

立法會

Legislative Council

LC Paper No. LS26/07-08

**Paper for the House Committee Meeting
on 4 January 2008**

**Legal Service Division Report on
Legislative Council (Amendment) Bill 2007**

I. SUMMARY

- 1. Objects of the Bill** To amend the Legislative Council Ordinance (Cap. 542) (LCO) to-
 - (a) update the electorate of the Functional Constituencies (FCs) for the purpose of 2008 LegCo election; and
 - (b) make consequential amendments to the Chief Executive Election Ordinance (Cap. 569) (CEEEO).

- 2. Comments** The proposed amendments are technical in nature.

- 3. Public Consultation** There has been no public consultation.

- 4. Consultation with LegCo Panel** The Panel on Constitutional Affairs was briefed and was consulted on the Administration's proposals at its meeting on 19 November 2007.

- 5. Conclusion** Subject to Members' view, the Bill is ready for resumption of Second Reading Debate.

II. REPORT

Objects of the Bill

The objects of the Bill are-

- (a) to update the electorate of FCs for the purpose of the 2008 LegCo election; and
- (b) to make consequential amendments to CEEO where necessary.

LegCo Brief Reference

- 2. CMAB/C1/305 issued on 5 December 2007.

Date of First Reading

- 3. 19 December 2007.

Comments

- 4. The proposed amendments in the Bill are technical in nature:
 - (a) Clauses 3, 5, 6 (except 6(1)), 7 (except 7(2)), 8 (except 8(3)), 9 (except 9(5)) update the names of various existing electorate of FCs;
 - (b) Clause 6(1) updates the eligible voting membership of the Hong Kong Computer Society of the Information Technology FC;
 - (c) Clause 7(2) removes Kowloon-Canton Railway Corporation from the Transport FC by repealing it from Schedule 1A to LCO as it ceases to be eligible for registration as an elector or voter;
 - (d) Clauses 8(3) and 9(5) add two new bodies to the Sports, Performing Arts, Culture and Publication FC and the Wholesale and Retail FC by amending Schedules 1B and 1C to LCO respectively;
 - (e) Clause 10 makes consequential amendment to CEEO as a result of the amendments introduced by clauses 3 and 8(3); and
 - (f) Clause 4 deals with a minor clerical amendment.

5. The Bill, upon enactment, shall come into operation on 1 April 2008.

Public Consultation

6. There has been no public consultation.

Consultation with LegCo Panel

7. The Panel on Constitutional Affairs was consulted on the proposed arrangements for updating the electorate of FCs for the 2008 LegCo election at its meeting on 19 November 2007.

8. Some members expressed support for the proposed arrangements which were technical in nature.

9. Some members expressed views on related issues. Some members requested the Administration to consider broadening the electorate base of some FCs by replacing corporate electors with individual electors in the 2008 LegCo election. Some members called for the abolition of the FC system which, in their view, contravened Article 25(b) of the International Covenant on Civil and Political Rights and the early implementation of universal suffrage. Some other members considered that the future of FCs should be further explored, as there were views in the community in support of retaining the FC system but changing the electoral system to make it consistent with the principles of universal and equal suffrage.

Conclusion

10. No difficulties in the legal and drafting aspects have been identified. Subject to Members' view, the Bill is ready for resumption of Second Reading debate.

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