

立法會
Legislative Council

Ref : CB2/BC/3/10

LC Paper No. CB(2)331/11-12
(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 ninth meeting
held on Saturday, 29 January 2011, at 9:30 am
in the Chamber of the Legislative Council Building**

- Members present** :
- Hon TAM Yiu-chung, GBS, JP (Chairman)
 - 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
 - Dr Hon Philip WONG Yu-hong, GBS
 - Hon WONG Yung-kan, SBS, JP
 - Hon LAU Kong-wah, JP
 - Hon Miriam LAU Kin-yee, GBS, JP
 - Hon Emily LAU Wai-hing, JP
 - Hon Andrew CHENG Kar-foo
 - Hon Audrey EU Yuet-mee, SC, JP
 - Hon CHEUNG Hok-ming, GBS, JP
 - Hon WONG Ting-kwong, BBS, JP
 - Hon Cyd HO Sau-lan
 - Hon CHAN Kin-por, JP
 - Dr Hon Priscilla LEUNG Mei-fun
 - Hon WONG Kwok-kin, BBS
 - Hon IP Kwok-him, GBS, JP
 - Hon Paul TSE Wai-chun
 - Dr Hon Samson TAM Wai-ho, JP
 - Hon Alan LEONG Kah-kit, SC
 - Hon LEUNG Kwok-hung
- Members absent** :
- Hon Jeffrey LAM Kin-fung, SBS, JP (Deputy Chairman)
 - Hon Albert HO Chun-yan
 - Hon CHEUNG Man-kwong
 - Hon LAU Wong-fat, GBM, GBS, JP
 - Hon Timothy FOK Tsun-ting, GBS, JP
 - Hon Abraham SHEK Lai-him, SBS, JP

Hon Frederick FUNG Kin-kee, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Hon Ronny TONG Ka-wah, SC
Hon CHIM Pui-chung
Prof Hon Patrick LAU Sau-shing, SBS, JP
Dr Hon LAM Tai-fai, BBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon WONG Yuk-man

Public Officers : Constitutional and Mainland Affairs Bureau
attending

Mr Stephen LAM
Secretary for Constitutional and Mainland Affairs

Mr Joshua LAW
Permanent Secretary for Constitutional and Mainland
Affairs

Mr Arthur HO
Deputy Secretary for Constitutional and Mainland
Affairs

Mr Freely CHENG
Principal Assistant Secretary for Constitutional and
Mainland Affairs

Ms Anne TENG
Principal Assistant Secretary for Constitutional and
Mainland Affairs

Department of Justice

Mr Gilbert MO
Deputy Law Draftsman
(Bilingual Drafting and Administration)

Miss Emma WONG
Senior Government Counsel

Clerk in : Miss Flora TAI
attendance : Chief Council Secretary (2)3

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

Ms Amy YU
Senior Council Secretary (2)3

Mrs Fanny TSANG
Legislative Assistant (2)3

Action

I. Meeting with the Administration

[LC Paper Nos. CB(2)936/10-11(01) to (03), CB(3)313/10-11 and CB(3)314/10-11]

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

2. The Administration was requested to provide information on the number of persons engaged in the agriculture, forestry and fishing industry.

3. Members noted the Administration's intention to resume the Second Reading debates on the Chief Executive Election (Amendment) Bill 2010 and the Legislative Council (Amendment) Bill 2010 at the Council meeting of 2 March 2011.

II. Any other business

Meeting schedule for February 2011

4. Members agreed to the following meeting schedule for February 2011 -

- (a) 11 February 2011 (Friday) from 10:45 am to 12:45 pm;
- (b) 11 February 2011 (Friday) from 3:30 pm (or after the Fire Drill to be held immediately after the House Committee meeting scheduled for 2:30 pm, whichever was later) to 6:30 pm;
- (c) 12 February 2011 (Saturday) from 9:00 am to 12:00 noon; and
- (d) 14 February 2011 (Monday) from 9:00 am to 1:00 pm.

5. There being no other business, the meeting ended at 11:19 am.

**Proceedings of the ninth meeting of the
Bills Committee on Chief Executive Election (Amendment) Bill 2010
and Legislative Council (Amendment) Bill 2010
on Saturday, 29 January 2011, at 9:30 am
in the Chamber of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000429 - 001310	Chairman Administration	Briefing by the Administration on its paper entitled "Voting system of the Chief Executive ("CE") election" [LC Paper No. CB(2)936/10-11(01)]	
001311 - 002514	Dr Margaret NG Administration Mr LEUNG Kwok-hung Mr WONG Kwok-kin	<p>Dr Margaret NG's view that the Administration should set an upper limit of nominations, say at 165 subscribers (i.e. 110% of the Administration's proposed nomination threshold), to make the CE election a fair and truly contested one.</p> <p>Mr LEUNG Kwok-hung's view that the practice of publishing the names of subscribers in the Gazette contradicted with the spirit of voting by secret ballot.</p> <p>The Administration responded that -</p> <p>(a) its proposal of maintaining the nomination threshold at one-eighth of the total membership of the Election Committee ("EC") would ensure that there was sufficient competition in the CE election. The Administration did not consider it necessary to impose an upper limit on the number of subscribers to be obtained by a candidate; and</p> <p>(b) the arrangement of making public the names of subscribers had been functioning well and was consistent with the principle of fair, just and open elections. EC members made nominations as representatives of their sectors and it was fair and appropriate to make open their nominations.</p> <p>Dr Margaret NG indicated that the Civic Party would propose Committee Stage amendments ("CSAs") to the CE Election (Amendment) Bill 2010 ("CEEB") to set an upper limit of nominations for the CE election.</p>	
002515 - 002735	Ms Emily LAU Administration	The Administration's elaboration on the proposed amendments to the voting system of the CE election	

Time Marker	Speaker(s)	Subject(s)	Action required
		set out in paragraph 6 of the Administration's paper [LC Paper No. CB(2)936/10-11(01)]	
002736 - 004004	Mr Alan LEONG Administration Dr Margaret NG Mrs Sophie LEUNG	<p>Mr Alan LEONG and Dr Margaret NG reiterated the position of Members belonging to the Civic Party that an upper limit of nominations should be set to enable more candidates to participate in the CE election.</p> <p>The Administration responded that it was feasible for more than one candidate to secure the support of 150 EC members and the CE election in 2012 was expected to be a contested one.</p> <p>Dr Margaret NG reiterated that Members belonging to the Civic Party did not agree with the Administration's proposal of allocating the additional EC seats according to the existing distribution of seats among the EC subsectors. They were of the view that the seats should be allocated on the basis of the electorate base of the EC subsectors.</p>	
004005 - 004415	Administration	Briefing by the Administration on its paper entitled "Composition of District Council (Second) Functional Constituency" [LC Paper No. CB(2)936/10-11(02)]	
004416 - 005109	Dr Margaret NG Administration	<p>Dr Margaret NG reiterated her view that the Administration's proposal for allowing persons registered or eligible to be registered as electors of traditional functional constituencies ("FCs") the option to choose to register in the new District Council ("DC") FC was inconsistent with the original policy intention in respect of the voting right of the new DC FC.</p> <p>Dr Margaret NG indicated that Members belonging to the Civic Party would move CSAs to the LegCo (Amendment) Bill ("LCB") to enlarge the eligibility for candidature and extend the nomination right to all DC electors in respect of the new DC FC election.</p> <p>The Administration responded that -</p> <p>(a) the Administration considered that as a matter of principle, persons registered or eligible to be registered as electors of traditional FCs should be given the choice to opt to register in the traditional FCs or the new DC FC;</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>(b) the Administration's proposal was consistent with the policy intent of giving two votes in the LegCo elections to the 3.2 million registered voters who currently did not have the right to vote in the traditional FCs; and</p> <p>(c) the democratic elements in the proposed new DC FC election method were very clear as only elected DC members would be eligible to nominate and be nominated as a candidate and candidates would be elected by a large electorate base of over 3.2 million registered voters.</p>	
005110 - 005719	Mr WONG Kwok-kin Administration	<p>Mr WONG Kwok-kin indicated that Members belonging to the Federation of Trade Unions would consider moving CSAs to LCB to enlarge the eligibility for candidature for the new DC FC seats to persons who had served as elected DC members in the past on the basis of the following considerations -</p> <p>(a) the proposed eligibility in LCB would hinder quality and well-experienced candidates from participating in the new DC FC election;</p> <p>(b) it was unfair to these candidates if they were required to participate in DC elections with much smaller constituency areas before standing for the new DC FC election; and</p> <p>(c) it was also unfair to the community of the DC constituency areas concerned as the primary purpose of the elected DC members concerned was to stand for the new DC FC election rather than to serve the community of the relevant districts.</p>	
005720 - 005938	Dr Margaret NG Administration	<p>Dr Margaret NG's view that the Administration's proposals had not enhanced the democratic elements of LegCo as no changes had been made to the traditional FCs and the ratio of Members returned by FCs. As such, the Administration could continue to manipulate and control the Legislature through the FC system.</p>	
005939 - 010252	Mr CHEUNG Hok-ming Administration	<p>Mr CHEUNG Hok-ming's view that the 27 ex-officio DC members should also be eligible to stand for election in the new DC FC election as they were returned through village elections and had public mandate.</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
010253 - 011005	Dr Margaret NG Administration	In response to Dr Margaret NG's enquiry on paragraph 6(b) of LC Paper No. CB(2) 936/10-11(02), the Administration explained that persons eligible for registration as electors in the Heung Yee Kuk, Agriculture and Fisheries, Insurance and Transport FCs could only register in those FCs but not the new DC FC in view of their small electorate base.	
011006 - 011253	Administration	Briefing by the Administration on its paper entitled "Matters concerning voter registration" [LC Paper No. CB(2)936/10-11(03)]	
011254 - 011745	Dr Margaret NG Administration Chairman	Dr Margaret NG's view that the Administration should keep records of unregistered electors declined for voting at polling stations and the number of voter registration application forms provided to the public to facilitate future review on the electoral system.	
011746 - 012034	Ms Emily LAU Administration	In response to Ms Emily LAU's enquiry on paragraph 3 of LC Paper No. CB(2)936/10-11(03), the Administration's explanation of the rationale of its proposal that elected DC members could only register in the existing DC FC in the 2012 LegCo election.	
012035 - 012910	Dr Margaret NG Administration Mr WONG Yung-kan Chairman	The Administration was requested to provide statistics on the number of persons engaged in the agriculture, forestry and fishing industry to supplement the information provided in Annex III to LC Paper No. CB(2)920/10-11(01).	Admin (para 2 of minutes)
012911 - 014956	Chairman Administration Dr Margaret NG Mr LAU Kong-wah Ms Cyd HO Ms Emily LAU Mrs Sophie LEUNG	Date of resumption of the Second Reading debates on CEEB and LCB Meeting schedule for February 2011	