

政制及內地事務局
政府總部



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11 May 2010

By Fax : 2509 9055

Hon. Tam Yiu-chung, GBS, JP
Chairman,
Subcommittee on Package of Proposals for
the Methods for Selecting the Chief Executive
and for Forming the Legislative Council in 2012
Legislative Council

Dear Hon. Tam,

Legislative Council
Subcommittee on Package of Proposals for the Methods for Selecting the
Chief Executive and for Forming the Legislative Council in 2012

Follow up to the meeting on 27 April 2010

At the meeting of the Subcommittee held on 27 April 2010, a Member enquired about the number of bodies in the Culture sub-subsector of the Sports, Performing Arts, Culture and Publication subsector of the Election Committee which have been disqualified from being registered as a voter because of the cessation of funding support from the Government.

According to the Final Register published in 2009, there are 1,008 voters in the Culture sub-subsector. In accordance with section 20V(1)(e) of the Legislative Council Ordinance (Cap. 542) and section 12(2)(c) of the Schedule to the Chief Executive Election Ordinance (Cap. 569), "*statutory bodies and registered bodies, the primary goal of which is the promotion of arts, and to which grants, sponsorship or performance fees have been approved by the Hong Kong Arts Development Council, the Urban Council, the Regional Council, the Provisional Urban Council, the Provisional Regional Council, the Leisure and Cultural Services Department or the Home Affairs Bureau during the relevant period*" are, among others, eligible for registration in the Culture sub-subsector.

The “relevant period” in the provision quoted in the above paragraph is defined in section 20V(2)(b) of the Legislative Council Ordinance. According to the statutory definition :

- (a) If a body applies for registration as a voter *before* 18 July 2003, the “relevant period” means the period from 1 April 1994 to the date on which the body applies for registration.
- (b) If a body applies for registration as a voter *on or after* 18 July 2003, the “relevant period” means the period of six years immediately preceding the date on which it applies for such registration.

The six-year qualifying period mentioned in sub-paragraph (b) above is applicable when a body applies for registration as a voter (i.e. if the body has received funding support from any of the above-mentioned specified authorities within the six-year period prior to its application for registration, it would be eligible).

According to the statutory provision, voters already registered in the Culture sub-subsector will not be affected by subsequent changes in the funding support from the specified authorities, because the qualifying criterion requires the availability of funding support within the six-year period prior to its application for registration. In practice, no voter registered in the Culture sub-subsector has been disqualified from such registration because of the cessation of funding support from the specified authorities.

Yours sincerely,



(Gary Poon)

for Secretary for Constitutional and Mainland Affairs