

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

**Information Requested
at the Second Meeting on 1 February 2008**

Introduction

This paper provides information as requested by Members at the meeting on 1 February 2008.

Electorate of Functional Constituencies: Criteria and Composition

2. Regarding the electorate of functional constituencies (“FCs”), for FCs which comprise corporate electors (e.g. the Agriculture and Fisheries and the Transport FCs), they are in general made up of major organizations representative of the relevant sectors or corporate members of these organisations. As for the FCs for the professional sectors, such as the Medical and the Accountancy FCs, their electorate in general is based on professional membership with well-established and recognized qualifications, including statutory qualifications.

3. In the previous exercises for amending the Legislative Council Ordinance (“LCO”), if the amendments involved the electorate of FCs, relevant factors had been taken into consideration in light of the circumstances of individual FCs. In general, when considering the composition of corporate electors in

FCs, factors that may be taken into account include the relevant organisations, nature of business, scale of operation, track record and experience, involvement in the relevant sectors, as well as the situation of similar bodies in that FCs.

4. Since the establishment of FCs, successive terms of the Legislative Council (“LegCo”) and different sectors in the Hong Kong community had been involved in the discussions on the evolvement of the FCs on various aspects including their composition. For enacting the LCO in 1997, the Government consulted the public on the sectoral coverage and delineation of the electorate for the nine new FCs. Views from LegCo Members and the public on the composition of FCs had also been incorporated.

5. Since then, when the Government proposed amendments to the delineation of the electorate of FCs in the LCO, the Government had taken account of factors set out in paragraph 3 above, as well as the latest developments in the community and the sectors concerned, including changes to the statutory registration and licensing systems.

6. In considering relevant amendments, the Government had provided detailed explanations to LegCo and gauged Members’ views. Organisations and representatives from relevant sectors could also express their views in this process. Thus there were ample opportunities for LegCo, the relevant sectors and the public to express their views in the process of delineating the electorate FCs.

2008 LegCo Election: Adjustments to the Delineation of the Electorate of the FCs

7. As for the 2008 LegCo FC Election, we have explained earlier that since the two motions submitted by the Government on 21 December 2005 for amending Annexes I and II of the Basic Law did not receive the two-thirds majority support of the LegCo Members as required by Annexes I and II of the Basic Law, they could not be processed further. In accordance with the Interpretation made by the Standing Committee of the National People's Congress on 6 April 2004, if no amendment is made to the methods for selecting the CE and for forming the LegCo as stipulated in Annexes I and II of the Basic Law, the provisions relating to the two methods in Annexes I and II of the Basic Law will continue to apply. Under this interpretation, technical amendments or updates can be made to the delineation of the electorate of the FCs for the 2008 LegCo Election. As we have explained earlier, since the two motions did not receive the required support, the number and composition of existing FCs should remain unchanged for the 2008 LegCo Election. As such, the composition of FCs should remain unchanged for the 2008 LegCo Election and only technical updates should be made.

Applications from Organizations for Inclusion into FCs

8. Further information on the 75 organisations which submitted proposals for their inclusion in the electorate of FCs since the enactment of the LegCo (Amendment) Ordinance 2003 is set out at the Annex.

The Engineering FC

9. The Engineering FC is composed of professional engineers registered under the Engineers Registration Ordinance (Cap. 409) and members of the Hong Kong Institution of Engineers entitled to vote at general meetings of the Institution. However, according to section 25 of the LCO, only those who are eligible to be registered as an elector for a geographical constituency (i.e. those who are Hong Kong permanent residents aged 18 or above, ordinarily reside in Hong Kong, hold an identity document and are not disqualified from being registered as an elector by virtue of section 31 of the LCO) will be eligible to be registered as an elector for an FC. In addition, they cannot register in more than one FC. We have taken into account the effect of these requirements in calculating the potential electorate.

10. Among the electors who are eligible to be registered in the Engineering FC, about 3,300 are also eligible to be registered in other FC(s). Among them, 1,012 have registered in the Information Technology FC, 162 have registered in the Education FC, and 81 have registered in other FCs.

Constitutional and Mainland Affairs Bureau
February 2008

Annex

**Further Information on the Applications Received for
Inclusion into FCs since the Enactment of the
LegCo (Amendment) Ordinance 2003**

FCs	Number of Applications	Information on the Applications
1. Agriculture and Fisheries	4	The applications were raised by four associations proposing their inclusion into the electorate.
2. Transport	45	The applications were raised by 15 bodies in the sector and 30 companies proposing their inclusion into the electorate.
3. Education	1	The application was raised by an education body, proposing its inclusion into the electorate of that FC so that its relevant staff could be registered as electors in that FC.
4. Engineering	1	The application was raised by an institute proposing its inclusion into the electorate.
5. Social Welfare	1	The application was raised by a union proposing its

FCs	Number of Applications	Information on the Applications
		inclusion into the electorate of that FC, so that its members can be registered as electors in that FC.
6. Real Estate and Construction	2	The applications were raised by two associations proposing their inclusion into the electorate of that FC, so that their members can be registered as electors in that FC.
7. Financial Services	2	The applications were raised by two bodies in the sector, proposing inclusion of the practitioners of relevant businesses into the electorate of that FC.
8. Sports, Performing Arts, Culture and Publication	8	The applications were raised by eight bodies in the sector proposing their inclusion into the electorate.
9. Import and Export	2	The applications were raised by two companies proposing their inclusion into the electorate.
10. Wholesale and Retail	5	The applications were raised by five bodies in the sector

FCs	Number of Applications	Information on the Applications
		proposing their inclusion into the electorate.
11. Information Technology	3	The applications were raised by three bodies in the sector proposing their inclusion into the electorate of that FC, so that their members can be registered as electors in that FC.
12. Catering	1	The application was raised by a federation proposing its inclusion into the electorate.
Total	75	