

# 立法會

## *Legislative Council*

LC Paper No. CB(2)1107/2023

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 2023 Legislative Council (“LegCo”) session. It will be tabled at the Council meeting of 13 December 2023 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 (“CPG”) and other Mainland authorities, electoral matters, district organizations, human rights, personal data protection and press freedom. The terms of reference of the Panel are in **Appendix 1**.

3. The Panel comprises 20 members, with Hon Holden CHOW Ho-ding and Dr Hon Hoey Simon LEE elected as Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix 2**.

#### **Major Work**

##### Electoral matters

##### *Improving governance at the district level*

4. The current sixth-term District Councils (“DCs”) will expire at the end of 2023. On 2 May 2023, the Government announced the proposals on improving governance at the district level (“the Proposals”). The Panel held a joint meeting

with the Panel on Home Affairs, Culture and Sports (“HACS Panel”) on 4 May 2023 to receive a briefing by the Administration on the Proposals. Members in general were supportive of the Proposals. Among other things, members considered that the proposed composition of the reformed DCs,<sup>1</sup> with the introduction of appointed members and District Committees Constituency (“DCC”) members in DCs, should effectively rectify the problems of politicization and populism brought by DC Geographical Constituency (“DCGC”) members under the existing system, thereby encouraging public policy discussions from a strategic perspective and allowing DCs to return to the livelihood-oriented positioning as district advisory bodies which were not organs of political power in accordance with Article 97 of the Basic Law.

5. Members also considered that with the appointed seats in DCs, the Government could adhere to the principle of meritocracy and appoint capable and suitable persons to serve as appointed DC members. Members agreed that the reformed DCs under the Proposals would facilitate the Government to solicit views from various means, which should be conducive to formulating more appropriate policies, enhancing the governance efficiency at the district level, and thereby achieving good governance.

6. In response to members’ concern about the criteria for selection of appointed DC members, the Administration advised that it would take into account the needs of each district and identify people with different expertise and district experiences to serve as DC members. It was envisaged that the appointed DC members would comprise persons of all ages and backgrounds and from various sectors who aspired to serve the community, while being patriotic and having an affection for Hong Kong.

7. Members welcomed the proposed merger of the existing constituencies into 44 larger DCGCs, so that the elected DCGC members would represent residents in a larger area, and hence would consider a bigger picture in dealing with district affairs and would attend to district issues at a more macro level.

8. Members expressed concern about whether consideration would be given to introducing nationality requirements for DC members, such that no DC member should be a foreign passport holder. The Administration advised that while under the current requirements a DC member must be a permanent resident of HKSAR, there was no requirement on nationality. Such an arrangement was intended to attract diverse talents and would be maintained in the reformed DCs. Nevertheless, to ensure the full implementation of the principle of “patriots

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<sup>1</sup> Under the Proposals, the reformed DCs, with a total of 470 seats, would be composed of appointed, District Committees Constituency (“DCC”), DC Geographical Constituency (“DCGC”) and ex-officio members, with appointed, DCC and DCGC members accounting for about 40%, 40% and 20% respectively, plus 27 ex-officio members.

administering Hong Kong”, it was proposed that candidates participating in DCC and DCGC elections must confirm their eligibility through an eligibility review mechanism. For consistency, appointed and ex-officio DC members would also be subject to eligibility review before taking office.

9. After consulting the Panel and the HACS Panel, the Administration introduced the District Councils (Amendment) Bill 2023 into LegCo on 31 May 2023 for implementing the relevant legislative proposals. The Bill was passed by LegCo at the Council meeting of 6 July 2023.

### *2023 District Council Ordinary Election*

10. The 2023 DC Ordinary Election (“DCOE”) was scheduled for 10 December 2023 to elect 176 members for DCCs and 88 members for DCGCs for the seventh-term DCs. The Panel was briefed on the preparatory work and practical arrangements for the 2023 DCOE. Members considered that the 2023 DCOE was of great significance as it was the first territory-wide district-level election after the District Councils (Amendment) Ordinance 2023, which implemented the reform of DCs under the Proposals, came into effect on 10 July 2023. Members called on the Administration to step up its publicity plan for the 2023 DCOE with a view to boosting the voter turnout for the election. Members took the view that the Administration should spare no efforts in enhancing the public’s understanding of how the improved district governance structure and the reformed DCs could enhance district governance efficacy and bring benefits to members of the public.

11. The Administration advised that the publicity campaign for the 2023 DCOE had been rolled out in phases since September 2023. By incorporating new promotional methods, the campaign aimed to boost the election atmosphere in the community as well as the public’s understanding of the benefits to be brought by the improved district governance structure and the reformed DCs. To this end, in addition to displaying posters, banners, and flags with the theme “1210 Cast your vote at DC election for a better community” at prominent spots across the territory, the Administration would strengthen the use of social media, organize over 100 “District Council Election into the Community” publicity activities, and produce television broadcasts to promote the election. Furthermore, the Administration would launch the “Night Vibes District Council Election” activities which featured promotional booths, interactive games and souvenir giveaways, so as to enhance the public’s understanding of the improved district governance structure and the 2023 DCOE.

12. Concern was raised as to whether the Administration would take measures to facilitate registered electors who were currently working and living in the Mainland to exercise their voting rights at the 2023 DCOE. The Administration explained that as cross-boundary travel had been fully resumed, all the control

points were very busy in operation and it would not be feasible to set up polling stations at the control points for the election. Nevertheless, the Administration was identifying suitable locations near the border for setting up polling stations, in order to facilitate electors working and living in the Mainland to return to Hong Kong to cast their votes.<sup>2</sup>

13. As regards members' concern as to how to ensure that the civil servants on duty on the polling day would be able to exercise their voting rights, the Administration assured members that subject to operational needs, these civil servants (including electoral staff and disciplined services staff deployed to polling stations) would be arranged to return to their designated polling stations in their constituencies to cast their votes. If there were long queues at the polling stations concerned when these civil servants arrived there, they could produce relevant proofs to the staff of the polling stations and be given priority in queuing up to collect ballot papers, so that they could return to their duties to resume work as soon as possible after voting. Moreover, electoral staff would be assigned to work at polling stations near their places of residence as far as possible to minimize their travelling time for voting.

#### *2023 Voter Registration Campaign*

14. The Panel was briefed on the overall publicity plan and the main features of the 2023 Voter Registration ("VR") Campaign. Members were of the view that the Administration should compile VR statistics by different age groups and sectors annually to identify those with low registration rates and the reasons, so that the VR rate could be boosted by taking more targeted measures. Members suggested that the Administration should reach out to people of various sectors to promote VR, and step up publicity on the superiority of the improved electoral system to enable members of the public to understand the new electoral system, thereby taking the initiative to register as electors.

15. The Administration advised that the VR rate for geographical constituency electors in 2022 had reached 91%, which was not low. That said, as persons who had recently reached the age of 18 or attained permanent residency accounted for the majority of new registrations, the Administration would continue to encourage these persons to register as electors through targeted measures, which included setting up registration counters and roving counters at the Registration of Persons Offices of the Immigration Department and tertiary institutions. The Administration would also embark on a series of initiatives to publicize and promote the improved electoral system.

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<sup>2</sup> On 7 November 2023, the Administration announced details of the specific arrangements relating to the Near Boundary Polling Stations.

16. Members enquired about the Administration's plan to use "iAM Smart" to facilitate members of the public to register as electors. The Administration advised that the Registration and Electoral Office ("REO") had been maintaining close liaison with the Office of the Government Chief Information Officer to study the extension of "iAM Smart" to VR campaigns. In the 2023 VR Campaign, some VR counters and roving counters were used as pilot sites where VR assistants would assist members of the public in VR through the use of "iAM Smart". With the experience gained from the pilot, the Administration aimed to fully utilize "iAM Smart" in the VR Campaign in 2024.

#### Promotion of the Constitution and the Basic Law

17. The Panel was briefed on the work of the Government on the promotion of the Constitution of the People's Republic of China ("the Constitution") and the Basic Law. Members were concerned as to how the effectiveness of the relevant publicity and education work was evaluated to find out whether the efforts achieved satisfactory results. The Administration advised that, apart from setting indicators for the work, it also attached great importance to the quality and effectiveness of the relevant publicity and promotional activities. In this connection, the Constitution and Basic Law Promotion Steering Committee reviewed from time to time the format, content and effectiveness of various promotional activities, and evaluated the effectiveness of the activities in light of the number of participants and their comments, so as to optimize the promotion strategies.

18. Member further sought details of the Administration's efforts to promote the correct concepts of the constitutional order of HKSAR and the "one country, two systems" principle among members of the public. The Administration advised that among other initiatives, a large-scale publicity campaign had been launched with the respective key messages of "'One country' is like the roots of a tree, and for a tree to grow tall and luxuriant, its roots must run deep and strong", "Having strong support of the motherland and good connection to the world are the distinctive advantages of 'one country, two systems'" and "The more firmly the 'one country' principle is upheld, the greater the strength of 'two systems'", emphasizing the importance of "one country" and the principles such as "one country" preceding "two systems". Moreover, the Constitutional and Mainland Affairs Bureau was working with the Radio Television Hong Kong to produce television and radio programmes, such as "Talk About Basic Law With Photo", explaining the relevant content to members of the public in plain language and in a lively manner.

19. Members were concerned about the Administration's measures to promote the Constitution and the Basic Law specifically to young people and students, as well as to enhance their awareness of national security. The Administration advised that, with the use of a "multi-pronged and co-ordinated" approach, the

Education Bureau (“EDB”) continued to provide multifarious support to schools in planning and implementing national education (including the Constitution, the Basic Law and national security education) within and beyond the classroom through whole-school participation. In addition, by distributing teaching materials and information to schools, EDB supported schools in enhancing the implementation of national education, while at the same time enabled teachers and students to have a more comprehensive understanding of the concept of national security and the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (“the Hong Kong National Security Law”). Moreover, to enhance teachers’ training on relevant subjects, EDB had incorporated contents about the Constitution, the Basic Law and national security education in the core training programmes for newly-joined teachers and teachers aspiring for promotion, and provided training to in-service teachers and principals in diversified modes.

20. Members were also concerned about the measures to enhance civil servants’ understanding of subjects relating to the Constitution and the Basic Law. The Administration advised that after joining the service, civil servants would receive foundation and advanced training in these subjects respectively, failing which their confirmation to the permanent establishment and promotion prospects would be affected. In addition, through offering different forms of training and enriching e-learning resources, the Civil Service College provided opportunities for continuous learning on topics relating to the Constitution, the Basic Law, national security and national affairs, thereby cultivating and consolidating the sense of nationhood and patriotic sentiments among civil servants.

#### Legislative amendments to the Regional Flag and Regional Emblem Ordinance

21. The Panel was consulted on the proposed amendments to the Regional Flag and Regional Emblem Ordinance (Ord. No. 117 of 1997) (“RFREO”) with a view to aligning with the amended National Flag and National Emblem Ordinance (Ord. No. 116 of 1997) (“NFNEO”)<sup>3</sup> and the National Anthem Ordinance (Ord. No. 2 of 2020) suitably, so as to further preserve the dignity of and strengthen the protection for the regional flag and regional emblem. Members were concerned about the enforcement measures to be taken to combat desecrating behaviour in the cyberworld, especially against repeated offenders, and whether Internet service providers would be required to remove contents which intentionally desecrated the regional flag or regional emblem.

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<sup>3</sup> In the light of the amendments to the Law of the People’s Republic of China on the National Flag and the Law of the People’s Republic of China on the National Emblem, endorsed by the Standing Committee of the National People’s Congress on 17 October 2020, NFNEO was amended in 2021 to implement provisions that were applicable to HKSAR.

22. The Administration advised that the existing RFREO had already provided for the prohibition against desecrating the regional flag and regional emblem on the Internet. The proposed amendments to RFREO sought to, among others, further clarify the related provisions by explicitly prohibiting intentional publication (including reposting) of a desecration of the regional flag or regional emblem with the intent to desecrate the regional flag or regional emblem. The Administration further advised that it had all along been requesting Internet service providers to remove inappropriate contents including messages which were seditious or malicious. It would explore further ways to improve the handling of inappropriate messages on the Internet in the context of enforcing RFREO.

23. Members further enquired whether the legislative proposal would provide that RFREO had extraterritorial effect. The Administration explained that since the proposal sought to amend RFREO to align with the amended NFNEO, which did not have extraterritorial effect, the Administration had no plan to vest in RFREO extraterritorial application. That said, if serious desecrating behaviour outside HKSAR was associated with national security issues, appropriate enforcement actions would be taken should there be sufficient evidence to prove that offences in contravention of the Hong Kong National Security Law had been committed.

24. Members called on the Administration to step up education and publicity efforts to enhance public understanding of matters relating to the regional flag and regional emblem. Members suggested, among others, that the following topics should be highlighted: (a) the priority of the national flag and the national emblem when the national flag was displayed with the regional flag, or the national emblem was hung with the regional emblem; (b) the etiquette required during a ceremony in which the regional flag was raised; and (c) the proper way to recover or dispose of a regional flag or a regional emblem that was damaged, defiled, faded or substandard. The Administration agreed to take on board members' suggestions when launching publicity and education initiatives to promote the proper use of the regional flag and regional emblem.

25. After consulting the Panel, the Administration introduced the Regional Flag and Regional Emblem (Amendment) Bill 2023 into LegCo on 12 July 2023 for implementing the relevant legislative proposals. The Bill was passed by LegCo at the Council meeting of 15 November 2023.

#### Work of the Equal Opportunities Commission

26. The Panel received a briefing by the Chairperson of the Equal Opportunities Commission ("EOC") on EOC's work in 2022-2023 and its key focuses in 2023-2024. Members expressed concern about the employment difficulties faced by persons with disabilities ("PWDs"), and pointed out that the numbers of

employees with disabilities were on the low side in the civil service and public organizations. Members sought EOC's views on safeguarding the employment of PWDs by way of legislation. The Chairperson of EOC advised that the issue was complicated and should be handled with care. He pointed out that Hong Kong could make reference to the administrative measures implemented by the Mainland authorities in this regard, which included requiring sizeable enterprises to hire a certain proportion of employees with disabilities.

27. Members were also concerned about whether measures would be taken to address the problem of discrimination against persons with mental illness in the workplace. The Chairperson of EOC advised that EOC would continue to encourage employers to provide reasonable workplace accommodation for employees in need as a mental health-friendly employment measure, and arrange training for staff to dispel misconceptions and enhance their understanding of mental health. In this connection, EOC would provide practical guidelines on implementation of relevant measures for employers.

28. Members raised concern about the latest situation of discrimination against people from the Mainland in Hong Kong after the resumption of cross-boundary travel between the two places early this year. The Chairperson of EOC advised that since the resumption of cross-boundary travel between Hong Kong and the Mainland, there had been no significant increase in the number of enquiries and complaints about discrimination against people from the Mainland in Hong Kong. Members considered that EOC should address the problem of "intra-racial discrimination" through stepping up publicity and education to highlight the message of mutual respect, and legislation should be used only as a last resort to tackle the problem.

29. Addressing members' concern relating to sexuality education and rights of sexual minorities, the Chairperson of EOC advised that previous studies conducted by EOC found that nearly a quarter of university students had been sexually harassed, which was a cause for concern. As such, EOC considered it essential to eliminate sexual harassment at root and to promote the implementation of comprehensive sexuality education, with a view to rectifying the misconceptions held by young people about sex and gender relations. Moreover, EOC was conducting a study to examine ways to eliminate discrimination on grounds of sexual orientation, gender identity and intersex status within the framework of the existing anti-discrimination ordinances. As the study involved relatively sensitive and controversial issues, EOC had been handling it carefully. EOC would continue to explore feasible recommendations within the framework of the existing anti-discrimination ordinances for the Government's consideration.



## Work of the Office of the Privacy Commissioner for Personal Data

30. The Panel received a briefing by the Privacy Commissioner for Personal Data (“Privacy Commissioner”) on an annual update of the work of the Office of the Privacy Commissioner for Personal Data (“PCPD”). Members were concerned about PCPD’s enforcement of the Personal Data (Privacy) (Amendment) Ordinance 2021, which aimed to combat doxxing acts that were intrusive to personal data privacy, since it took effect on 8 October 2021. The Privacy Commissioner advised that from October 2021 to the end of 2022, PCPD handled a total of 2 128 doxxing cases, initiated criminal investigations into 114 cases, and made 12 arrests. Five of the arrested persons were prosecuted for contravening the new provisions on doxxing under the Personal Data (Privacy) Ordinance (Cap. 486) (“PDPO”), among whom three were convicted and one sentenced. Meanwhile, PCPD was following up on the other doxxing cases and would, subject to the investigation results, take further actions on those cases.

31. The Privacy Commissioner further advised that PCPD had issued 1 500 cessation notices, which involved more than 17 000 doxxing messages, to online platforms since October 2021. The compliance rate of the requests for removal of doxxing messages exceeded 90% and in some cases, not only were the doxxing messages removed, but also the whole channel. Members enquired whether the remaining the online platforms which failed to remove doxxing messages in accordance with the cessation notices issued by PCPD were operated outside Hong Kong, and whether any difficulties were encountered in law enforcement. The Privacy Commissioner advised that only about 6% of the online platforms, which were all operated outside Hong Kong, failed to remove doxxing messages as requested. To follow up with these cases, PCPD would issue warning letters to the platforms, notifying them that non-compliance with cessation notices constituted a criminal offence in Hong Kong. PCPD would also liaise with overseas counterparts to pursue the matters concerned where necessary.

32. To strengthen extra-territorial enforcement in doxxing cases, the Privacy Commissioner advised that PCPD had been co-chairing the International Enforcement Cooperation Working Group (“IEWG”) of the Global Privacy Assembly (“GPA”) since 2021, and reported regularly on Hong Kong’s efforts in combating doxxing at GPA and IEWG meetings. PCPD was of the view that its work at GPA had enabled the international community to understand the situation of Hong Kong, making overseas counterparts more willing to cooperate to combat doxxing. In some cases, doxxing messages had been removed shortly after PCPD sought assistance from overseas counterparts.

33. Members enquired whether the regulation of the electronic commerce (“e-commerce”) industry would be stepped up to ensure that sensitive personal data were handled in a safe and ethical manner in e-commerce and the use of artificial

intelligence (“AI”). The Privacy Commissioner advised that PCPD would provide the Government and stakeholders with timely advice and guidance to tie in with the development of e-commerce and AI, and conduct further studies on the experience of other jurisdictions. As there was currently no direct regulation of the use of AI under PDPO, PCPD published the “Guidance on the Ethical Development and Use of Artificial Intelligence” in August 2021 to assist the industry in adhering to international principles in the development and use of AI.

### Human rights reports

#### *The Fourth Report of the Hong Kong Special Administrative Region under the International Covenant on Economic, Social and Cultural Rights*

34. The United Nations (“UN”) Committee on Economic, Social and Cultural Rights (“CESCR”) considered the fourth report of HKSAR under the International Covenant on Economic, Social and Cultural Rights on 15 and 16 February 2023, and issued its Concluding Observations on 6 March 2023. In April 2023, the Panel was briefed on the outcome of the UN meetings for consideration of HKSAR’s fourth report with the Administration. Members strongly criticized the Concluding Observations in many areas which, in their view, deviated from facts and were not supported by any credible evidence. These areas included false accusations that the Hong Kong National Security Law had de facto abolished the independence of the judiciary of HKSAR, and that there was a lack of transparency regarding the detention and trials of human rights defenders, etc. Members further expressed dissatisfaction with CESCR’s failure to apprehend the actual situation of Hong Kong as shown by its comments against HKSAR on discrimination on the grounds of sexual orientation and gender identity.

35. The Administration advised that on top of reviewing the information provided in State parties’ reports, CESCR had all along been open to the submission of information in relation to the reports of State parties from non-governmental organizations (“NGOs”). In respect of HKSAR’s fourth report, most information received by CESCR from NGOs corroborated the information provided by the HKSAR Government. This notwithstanding, the Administration noted with disappointment that CESCR had disregarded the correct information so provided by the Administration and a majority of NGOs and believed and adopted its Concluding Observations based on certain false information. To rebuke those false claims in public, the HKSAR Government had issued a press release on the same day when the Concluding Observations were issued.

36. Members called on the Administration to take firmer actions on a regular and more proactive basis to oppose false accusations concerning HKSAR, especially in the international arena. Specific suggestions included formally expressing dissatisfaction to UN, holding press conferences with the participation of the foreign press, etc. to directly refute the Concluding Observations in public,

and engaging international public relations consultancies to formulate communication strategies to defend HKSAR against false accusations. The Administration assured members that it would continue to tell the good stories of HKSAR to overseas interlocutors through multiple channels, say, by overseas visits of public officers and through its Economic and Trade Offices. That apart, efforts had also been made to organize a number of large-scale international events in Hong Kong to attract overseas visitors to visit and experience Hong Kong on their own and to increase Hong Kong's global visibility.

*The Fourth Report of the Hong Kong Special Administrative Region for the United Nations Human Rights Council Universal Periodic Review*

37. The People's Republic of China will submit its fourth report (including a section on HKSAR) to the UN Human Rights Council ("UNHRC") under the Universal Periodic Review ("UPR") mechanism. In June 2023, the Panel was consulted on an outline of the section on HKSAR to be included in the fourth report. Members noted that the section on HKSAR would cover the implementation of the recommendations which were made by UN Member States and accepted by the HKSAR Government in the previous cycle of UPR. Regarding these recommendations, members expressed grave concern that the HKSAR Government's indication of "acceptance" might give rise to the mistaken impression that there were inadequacies on HKSAR's part in the relevant matters. Members suggested that the Administration should refrain from using the word "accept" in its future responses to such recommendations to avoid misunderstanding.

38. The Administration explained that CPG's responses to recommendations made by UN Member States were sorted into "accepted"; "not accepted"; "accepted and being implemented"; and "accepted and already implemented". The HKSAR Government provided responses to these recommendations accordingly so as to ensure consistency. Members urged the Administration to duly reflect the inadequacies of the existing options of responding to the recommendations and suggested that other feasible options should be considered.

39. Besides, members were of the view that HKSAR's section in the fourth report should actively illustrate, with examples and justifications, the achievements and actual situation of HKSAR in the promotion and protection of human rights and demonstrate that the relevant efforts made by HKSAR were in line with international standards. Members also suggested that the section should include HKSAR's latest development, including the implementation of the principle of "patriots administering Hong Kong" under the improved electoral system, as well as the implementation of the Hong Kong National Security Law which had brought the Hong Kong society back onto the right track. The Administration took note of members' suggestions and advised that it would actively prepare for attending the meetings of UNHRC's Working Group on UPR

to be held in Geneva, Switzerland, from January to February 2024, including carefully examining the information provided by NGOs and the summary prepared by the Office of the UN High Commissioner for Human Rights, seeking to reflect the actual situation of HKSAR at the meetings.

*The Fourth Report of the Hong Kong Special Administrative Region under the Convention on the Elimination of All Forms of Discrimination against Women*

40. The UN Committee on the Elimination of Discrimination against Women (“the CEDAW Committee”) considered the fourth report of HKSAR under the Convention on the Elimination of All Forms of Discrimination against Women on 12 May 2023, and issued its Concluding Observations on 30 May 2023. The Panel was briefed on the meeting arrangements for the hearing on the HKSAR’s fourth report and the outcome in relation to the CEDAW Committee’s consideration of the fourth report in April and June 2023 respectively. Members were pleased to note that in its Concluding Observations, the CEDAW Committee appreciated the relevant legislative reform in HKSAR<sup>4</sup> and welcomed the HKSAR Government’s provision of more resources for the Women’s Commission. Members were also pleased to note that apart from engaging in multi-pronged publicity before the relevant meeting, the HKSAR Government had also performed well in its explanatory work during the meeting and given proactive and instant responses to the false accusations made against HKSAR by the CEDAW Committee and some NGOs. In addition, in the process of drawing up its Concluding Observations, the CEDAW Committee had revised some of its recommendations after taking into account the HKSAR Government’s feedback.

41. Members enquired about the measures taken by the Administration to step up international publicity for HKSAR’s work on women’s development. They considered that the Administration should continue its efforts in taking resolute actions to refute unfounded accusations made by foreign organizations, with a view to setting the record straight. The Administration advised that the HKSAR Government had stepped up publicity on various fronts through multiple media to give the public an account of women’s development in Hong Kong. To refute the inaccurate and biased contents of the reports submitted by individual NGOs to the CEDAW Committee, the HKSAR Government had issued a press release before

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<sup>4</sup> The Government enacted the Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020 in June 2020 to take forward some of EOC’s recommendations with a view to enhancing protection against discrimination and harassment under the four anti-discrimination ordinances, which includes prohibiting such acts as discrimination of breastfeeding women as well as harassment between participants in a common workplace. The Government also separately introduced a legislative proposal to amend the Sex Discrimination Ordinance to provide protection against harassment of breastfeeding women. The Sex Discrimination (Amendment) Ordinance 2021 was passed by LegCo in March 2021 to strengthen the legal protection for breastfeeding women, whereby discrimination and harassment on the ground of breastfeeding are prohibited with effect from June 2021.

the meeting. On the day of the meeting, the delegation of the HKSAR Government had proactively made forceful clarifications and rebuttals in its opening speech. Moreover, the HKSAR Government had been paying close attention to relevant coverage by international media, and would respond to and refute any distorted comments and false accusations about HKSAR in a timely manner.

### Other issues

42. Apart from receiving a briefing on the 2023 Policy Address, the Panel also discussed the “Hong Kong/Chongqing Co-operation Conference” mechanism and the Administration’s proposal to create two permanent directorate posts in REO for enhancing service delivery.

### Work of the Subcommittee on Improving the Practical Arrangements for Elections

43. In the session, the Subcommittee on Improving the Practical Arrangements for Elections (“the Subcommittee”) has been formed under the Panel to comprehensively review and study the laws and administrative measures relating to the existing practical arrangements for elections, and make recommendations for improvement. The Subcommittee is expected to complete its work and report to the Panel in May 2024.

### **Meetings held**

44. During the period from January to November 2023, the Panel held a total of 10 meetings, including a joint meeting with the HACS Panel. The Panel has scheduled another meeting for 18 December 2023 to discuss: (a) promotion of the Constitution and the Basic Law; and (b) policy measures on the development of the Guangdong-Hong Kong-Macao Greater Bay Area of the Constitutional and Mainland Affairs Bureau in the Chief Executive’s 2023 Policy Address.

**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 2023 session**

**Chairman** Hon Holden CHOW Ho-ding, JP

**Deputy Chairman** Dr Hon Hoey Simon LEE, MH, JP

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

(Total : 20 members)

**Clerk** Ms Joanne MAK

**Legal Adviser** Miss Rachel DAI