

**立法會**  
**Legislative Council**

Ref : CB2/BC/3/10

LC Paper No. CB(2)984/10-11  
(These minutes have been seen  
by the Administration)

**Bills Committee on Chief Executive Election (Amendment) Bill 2010  
and Legislative Council (Amendment) Bill 2010**

**Minutes of the second meeting  
held on Monday, 10 January 2011, at 5:00 pm  
in the Chamber of the Legislative Council Building**

**Members present** :

- Hon TAM Yiu-chung, GBS, JP (Chairman)
- Hon Jeffrey LAM Kin-fung, SBS, JP (Deputy Chairman)
- Hon Albert HO Chun-yan
- Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
- Dr Hon Margaret NG
- Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
- Hon WONG Yung-kan, SBS, JP
- Hon LAU Kong-wah, JP
- Hon Miriam LAU Kin-ye, GBS, JP
- Hon Emily LAU Wai-hing, JP
- Hon Andrew CHENG Kar-foo
- Hon Timothy FOK Tsun-ting, GBS, JP
- Hon Abraham SHEK Lai-him, SBS, JP
- Hon Audrey EU Yuet-mee, SC, JP
- Hon Vincent FANG Kang, SBS, JP
- Hon WONG Kwok-hing, MH
- Hon LEE Wing-tat
- Hon WONG Ting-kwong, BBS, JP
- Hon CHIM Pui-chung
- Prof Hon Patrick LAU Sau-shing, SBS, JP
- Dr Hon LAM Tai-fai, BBS, JP
- Hon CHAN Kin-por, JP
- Dr Hon Priscilla LEUNG Mei-fun
- Hon IP Kwok-him, GBS, JP
- Hon Mrs Regina IP LAU Suk-ye, GBS, JP
- Hon Paul TSE Wai-chun
- Dr Hon Samson TAM Wai-ho, JP
- Hon LEUNG Kwok-hung
- Hon WONG Yuk-man

- Members absent** :
- Hon CHEUNG Man-kwong
  - Dr Hon Philip WONG Yu-hong, GBS
  - Hon LAU Wong-fat, GBM, GBS, JP
  - Hon Frederick FUNG Kin-kee, SBS, JP
  - Hon CHEUNG Hok-ming, GBS, JP
  - Hon Ronny TONG Ka-wah, SC
  - Hon Cyd HO Sau-lan
  - Hon WONG Kwok-kin, BBS
  - Hon Alan LEONG Kah-kit, SC
- Public Officers attending** :
- Constitutional and Mainland Affairs Bureau
- Mr Joshua LAW Chi-kong  
Permanent Secretary for Constitutional and Mainland Affairs
  - Mr Arthur HO Kin-wah  
Deputy Secretary for Constitutional and Mainland Affairs
  - Ms Anne TENG Yu-yan  
Principal Assistant Secretary for Constitutional and Mainland Affairs
  - Mr Freely CHENG Kei  
Principal Assistant Secretary for Constitutional and Mainland Affairs
  - Mr Ivanhoe CHANG Chi-ho  
Principal Assistant Secretary for Constitutional and Mainland Affairs
- Department of Justice
- Mr Gilbert MO Sik-keung  
Deputy Law Draftsman  
(Bilingual Drafting and Administration)
  - Miss Emma WONG  
Senior Government Counsel
- Clerk in attendance** :
- Miss Flora TAI  
Chief Council Secretary (2)3

**Staff in attendance** : Mr Arthur CHEUNG  
Senior Assistant Legal Adviser 2

Ms Amy YU  
Senior Council Secretary (2)3

Mrs Fanny TSANG  
Legislative Assistant (2)3

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Action

**I. Meeting with the Administration**

[CMAB C5/1 and C1/30/5, LC Paper Nos. CB(2)710/10-11(01) to (02), CB(2)762/10-11(01), CB(3)313/10-11 and CB(3)314/10-11]

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

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2. Members endorsed the proposed areas of study which was tabled at the meeting and subsequently issued vide LC Paper No. CB(2)784/10-11. After discussion of the various policy issues within the respective areas of study, the Administration was requested to provide written responses on the following -

- (a) its rationale for the proposed adoption of the bloc voting system for the District Council ("DC") subsectors election under the Election Committee, including its consideration of other voting systems for returning these seats; and
- (b) information on the proposed electoral arrangements for the existing DC Functional Constituency ("FC") and new DC FC; how the proposed arrangements differed from the existing arrangements; the relevant legislative provisions; and consultation, if any, conducted by the Administration with electors of the traditional FCs on how the proposed arrangements would impact on their voting right, nomination right and candidature right in the 2012 FC elections.

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**II. Any other business**

3. There being no other business, the meeting ended at 6:37 pm.

Council Business Division 2  
Legislative Council Secretariat  
8 February 2011

**Proceedings of the second meeting of the  
Bills Committee on Chief Executive Election (Amendment) Bill 2010  
and Legislative Council (Amendment) Bill 2010  
on Monday, 10 January 2011, at 5:00 pm  
in the Chamber of the Legislative Council Building**

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
000330 - 000533	Chairman	Proposed areas of study of the Bills Committee	
000534 - 000608	Chairman	Administration's response to the issues raised by members at the last meeting [LC Paper No. CB(2)762/10-11(01)]	
<b>Chief Executive Election (Amendment) Bill 2010</b>			
000609- 001257	Chairman Mr LAU Kong-wah Administration	Briefing by the Administration on its proposals regarding the "Special Member" seats  Mr LAU Kong-wah sought clarification on whether the proposed arrangements relating to the "Special Member" seats were applicable only to the Chief Executive ("CE") election in 2012. The Administration replied in the affirmative.	
001258 - 001427	Mr Albert HO Administration	Mr Albert HO's view that all of the 100 new seats in the fourth sector of the Election Committee ("EC") should be allocated to elected District Council ("DC") members to enhance the democratic elements of EC.  The Administration responded that its proposal of allocating 75 of the 100 new seats in the fourth sector of EC to elected DC members had already significantly enhanced the democratic elements of EC and it was appropriate to allocate the remaining 25 seats to Legislative Council ("LegCo") Members, members of the Chinese People's Political Consultative Conference and Heung Yee Kuk.	
001428 - 001540	Chairman Administration	Briefing by Administration on its proposals on allocation of seats and electoral arrangements for DC subsectors	
001541 - 001636	Ms Emily LAU Administration	In response to Ms Emily LAU's enquiry, the Administration advised that the bloc voting system was adopted for the elections of all EC subsectors.	

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001637 - 002331	Ms Audrey EU Administration	<p>Ms Audrey EU enquired whether the Administration would consider adding more subsectors to EC so as to enhance its representativeness.</p> <p>The Administration responded as follows -</p> <ul style="list-style-type: none"> <li>(a) the Administration considered that the composition of the four sectors of the current EC were broadly representative and consistent with the principle of balanced participation;</li> <li>(b) in line with the arrangement of other professional subsectors, the Administration had proposed that Registered Chinese Medicine practitioners ("CMPs") would be eligible for registration as voters in the Chinese Medicine subsector; and</li> <li>(c) aside from CMPs, the Administration had also considered proposals for adding new EC subsectors for small and medium size enterprises ("SMEs"), youth and women. As the Administration considered that the community was unlikely to reach consensus on these proposals at this stage, no proposal had been made in this regard in respect of the EC subsector elections in 2012.</li> </ul>	
002332 - 003228	Mr Andrew CHENG Administration Chairman	<p>Mr Andrew CHENG expressed concern that the proposed adoption of the bloc voting system for the DC subsectors in EC would enable dominant political parties with the most elected DC members to pocket most of the seats. He requested the Administration to explain its rationale for adopting the bloc voting system for the DC subsectors, including its consideration of other voting systems for returning these seats.</p> <p>The Administration did not agree with the view that the bloc voting system was tailor-made for certain political parties because the 2011 DC election had yet to be held and it was still unknown at this stage which political parties would gain most seats in the election.</p> <p>On the rationale for the proposed bloc voting system, the Administration explained that it had considered other possible voting systems including the list proportional representation system. The Administration did not consider it appropriate to adopt the list proportional representation system because under the system, a candidate would be able to win a seat with only about 3.5</p>	

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		<p>votes (i.e. 117 seats to be returned by 412 elected DC members in the fourth term DC) or even less under the largest remainder formula, which would undermine the representativeness and credibility of the elected members.</p> <p>At the request of Mr Andrew CHENG, the Administration agreed to provide a paper to explain its rationale for the proposed adoption of the bloc voting system for the DC subsectors election, including its consideration of other voting systems for returning these seats.</p>	<p><b>Admin</b> (para 2 of minutes)</p>
003229 - 003802	Dr Priscilla LEUNG Administration	Dr Priscilla LEUNG considered that apart from CMPs, real estate agents, ethnic minorities, SMEs, women and youth should also be represented in EC.	
003803 - 004010	Mr IP Kwok-him Administration	<p>In response to Mr IP Kwok-him, the Administration confirmed that -</p> <p>(a) bloc voting system was adopted for all EC subsector elections; and</p> <p>(b) under the proposed arrangements, the 117 DC subsector seats would be returned from the two existing DC subsectors, i.e. the Hong Kong and Kowloon DC subsectors (57 seats) and the New Territories DC subsectors (60 seats).</p>	
<b>Legislative Council (Amendment) Bill 2010</b>			
004011 - 004246	Chairman Administration	Briefing by Administration on its proposals regarding the number of Members to be returned from geographical constituencies ("GCs")	
004247 - 004407	Chairman Mr LAU Kong-wah	<p>Mr LAU Kong-wah considered the Administration's proposal of allocating five to nine seats for each GC appropriate. He pointed out that if there were too many seats in a GC, it might result in cases where a Member could be elected with very few votes.</p> <p>Mr LAU suggested that in the long run, consideration should be given to increasing the number of GCs from five to six with a view to reducing the disparity in the number of seats among GCs.</p>	
004408 - 005008	Ms Emily LAU Administration	Noting that the eligibility threshold for financial assistance for a candidate/list of candidates standing for a LegCo election was 5% of valid votes cast for the constituency, Ms Emily LAU expressed concern that in	

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		<p>the New Territories West ("NTW") GC where the number of seats was expected to increase to nine, a candidate might win the last seat with less than 5% of the valid votes cast and hence would not be entitled to financial assistance. She considered it absurd if a successful candidate could not obtain any financial assistance and asked whether consideration could be given to increasing the number of GCs to six so as to reduce the number of seats in each GC.</p> <p>The Administration responded that -</p> <ul style="list-style-type: none"> <li>(a) the ceiling for the number of seats to be allocated to a GC would be capped at nine instead of 10 to prevent the situation in which a candidate who had only obtained a small percentage of the votes could win a seat; and</li> <li>(b) on the number of GCs, the Administration had considered the proposals put forward by various political parties ranging from four to six GCs. As the division of the whole territory into five GCs had been in place since the establishment of the Hong Kong Special Administrative Region and the public was used to the existing electoral arrangement, the Administration considered it appropriate that the number of GCs should be retained at five.</li> </ul>	
005009 - 005825	Ms Audrey EU Administration Chairman	<p>Ms Audrey EU considered it undesirable to retain the number of GCs at five after the total number of GC seats was increased to 35. She pointed out that for the NTW GC which was expected to have as many as nine seats, a large number of candidates/lists of candidates would compete for the seats, making it difficult for electors to get well-informed of the platform of the candidates. She urged that improvements be made to the existing arrangement to reduce the disparity of seats among the GCs.</p> <p>The Administration reiterated its view that it was appropriate to retain the existing number of five GCs for the 2012 LegCo election and advised that it would consider Ms EU's views in future review.</p>	
005826 - 011148	Mr Andrew CHENG Administration Ms Emily LAU	Mr Andrew CHENG shared the concern about a candidate having won a seat in LegCo but have his election deposit forfeited. He suggested that consideration be given to increasing the number of GCs (and thus reducing the	

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		<p>number of seats in each GC) or providing in the relevant legislation that a candidate who had won a seat would be eligible for financial assistance and refund of election deposit.</p> <p>The Administration responded that as it would be difficult to reach consensus on a proposal for changing the number of GCs, the Administration considered it appropriate, at this stage, to retain the number of GCs at five.</p> <p>Ms Emily LAU enquired about the viability of allocating the 35 GC seats evenly among the five GCs to prevent a GC from having as many as nine seats.</p> <p>The Administration responded that recommendations on allocating the 35 seats to five GCs would be made by the Electoral Affairs Commission ("EAC") independently in accordance with the relevant statutory criteria. In making its provisional recommendations, EAC would have regard to the existing boundaries of GCs.</p> <p>On the timetable for delineation of GC boundaries, the Administration advised that subject to LegCo's approval of the LegCo (Amendment) Bill 2010, EAC would draw up its provisional recommendations on the GC boundaries in the second quarter of 2011 for public consultation in the third quarter of 2011.</p> <p><i>(Post-meeting note: Subsequent to the meeting, the Administration clarified that according to section 60C of the LegCo Ordinance (Cap. 542) and section 4 of the LegCo (Subscribers and Election Deposit for Nomination) Regulation (Cap. 542C), a candidate/list of candidates would be eligible for financial assistance and refund of election deposit if the candidate/at least one candidate on the list was elected as a Member, regardless of the number of valid votes received by the candidate/list of candidates.)</i></p>	
011149 - 011356	Chairman Administration	Briefing by Administration on the proposed arrangements for the new DC functional constituency ("FC")	
011357 - 011558	Ms Emily LAU Administration	In response to Ms Emily LAU, the Administration advised that in view of their small electorate base, persons eligible for registration as electors in the Heung Yee Kuk, Agriculture and Fisheries, Insurance and Transport FCs could only be registered in those FCs concerned, i.e. these persons were not given a choice to opt to register in the new DC FC.	

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011559 - 012726	Ms Audrey EU Administration Chairman	<p>Ms Audrey EU said that the Civic Party did not support adding any new FCs and had grave reservation about the proposed creation of the new DC FC.</p> <p>Ms EU sought clarification on whether elected DC members could make nominations in both the existing DC FC and the new DC FC. The Administration explained that elected DC members could only nominate a candidate/list of candidates for the election either in the new DC FC or in the existing DC FC.</p> <p>Ms EU further sought information on the proposed electoral arrangements for the existing DC FC and new DC FC and how the proposed arrangements would impact on the voting right, nomination right and candidature right of elected DC members who were also registered or eligible to be registered as an elector in traditional FC.</p> <p>The Administration responded that -</p> <ul style="list-style-type: none"> <li>(a) such elected DC members could only be registered as electors in the existing DC FC;</li> <li>(b) they could choose to nominate candidates either for the existing DC FC seat or for the five new DC FC seats, but not in traditional FCs; and</li> <li>(c) they could choose to stand for election in the existing DC FC, new DC FC or a traditional FC at which they were eligible to be nominated as a candidate. The principle was that a person could only be nominated in only one FC for election.</li> </ul> <p>At the request of Ms EU, the Administration agreed to provide information on the proposed electoral arrangements for the existing DC FC and new DC FC; how the proposed arrangements differed from the existing arrangements; the relevant legislative provisions; and consultation, if any, conducted by the Administration with electors of the traditional FCs on how the proposed arrangements would impact on their voting right, nomination right and candidature right in the 2012 FC elections.</p>	<p><b>Admin</b> (para 2 of minutes)</p>
012727 - 013324	Ms Miriam LAU Administration	<p>Ms Miriam LAU expressed dissatisfaction that the Administration had not paid heed to the requests to join the Transport FC made by many representative trade organizations for years. She urged the Administration to</p>	

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		<p>take action to broaden the electorate base of the Transport FC. She was also dissatisfied that the Administration had not responded to the call of some Members to improve the traditional FC system.</p> <p>The Administration responded that -</p> <ul style="list-style-type: none"> <li>(a) the Administration would continue to listen to the views of the transport trade on the electorate base of Transport FC;</li> <li>(b) the "one-person-two-votes" proposal for returning the five new DC FC seats in 2012 had significantly enhanced the democratic elements of FCs; and</li> <li>(c) the Administration's general position was that there should be no substantial changes to the traditional FCs in the 2012 LegCo election. However, technical amendments would be made to the electorate of traditional FCs to reflect their latest developments.</li> </ul>	
013325 - 013343	Ms Audrey EU	Ms Audrey EU's view that the absence of proposals to expand the electorate base of traditional FCs was inconsistent with the principle of gradual and orderly progress under the Basic Law.	
013344 - 013511	Chairman Administration	Briefing by Administration on its proposal that consular posts and international organizations under the International Organizations (Privileges and Immunities) Ordinance (Cap. 558) and the International Organizations and Diplomatic Privileges Ordinance (Cap. 190) would no longer be eligible to be registered as a corporate elector.	
013512 - 013720	Chairman Ms Emily LAU Administration Clerk	Arrangements for receiving public views at the meeting on 15 January 2011	