

立法會
Legislative Council

Ref : CB2/BC/1/07

LC Paper No. CB(2)1431/07-08
(These minutes have been seen
by the Administration)

Bills Committee on Legislative Council (Amendment) Bill 2007

Minutes of the sixth meeting
held on Tuesday, 26 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 Jasper TSANG Yok-sing, GBS, JP
Hon LAU Kong-wah, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon Ronny TONG Ka-wah, SC
Hon KWONG Chi-kin
Hon Mrs Anson CHAN, GBM, JP

**Members
absent**

Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon TAM Heung-man

Public Officers : Item I
attending

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 I

The Professional Commons

Mr Albert LAI
Chairman

Professional Information Security Association

Mr Howard LAU
Vice-Chairperson (External Affairs)

Information Systems Audit & Control Association (Hong
Kong Chapter) Limited

Mr Vincent CHAN
President

Mr Frank YAM
Former President

IT Voice

Mr LEUNG Siu-cheong

Internet Society Hong Kong

Mr Charles MOK
Chairman

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. Meeting with deputations and the Administration

(LC Paper No. CB(2)1208/07-08(01) – Administration's paper on "Five Submissions relating to Information Technology functional Constituency"

LC Paper Nos. CB(2)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)

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

II. Way forward

Motion

2. Mr SIN Chung-kai moved a motion urging the Administration to propose Committee Stage amendment (CSA) to remove the "relevant period" requirement in Part 2 of Schedule 1D of the Legislative Council Ordinance. Wording of the motion is as follows -

"本委員會接納兩個資訊科技界團體(即PISA及ISACA)的要求取消其團體選民資格「有關期間」的規限"

(English translation: That this Committee accepts the request of the two information technology bodies (i.e. PISA and ISACA) to remove the 'relevant period' requirement in relation to the eligibility of their members to apply for registration as electors.")

Action

3. The Chairman put the motion to vote. Ms Margaret NG requested a division.
4. The voting result was as follows -
 - (a) six members voted for the motion - Ms Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Ms Audrey EU, Mr Ronny TONG and Mrs Anson CHAN; and
 - (b) ten members voted against the motion - Dr LUI Ming-wah, Dr Philip WONG, Mr WONG Yung-kan, Mr Jasper TSANG, Mr LAU Kong-wah, Mr Abraham SHEK, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG and Mr KWONG chi-kin.
5. The Chairman declared that the motion proposed by Mr SIN Chung-kai was negatived.

Date of resumption of Second Reading debate

6. The Bills Committee completed scrutiny of the Bill. The Administration was requested to -
 - (a) advise the Bills Committee on the date for resumption of Second Reading debate on the Bill; and
 - (b) provide a finalized set of CSAs for members' consideration.

(Post-meeting note: The Administration has given notice for the Bill to resume its Second Reading debate at the Council meeting on 23 April 2008. A revised set of draft CSAs was issued to members vide LC Paper No. 1380/07-08(01) on 18 March 2008.)

7. The meeting ended at 10:32 am.

Council Business Division 2
Legislative Council Secretariat
26 March 2008

**Proceedings of the sixth meeting of the
Bills Committee on Legislative Council (Amendment) Bill 2007
on Tuesday, 26 February 2008, at 8:30 am
in the Chamber of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000156-000419	Chairman Ms Margaret NG	Opening remarks	
000420-000925	Chairman The Professional Commons (PC)	Presentation of views (LC Paper No. CB(2)1159/07-08(01)) -	
000926-001143	Chairman Professional Information Security Association (PISA)	Presentation of views (LC Paper No. CB(2)1159/07-08(02))	
001144-001524	Chairman Information System Audit & Control Association (Hong Kong Chapter) Limited (ISACA)	Presentation of views (LC Paper No. CB(2)1159/07-08(04))	
001525-002047	Chairman IT Voice	Presentation of views (LC Paper No. CB(2)1159/07-08(05))	
002048-002428	Chairman Internet Society Hong Kong (ISHK)	Presentation of views (LC Paper No. CB(2)1159/07-08(03))	
002429-003018	Chairman Mr LAU Kong-wah Admin	Briefing by the Administration on its paper on "Five Submissions relating to Information Technology Functional Constituency" (LC Paper No. CB(2)1208/07-08(01))	
003019-003612	Chairman Mr SIN Chung-kai	Views of Mr SIN Chung-kai - (a) he supported the views of the deputations; and (b) the Administration should move CSA to remove the "relevant period" requirement in Part 2 of Schedule 1D of the Legislative Council Ordinance (LCO) as proposed by the deputations	
003613-003808	Chairman Admin	Response of the Administration - (a) PISA and ISACA were included as umbrella organizations in the Information Technology (IT) Functional Constituency (FC) and the "relevant period" required was	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>included through enactment of the Legislative Council (Amendment) Bill 2003; and</p> <p>(b) the amendment proposed by the deputations would expand the electorate of ITFC; and</p> <p>(c) the review of the electorate base of FCs was a broader issue to be considered in examining the method of forming the LegCo in 2012</p>	
003809-003834	Chairman Mrs Anson CHAN	Concern about the electorate of FCs which had remained unchanged since the last LegCo election in 2004	
003835-004217	Chairman Admin	Explanation by the Administration for not expanding the electorate of FCs in the 2008 LegCo election	
004218-004801	Chairman Mr LAU Kong-wah	<p>Views of Mr LAU Kong-wah -</p> <p>(a) the amendments proposed by the deputations could not be accepted because of the narrow scope defined in the Long Title of the Bill; and</p> <p>(b) the question of expanding the electorate of FCs should be dealt with in the method for forming LegCo in 2012</p>	
004802-015219	Chairman PC ISHK Admin Mr LAU Kong-wah Mr Ronny TONG Ms Audrey EU PISA Mr SIN Chung-kai ALAI Mr CHEUNG Man-kwong Ms Margaret NG Dr LUI Ming-wah	<p>Concerns raised by the deputations -</p> <p>(a) the Administration should respect the autonomy of IT organizations to determine the membership requirement for electors;</p> <p>(b) whether the Long Title of the Bill could be amended to ensure fairness in membership requirement among different organizations in the ITFC; and</p> <p>(c) the "relevant period" requirement was discriminatory</p> <p>Views of members who subscribed to the views of the deputations -</p> <p>(a) the scope of the Long Title was determined by the Administration and could be amended by the Administration; and</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>(b) the Administration should propose CSA to address the deputations' concerns</p> <p>Response of the Administration -</p> <p>(a) for reasons explained at previous meetings, the number and composition of the existing FCs should remain unchanged for the 2008 LegCo election;</p> <p>(b) the issue of the electorate of FCs would be addressed when consideration was given to the appropriate method for forming the LegCo in 2012; and</p> <p>(c) it was proposed in the Legislative Council (Amendment) Bill 2003 that experienced members of PISA and ISACA could be electors of ITFC if they were holders of the recognized certification during a period of five years immediately preceding the date on which they applied for registration as electors. Following discussion of the relevant Bills Committee, the Administration lowered the proposed amendment to "four years", which was agreed by the LegCo</p>	
015220-015843	Chairman Mr LAU Kong-wah Mr SIN Chung-kai Mr Ronny TONG Ms Audrey EU Mr CHEUNG Man-kwong Ms Margaret NG Dr Philip WONG	Motion moved by Mr SIN Chung-kai urging the Administration to move CSA to remove the "relevant period" requirement. The motion was negated	
015844-020357	Chairman Mr LAU Kong-wah Mr Ronny TONG Clerk Admin Mr SIN Chung-kai	Date of Second Reading debate on the Bill	Admin to advise