

## **Report of the Committee on Constitutional Affairs and Human Rights 2016**

The year of 2016 is a challenging year for Hong Kong and also for the Committee. After successfully leading the Committee for many years, Mr P Y Lo has retired from its chairmanship. The Committee, with a new chairman, a new vice-chairman and some new members, has continued to fulfil the function of overseeing issues concerning constitutional affairs and human rights, and providing the Bar Council with its views or reports on such issues.

Within the Committee, 7 working groups have been formed with each focusing on certain important constitutional and/or human rights issues. The 7 working groups are: (i) Co-location Arrangements of Express Rail Link, (ii) National Securities and High Degree of Autonomy, (iii) Implementation and Reform of Non-Refoulement Claims, (iv) Judicial Review Proceedings, (v) Anti-Discrimination Issues and Legislations, (vi) Professional Training and Development, and (vii) International Human Rights Treaties and Reporting.

One of the more significant matters that the Committee has looked into are those highly controversial issues concerning the Legislative Council Election 2016, including the request for signing of the Confirmation Form, the taking of oath by some of the elected legislators and also the interpretation given by the Standing Committee of the National People's Congress ("NPCSC") on Article 104 of the Basic Law. The views of some members of the Committee in relation to the interpretation by NPCSC have been conveyed to the Bar Council for its consideration.

In relation to the hot topic of non-refoulement claims, the Committee has provided a paper setting out its views on the pilot scheme proposed by the Security Bureau to provide publicly-funded legal assistance to non-refoulement claimants under the "unified screening mechanism", which is proposed to be run in parallel to the existing scheme operated by Duty Lawyer Service. The paper was adopted by the Bar Council and issued on 18 November 2016.

As it had done in the past, the Committee has kept on reporting on Hong Kong's human rights situation. In 2016, the Committee compiled a report, which was endorsed by the Bar Council, to inform and update the United Nations Committee on the Elimination of Racial Discrimination of key challenges and issues of racial discrimination in Hong Kong.

In addition, individual members of the Special Committee have also participated in forums and exchange sessions on issues concerning the implementation of the Basic Law and other human right issues. Some have also kindly assisted in offering training sessions to participants of International Humanitarian Law Youth Moot Competition organized by Hong Kong Red Cross.

I wish to take this opportunity to extend my gratitude to all members of the Committee for their valuable contribution and unfailing support to the works of the Committee.

Membership:

Anson Wong SC (Chairman)

Hectar Pun SC (Vice Chairman)

Raymond Leung SC

P Y Lo

Lin Feng

Abraham Chan

Kirsteen Lau

Jocelyn Leung (till April 2016)

Randy Shek

Earl Deng

Timothy Parker

Jeffrey Tam

Ken Lee

Carter Chim

Ernest C Y Ng

Martin Kok

Jenny Ngai

Anson Wong Yu Yat

Anson Wong SC

Chairman

Committee on Constitutional Affairs & Human Rights

6 December 2016