

## **LEGISLATIVE COUNCIL BRIEF**

Chief Executive Election Ordinance (Chapter 569)

### **DISTRIBUTION OF NUMBER OF MEMBERS AMONG DESIGNATED BODIES (ELECTION COMMITTEE) ORDER 2001**

#### **INTRODUCTION**

At the meeting of the Executive Council on 9 October 2001, the Council **ADVISED** and the Chief Executive **ORDERED** that the Distribution of Number of Members Among Designated Bodies (Election Committee) Order 2001 should be made under section 6(2) of the Schedule to the Chief Executive Election Ordinance (Cap. 569).

#### **BACKGROUND AND ARGUMENT**

##### **General Background**

2. Under the Chief Executive Election Ordinance (“the Ordinance”), the Election Committee (“EC”) is to be constituted by members who are representatives of 38 subsectors. Among them, the religious subsector is composed of six designated bodies representing Buddhists, Catholics, Confucians, Muslims, Christians and Taoists. These six bodies are all members of the Hong Kong Colloquium for Religious Leaders. The religious subsector has been allocated 40 seats on the EC. Section 6(2) of the Schedule to the Ordinance provides that the Chief Executive in Council may, by order published in the Gazette, distribute the number of EC seats allocated to the religious subsector among the designated bodies.

3. The allocation of seats among the designated bodies in the religious subsector for the current EC constituted on 14 July 2000 has been set out in an order made under the Legislative Council Ordinance (Cap. 542), namely, the Distribution of Number of Members Among Designated Bodies (Election Committee) (Legislative Council) Order 2000 (Cap. 542, sub. leg.) (“the existing order”). The distribution was drawn up following consultation with the Hong Kong Colloquium for Religious Leaders. With the removal of the relevant provisions on the constitution of the EC, including the power of making order relating to

the distribution of seats among designated bodies, from the Legislative Council Ordinance to the Ordinance, the existing order has ceased to be in force. We therefore need to make a new order under the Ordinance in order to specify the distribution of the 40 seats allocated to the religious subsector.

## **THE ORDER**

4. The provisions of the new order are essentially drawn from the existing order, adopting the same manner of distribution prescribed therein. **Section 2** and **the Schedule** to the Order specify the number of seats on the EC allocated to each designated body in the following manner -

Catholic Diocese of Hong Kong	7
Chinese Muslim Cultural and Fraternal Association	6
Hong Kong Christian Council	7
The Hong Kong Taoist Association	6
The Confucian Academy	7
The Hong Kong Buddhist Association	7

The 40 seats allocated to the religious subsector of the current EC formed on 14 July 2000 were distributed in the above manner as a result of the consensus reached among the designated bodies. The 40 members representing the religious subsector on the current EC will not be affected by the making of the new order.

## **LEGISLATIVE TIMETABLE**

5. The Order will be published in the Gazette on 12 October 2001 and tabled in the Legislative Council on 17 October 2001 for negative vetting.

## **BASIC LAW IMPLICATIONS**

6. The Department of Justice advises that the Order does not conflict with those provisions of the Basic Law carrying no human rights implications.

## **HUMAN RIGHTS IMPLICATIONS**

7. The Department of Justice advises that the Order is consistent with the human rights provisions of the Basic Law.

## **BINDING EFFECT OF THE LEGISLATION**

8. The Order will not affect the current binding effect of the Ordinance.

## **FINANCIAL AND STAFFING IMPLICATIONS**

9. The Order has no financial and staffing implications.

## **PUBLIC CONSULTATION**

10. We consulted all the designated religious bodies through the Hong Kong Colloquium for Religious Leaders when making the existing order in 2000 for the purpose of the EC constituted on 14 July 2000. The manner of seat distribution prescribed therein was the consensus reached among the designated religious bodies. As the manner of seat distribution specified in the new order under the Ordinance is the same as the existing order under the Legislative Council Ordinance, public consultation is considered not necessary.

## **PUBLICITY**

11. A press release will be issued on 12 October 2001. A spokesman will be available to answer media and public enquiries.

## **ENQUIRIES**

12. Any enquiries on this brief should be addressed to Ms Doris Ho, Principal Assistant Secretary (Constitutional Affairs) 4, on 28102159.

Constitutional Affairs Bureau  
11 October 2001

KF1238