

Legislative Council Panel on Constitutional Affairs

2004 Legislative Council Elections: Technical Adjustments to the Electorate of Functional Constituencies

This paper sets out our proposed technical changes to the electorates of certain functional constituencies (FCs) for the purpose of the 2004 Legislative Council (LegCo) elections.

Background

2. On 10 December 2002, we consulted Members on the proposal that for the 2004 LegCo elections, the composition of the existing FCs should remain broadly unchanged except for minor adjustments to tie in with the developments and situation of the relevant FCs and the separate question of including Chinese medicine practitioners in the Medical FC. We have now worked out detailed proposals in respect of adjustments to the existing delineation of the electorates of certain FCs. These are explained in the paragraphs below.

Proposed Technical Changes

3. We propose to make technical changes to 11 FCs. A summary of these changes are attached at the **Annex**. Generally speaking, they can be classified into the following categories -

- (a) correcting the names of some corporate electors, and updating eligibility criteria due to changes in statutory registration/licensing regime. For example, with the introduction of a new licensing regime for the telecommunications industry, we need to amend the relevant provisions for the Information Technology FC accordingly;
- (b) deleting corporate bodies which have closed down, ceased operation or are no longer holding a particular type of licence/franchise. For instance, companies which have ceased to be licensed ferry service operators would be

removed from the Transport FC; and

- (c) adding new corporate bodies with a status comparable to that of existing corporate electors (e.g. members of the Board of Governors of the Caritas Francis Hsu College, a newly approved post secondary college, in the Education FC), and new licensees/franchisees, representative bodies in the relevant trade (e.g. Discovery Bay Road Tunnel Company Limited in the Transport FC).

4. The proposed changes will have limited impact on the electorate size of the relevant FCs. The only exception is in respect of the Transport FC. There will be an increase of 19.3% in the electorate of this constituency. The change in the electorate arises from -

- (a) adding eight new licensees/franchisees in domestic or cross-boundary ferry services and tunnel operation. For example, New World Ferry Services Limited which is a licensed domestic ferry services operator has been added; and
- (b) adding 30 bodies of a nature similar to existing electors or with a comparable status as electors already in the FC. For instance, Quality Driving Training Centre Limited (operator running the Tsuen Wan Driving School) has been added as other driving schools are already in the FC; and
- (c) deleting seven bodies which have either ceased operation or are no longer holding a particular type of licence/franchise.

Conclusion

5. We will introduce the Legislative Council (Amendment) Bill 2003 to give effect to the proposed changes to the FCs. Members are invited to comment on the proposals as contained in this paper, before the Bill is introduced.

Constitutional Affairs Bureau
February 2003

Summary of Proposed Technical Changes to Functional Constituencies

FC	Existing Potential Electorate	Proposed Changes		Net Change (% change)	Remarks (change in potential electorate)
		Addition	Deletion		
1. Agriculture and Fisheries	168	2	3	-1 (-0.6%)	<p><u>Name Change</u></p> <ul style="list-style-type: none"> 1 body <p><u>Deletion</u></p> <ul style="list-style-type: none"> 3 bodies dissolved or relevant registration cancelled will be deleted (-3). <p><u>Addition</u></p> <ul style="list-style-type: none"> The Shau Kei Wan Stern Trawler Fishermen's Credit Co-operative Society, Unlimited will be added. It is a body of a nature similar to The Tai Po Fishermen's Credit Co-operative Society, Unlimited which is already included in the FC (+1). Hong Kong Organic Farming Association Limited will be added. It is a body of a nature similar to Tung Lung Chau Mariculture Association which is already included in the FC (+1).

FC	Existing Potential Electorate	Proposed Changes		Net Change (% change)	Remarks (change in potential electorate)
		Addition	Deletion		
2. Transport	161	38	7	+31 (+19.3%)	<p><u>Name Change</u></p> <ul style="list-style-type: none"> • 18 bodies <p><u>Deletion</u></p> <ul style="list-style-type: none"> • 7 bodies ceased operation or are no longer holding a particular type of licence/franchise will be deleted (-7). <p><u>Addition</u></p> <ul style="list-style-type: none"> • 8 new licensees/franchisees of transport services will be added, e.g. New World First Ferry Services Limited (+8). • 30 bodies of a nature similar to existing electors and with a comparable status will be added. For example, Quality Driving Training Centre Limited (operator running the Tsuen Wan Driving School) is proposed to be added as other driving schools are already in the FC. Organizations involved in repair/maintenance of vehicles are also proposed to be added as similar organizations in the shipping sector are already in the FC (+30).

FC	Existing Potential Electorate	Proposed Changes		Net Change (% change)	Remarks (change in potential electorate)
		Addition	Deletion		
3. Education	91 400	11	-	+11 (+0.01%)	<p><u>Name Change</u></p> <ul style="list-style-type: none"> • 2 bodies <p><u>Addition</u></p> <ul style="list-style-type: none"> • Caritas Francis Hsu College has become an approved post secondary college registered under the Post Secondary College Ordinance (Cap.320) since August 2001. The Board of Governors of this college will be added as Board of Directors of Hong Kong Shue Yan College (another approved post secondary college) are in the FC (+11). <p><u>Other Change</u></p> <ul style="list-style-type: none"> • The continuing and professional education (CPE) arms of HKU and HKUST have become subsidiaries of the respective universities and can no longer be described as being funded through the University Grants Committee under s.20E(a) of the Legislative Council Ordinance (LCO). These CPE arms will be explicitly spelt out in a new sub-section.

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4. Health Services	54 000	-	-	-	<p><u>Deletion</u></p> <ul style="list-style-type: none"> At present, there are transitional arrangements to include members of the Hong Kong Chiropractors' Association and applicants for provisional registration for the physiotherapist profession in the FC. These arrangements are no longer required because the relevant statutory registration scheme for chiropractors has been implemented and the relevant provisional registration for physiotherapists completed. For chiropractors, out of a total of 36 members of the Hong Kong Chiropractors' Association, 17 have already been registered under the statutory scheme. They are eligible for registration under the FC by virtue of s.20I(a) of the LCO. The remaining 19 should become eligible to be registered in the FC after they have been registered under the statutory scheme. For physiotherapists, their registration has already been completed. The removal of the transitional arrangement will have no effect on the size of the electorate. <p><u>Other Change</u></p> <ul style="list-style-type: none"> To specify that "chiropracist" is also known as "podiatrist".

FC	Existing Potential Electorate	Proposed Changes		Net Change (% change)	Remarks (change in potential electorate)
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5. Sports, Performing Arts, Culture and Publication	2 580	14	9	+5 (+0.2%)	<p><u>Name Change</u></p> <ul style="list-style-type: none"> • 9 bodies <p><u>Deletion</u></p> <ul style="list-style-type: none"> • The Motion Picture Production Executives (Hong Kong) Association, which has been dissolved, will be deleted (-1). • The Hong Kong Life Saving Society and Hong Kong Golf Association Limited will be removed. These two sports associations have become affiliated to the HK Sports Federation & Olympic Committee of HK (SFOC). Since these associations have been so affiliated, their members that are registered or statutory bodies have become eligible to be registered as electors by virtue of s.20V(1)(a) in the LCO. However, the associations themselves will lose their status as separate electors in their own rights. Therefore, this will entail two deletions (-2). <p><u>Addition</u></p> <ul style="list-style-type: none"> • The Hong Kong Movie Production Executives Association Ltd to replace the Motion Picture Production Executives (Hong Kong) Association which has been dissolved and proposed to be removed from the FC (+1).

FC	Existing Potential Electorate	Proposed Changes		Net Change (% change)	Remarks (change in potential electorate)
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					<ul style="list-style-type: none"> The Federation of Hong Kong Film Workers Limited, which is made up of 9 professional film-related associations, will be added (+1). New licence holders offering domestic free and pay TV programme services and non-domestic TV programme services under the Broadcasting Ordinance, Cap. 562 will be added. Excluding those existing holders of such licences (such as TVB, ATV and Cable) which are already in the FC, 12 new licence holders will be added (+12). <p><u>Other Change</u></p> <ul style="list-style-type: none"> At present, statutory/registered arts bodies receiving funding support from the specified authorities since 1 April 1994 are eligible to be registered as electors for the FC under s.20V(1)(e). To maintain the integrity of the FC electorate, the date will be changed to 1 April 1998 which will in effect limit the qualifying period to six years for the 2004 elections. 6 arts promotion bodies which have not received grants from the Government since 1 April 1998 will be deleted (-6).

FC	Existing Potential Electorate	Proposed Changes		Net Change (% change)	Remarks (change in potential electorate)
		Addition	Deletion		
6. Import and Export	6 440	73	6	+67 (+1%)	<p><u>Name Change</u></p> <ul style="list-style-type: none"> • 2 bodies <p><u>Deletion</u></p> <ul style="list-style-type: none"> • Diamond Importers Association Ltd. will be removed (-6). It has merged with the Hong Kong Diamond Bourse Limited which is now in the Wholesale and Retail FC to form a new association known as the Diamond Federation of Hong Kong, China Limited. The Hong Kong Diamond Bourse Limited will also be removed from the Wholesale and Retail FC. <p><u>Addition</u></p> <ul style="list-style-type: none"> • Diamond Federation of Hong Kong, China Limited will be added. It is formed by merger of the Diamond Importers Association and the Hong Kong Diamond Bourse Limited (+73).

FC	Existing Potential Electorate	Proposed Changes		Net Change (% change)	Remarks (change in potential electorate)
		Addition	Deletion		
7. Wholesale and Retail	9 330	538	52	+486 (+5.2%)	<p><u>Name Change</u></p> <ul style="list-style-type: none"> • 5 bodies <p><u>Deletion</u></p> <ul style="list-style-type: none"> • 7 bodies dissolved or become inactive will be deleted (-52). <p><u>Addition</u></p> <ul style="list-style-type: none"> • Kowloon Fruit & Vegetable Merchants Association Limited will be added. It is a body of a nature similar to the Kowloon Fresh Fish Merchants Association which is already included in the FC (+38). • H.K. & Kln. Trade Association will be added. It is a body of a nature similar to the Hong Kong Furniture & Decoration Trade Association Limited which is already included in the FC (+500).

FC	Existing Potential Electorate	Proposed Changes		Net Change (% change)	Remarks (change in potential electorate)
		Addition	Deletion		
8. Information Technology	6 900	191	0 ¹	+191 (+2.8%)	<p><u>Name Change</u></p> <ul style="list-style-type: none"> • 5 bodies <p><u>Deletion</u></p> <ul style="list-style-type: none"> • An existing licence holder surrendered its licence will be deleted (-0)¹. <p><u>Addition</u></p> <ul style="list-style-type: none"> • Information and Software Industry Association Limited will be added. It is representative in its respective industry (+100). • The Society of Hong Kong External Telecommunications Services Providers Limited will be added. It is representative in the telecommunications sector (+30).

¹ The body was specifically named in Schedule 1D to the Legislative Council Ordinance because it held an exclusive licence not covered under s. 20Z(1). As it has now surrendered the exclusive licence and is holding a licence referred to in s.20Z(1), it should be removed from Schedule 1D. The deletion will have no impact on the electorate size as the body is still eligible to be registered as an elector under s. 20Z(1).

FC	Existing Potential Electorate	Proposed Changes		Net Change (% change)	Remarks (change in potential electorate)
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					<ul style="list-style-type: none"> Hong Kong Wireless Technology Industry Association Limited will be added. It is a representative body in the telecommunications sector (+61). <p><u>Other Change</u></p> <ul style="list-style-type: none"> The Telecommunications (Amendment) Ordinance 2000 has introduced a new licensing regime for the telecommunications industry. S.20Z(1) of the LCO specifying the types of licence holders which are eligible to be registered in the FC should be amended accordingly.
9. Catering	12 100	1	2	-1 (-0.01%)	<p><u>Deletion</u></p> <ul style="list-style-type: none"> Hong Kong Catering Industry Association Limited which has been dissolved (香港飲食聯會有限公司) will be deleted (-1). The Kowloon Restaurant and Eating House Merchants which has been dissolved will be deleted (-1). <p><u>Addition</u></p> <ul style="list-style-type: none"> Hong Kong Catering Industry Association (香港飲食業聯合總會有限公司) will replace Hong Kong Catering Industry Association (香港飲食聯會有限公司). The latter has been dissolved and will be removed from the FC.

FC	Existing Potential Electorate	Proposed Changes		Net Change (% change)	Remarks (change in potential electorate)
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10. Architectural, Surveying and Planning	5 200	-	-	5 200 (0%)	<u>Name Change</u> <ul style="list-style-type: none">• 1 Body
11. Tourism	1 200	-	-	1 200 (0%)	<u>Name Change</u> <ul style="list-style-type: none">• 1 Body

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