formulate the steps forward in the light of the outcome of PCPDO's study.

Other issues

41. The Panel received a briefing by the Secretary for Constitutional and Mainland Affairs on CE's 2017 Policy Address. The Panel was consulted on the proposed revision of 11 fee items under the Registration of Local Newspapers Ordinance (Cap. 268). The Panel also discussed the Administration's plan to set up an Office of the CE-elect and the 2017 VR campaign.

Meetings

42. From October 2016 to end of June 2017, the Panel held a total of 11 meetings.

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 2016-2017 session*

Chairman Hon Martin LIAO Cheung-kong, SBS, JP

Deputy Chairman Hon Holden CHOW Ho-ding

Members

Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon CHAN Kin-por, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon Alice MAK Mei-kuen, BBS, JP
Hon Dennis KWOK Wing-hang
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, JP
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Hon LAM Cheuk-ting
Hon CHAN Chun-ying
Hon Tanya CHAN
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, MH, JP

Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Nathan LAW Kwun-chung
Dr Hon LAU Siu-lai

(Total : 40 members)

Clerk Ms Joanne MAK

Legal Adviser Mr Kelvin LEE

* Changes in membership are shown in Annex.

Annex to Appendix II

Panel on Constitutional Affairs

Changes in membership

Member	Relevant date
Prof Hon Joseph LEE Kok-long, SBS, JP	Up to 6 November 2016
Hon YIU Si-wing, BBS	Up to 8 November 2016
Hon KWOK Wai-keung	Up to 8 November 2016
Hon HO Kai-ming	Up to 8 November 2016
Hon Andrew WAN Siu-kin	Up to 17 November 2016
Hon CHAN Han-pan, JP	Up to 29 November 2016
Dr Hon Elizabeth QUAT, JP	Up to 29 November 2016
Hon Kenneth LEUNG	Up to 5 December 2016
Hon Wilson OR Chong-shing, MH	Up to 7 December 2016
Dr Hon KWOK Ka-ki	Up to 11 December 2016
Dr Hon YIU Chung-yim	Up to 13 December 2016
Hon LEUNG Yiu-chung	Up to 14 December 2016
Hon Jeremy TAM Man-ho	Up to 2 January 2017
Hon SHIU Ka-chun	Up to 25 January 2017
Hon James TO Kun-sun	Up to 5 February 2017
Hon Frankie YICK Chi-ming, JP	Up to 12 March 2017
Hon YUNG Hoi-yan	Up to 13 March 2017
Hon WU Chi-wai, MH	Up to 13 March 2017
Hon Abraham SHEK Lai-him, GBS, JP	Up to 14 March 2017
Hon LEUNG Che-cheung, BBS, MH, JP	Up to 14 March 2017
Ir Dr Hon LO Wai-kwok, SBS, MH, JP	Up to 14 March 2017
Hon Mrs Regina IP LAU Suk-yee, GBS, JP	Up to 19 March 2017
Hon Michael TIEN Puk-sun, BBS, JP	Up to 21 March 2017