

**立法會**  
**Legislative Council**

Ref : CB2/BC/1/07

LC Paper No. CB(2)1430/07-08  
(These minutes have been seen  
by the Administration)

**Bills Committee on Legislative Council (Amendment) Bill 2007**

**Minutes of the fifth meeting**  
**held on Thursday, 21 February 2008, at 8:30 am**  
**in the Chamber of the Legislative Council Building**

**Members  
present**

: Hon Howard YOUNG, SBS, JP (Chairman)  
Hon WONG Ting-kwong, BBS (Deputy Chairman)  
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
Dr Hon LUI Ming-wah, SBS, JP  
Hon Margaret NG  
Hon CHEUNG Man-kwong  
Hon SIN Chung-kai, SBS, JP  
Dr Hon Philip WONG Yu-hong, GBS  
Hon WONG Yung-kan, SBS, JP  
Hon LAU Kong-wah, JP  
Hon Emily LAU Wai-hing, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon Jeffrey LAM Kin-fung, SBS, JP  
Hon Andrew LEUNG Kwan-yuen, SBS, JP  
Hon Ronny TONG Ka-wah, SC  
Hon TAM Heung-man

**Members  
absent**

Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Vincent FANG Kang, JP  
Hon Daniel LAM Wai-keung, SBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon KWONG Chi-kin  
Hon Mrs Anson CHAN, GBM, JP

**Public Officers attending** : Item II

The Administration

Mr Arthur HO Kin-wah  
Deputy Secretary for Constitutional and Mainland Affairs

Mr Ivanhoe CHANG Chi-ho  
Principal Assistant Secretary for Constitutional and Mainland Affairs

Ms Rayne CHAI Chih-hui  
Senior Government Counsel

Mr Eddie NG Sik-hay  
Deputy Chief Electoral Officer for Registration and Electoral Office

Miss Rebecca LEE On-nai  
Senior Electoral Officer for Registration and Electoral Office

**Attendance by invitation** : Item II

The Institution of Engineering and Technology Hong Kong

Mr Henry Cheung  
Chairman

Mr Albert LAM  
Honorary Secretary

Dr Robin Bradbeer  
IT Representative

**Clerk in attendance** : Mrs Percy MA  
Chief Council Secretary (2)3

**Staff in attendance** : Mr Kelvin LEE  
Assistant Legal Adviser 1

Mrs Eleanor CHOW  
Senior Council Secretary (2)4

Action

**I. Confirmation of minutes of meeting**

(LC Paper No. CB(2)1136/07-08 - Minutes of meeting on 4 February 2008)

The minutes of meeting held on 4 February 2008 were confirmed.

**II. Meeting with deputation and the Administration**

(LC Paper No. CB(2)1157/07-08(01) - A paper provided by the Administration on "Information Requested at the Fourth Meeting on 18 February 2008"

LC Paper Nos. CB(2)1109/07-08(02) and 1159/07-08(01)-(05) - Submissions

LC Paper No. CB(3)215/07-08 - The Bill

LC Paper No. CB(2)892/07-08(01) - Marked-up copy of the Bill)

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).

3. Mr Ronny TONG moved a motion urging the Bills Committee to move Committee Stage amendment (CSA) to delete proposed section 20Z(1)(f)(i) and (ii). The Chairman put the motion to vote. Ms Margaret NG requested a division.

4. The Chairman read out the names of members who were in favour of the motion and those who were against the motion -

(a) six members voted for the motion - Ir Dr Raymond HO, Ms Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Ms Audrey EU and Mr Ronny TONG; and

(b) seven members voted against the motion - Mr WONG Ting-kwong, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Kong-wah, Mr Abraham SHEK, Mr Jeffrey LAM and Mr Andrew LEUNG.

5. The Chairman declared that the motion proposed by Mr Ronny TONG was negatived.

**III. Any other business**

Invitation of views

6. The Bills Committee agreed to invite the following five organizations which had provided written submissions on the Bill to give views at the next meeting -

(a) The Professional Commons;

(b) Professional Information Security Association;

Action

- (c) Internet Society Hong Kong;
- (d) Information Systems Audit & Control Association (Hong Kong Chapter); and
- (e) IT Voice.

Date of next meeting

7. The Bills Committee agreed that the next meeting would be held on 26 February 2008 at 8:30 am.

8. The meeting ended at 10:44 am.

Council Business Division 2  
Legislative Council Secretariat  
26 March 2008

**Proceedings of the fifth meeting of the  
Bills Committee on Legislative Council (Amendment) Bill 2007  
on Thursday, 21 February 2008, at 8:30 am  
in the Chamber of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000143 - 000213	Chairman	Confirmation of minutes	
000214 - 000448	Chairman Ms Margaret NG	Opening Remarks	
000449 - 000999	The Institution of Engineering and Technology Hong Kong (IETHK)	Presentation of views (LC Paper No. CB(2)1109/07-08(02))	
001000 - 010150	Chairman Mr Ronny TONG IETHK Ms Margaret NG Administration Mr SIN Chung-kai Ir Dr Raymond HO Ms Audrey EU Mr Andrew LEUNG Mr Wong Ting-kwok	Background of IETHK -  (a) section 20Z(1)(f) of the Legislative Council Ordinance (Cap. 542) (LCO) regarding the Information Technology (IT) Functional Constituency (FC) was composed of, inter alia, Fellows and Corporate Members of The Institution of Electrical Engineers Hong Kong (IEEHK);  (b) in November 2002, the IEEHK informed the Government of restructuring of its membership and change in membership criteria. The Administration understood from the Institution that, after the relaxation of its membership criteria, its Honorary Fellows, Fellows and Members who are either Chartered Engineers registered with the Engineering Council UK or Corporate Members of IEEHK before 15 October 2002, could meet the criteria of Fellows and Corporate Members before the relaxation of membership criteria;  (c) in April 2006, the IEEHK merged with the Institution of Incorporated Engineers and changed its name to IETHK; and  (d) according to IETHK, its membership criteria remained stringent. Fellows and Members entitled to vote at general meetings of the IETHK were either Chartered Engineers or those who had met professional qualifications	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>Concerns raised by IETHK -</p> <ul style="list-style-type: none"> <li>(a) the eligibility requirements for members of IT organizations to register as electors were different; this constituted unfair and unequal treatment towards members of IT and should be rectified;</li> <li>(b) proposed section 20Z(1)(f)(i) and (ii) which sought to confine eligibility of IETHK's ITFC electors to "(i) persons registered as Chartered Engineers with the Engineering Council UK; or (ii) Corporate Members of the IEEHK before 15 October 2002" was discriminatory towards its members. Fellows and Members of IETHK entitled to vote at general meetings should all be qualified as electors of ITFC; and</li> <li>(c) the proposed amendment was divisive and would create administrative difficulties to IETHK. IETHK proposed to delete proposed section 20Z(1)(f)(i) and (ii)</li> </ul> <p>Response of IETHK to members' queries -</p> <ul style="list-style-type: none"> <li>(a) IEEHK had 6000 members in 2002. IETHK currently had 5390 members, of which 5000 were entitled to vote at general meeting of IETHK and 2950 were Chartered Engineers. Some of its members were qualified as Chartered Engineers but had not registered with the Engineering Council UK. Some members were also members of other IT organizations and were eligible electors in that capacity;</li> <li>(b) after 15 October 2002, the term "Corporate Members" was replaced by "Members" of IEEHK. Due to time constraint, IEEHK was unable to propose amendments to LCO to reflect the changes in time. As a result, some "Members" of IEEHK were not eligible to vote in the 2004 LegCo election because they were not "Corporate Members";</li> <li>(c) IETHK had discussed with the Administration on different occasions on the proposed amendments to LCO</li> </ul>	

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		<p>to reflect its latest development. It had reluctantly accepted the amendment proposed in the Bill because IEEHK no longer existed. Without the proposed amendment in the Bill, members of IETHK were not eligible for registration as electors in the 2008 LegCo election; and</p> <p>(d) IETHK confirmed that IEEHK's members who were eligible to vote as electors in the ITFC in the 2004 LegCo election would not lose their right to vote in the 2008 LegCo election as a result of the proposed amendment. It also confirmed that if its proposed removal of the amendment in section 20Z(1)(f)(i) and (ii) was accepted, the number of its members who would be eligible to register as electors would increase by more than 1,000</p>	
010151 - 014323	<p>Chairman Mr Ronny TONG Administration Ms Margaret NG Mr LAU Kong-wah Ir Dr Raymond HO Mr SIN Chung-kai ALA1 IETHK</p>	<p>Discussion on whether IETHK had relaxed its membership criteria and hence resulted in the expansion of the electorate of ITFC. Following views were expressed -</p> <p>(a) the Administration held the view that the membership criteria of IETHK was relaxed following the change of its constitution and that proposed section 20Z(1)(f)(i) and (ii) was necessary to ensure that the electorate of the ITFC would not be expanded;</p> <p>(b) the Administration confirmed that members of IETHK who formed part of the electorate of the ITFC under the LCO before the changes in name and membership structure would continue to form part of the electorate after the proposed amendment to the LCO;</p> <p>(c) some members supported the view of the Administration. They also pointed out the scope of the Bill was narrow. The issue of broadening the electorate base of FCs should be referred to the Panel on Constitutional Affairs for follow up discussion;</p> <p>(d) some members held the view that the Administration should respect the autonomy of professional</p>	

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		<p>organizations of the relevant FCs to determine the membership requirement for electors, and ensure fairness in membership requirement among different organizations in the same FC;</p> <p>(e) some members subscribed to the views of IETHK and requested the Administration to propose CSA to the Bill; and</p> <p>(f) Mr SIN Chung-kai indicated that he would move CSA to the Bill if the Administration refused to do so</p>	
014324 - 015414	Chairman Ms Margaret NG Mr WONG Ting-kwong Mr LAU Kong-wah Mr Ronny TONG	Discussion on the Chairman's approach in handling requests from IT organizations to give views on the Bill	
015415 - 015535	Mr Ronny TONG Chairman Ms Margaret NG	Motion moved by Mr Ronny TONG urging the Bills Committee to move CSA to delete proposed section 20Z(1)(f)(i) and (ii). The motion was negatived	
015536 - 021148	Chairman Ms Margaret NG Mr LAU Kong-wah Mr Jeffrey LAM Ir Dr Hon Raymond HO Mr SIN Chung-kai Ms Audrey EU Mr WONG Ting-kwong ALA1 Mr CHEUNG Man-kwong	Discussion on whether the requests of five IT organizations to give views to the Bills Committee should be acceded to. Members agreed to receive their views at the next meeting	
021149 - 021343	Chairman Ms Margaret NG Dr Philip WONG	Date of next meeting	