

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

**Follow up on the issues raised at the meeting on 25 January 2011**

**Composition of District Council (Second) Functional Constituency**

As requested by Members at the Bills Committee meeting on 25 January 2011, this paper sets out further information concerning the composition of the new District Council functional constituency, i.e. the District Council (second) functional constituency (“DC (second) FC”).

**Background**

2. On 21 June 2010, the Chief Executive (“CE”) announced that once the motions on the amendments to the annexes of the Basic Law are passed, the Government shall pursue the following electoral arrangements through local legislation:

- (a) candidates for the five new functional constituency (“FC”) seats will be nominated by elected District Council (“DC”) members. They will be elected by all registered electors who currently do not have a right to vote in FCs, on a one-person-one-vote basis; and
- (b) the original DC FC seat will be returned through election from among elected DC members.

3. Under this proposal, every elector will have two votes in the 2012 Legislative Council (“LegCo”) elections, one for geographical constituencies (“GCs”), and the other for FCs. This proposal will make our election more democratic and will pave the way for universal suffrage and this revised proposal complies with the decision of the National People’s Congress Standing Committee (“NPCSC”) in 2007.

4. The Secretary for Justice (“SJ”) elaborated on 21 June 2010 on the salient features considered by the Government with respect to the new DC FC election method:

- (a) first, candidates must themselves be elected DC members;

- (b) second, candidates must be nominated by elected DC members; and
- (c) third, candidates will be elected, through one-person-one-vote, by the registered electors in Hong Kong less those electors who currently have the right to vote in other FCs. (In other words, the electorate base will be about 3.2 million, being the total 3.43 million registered electors less 230,000 electors for the other FCs.)

5. On 24 and 25 June 2010, the LegCo passed by a two-thirds majority the motions put forth by the Government concerning the draft amendments to the method for the selection of the CE and the method for the formation of the LegCo in 2012. On 29 June 2010, the CE gave consent to the draft amendments. On 28 August 2010, the NPCSC approved and recorded respectively the amendments to Annexes I and II of the Basic Law concerning the two electoral methods.

6. On 30 October 2010, we introduced to the LegCo Panel on Constitutional Affairs the proposed arrangements regarding the methods for selecting the CE and for forming the LegCo in 2012, which include the electoral arrangements for the new DC FC. According to paragraph 6(c)(vi) of the LC Paper No. CB(2)150/10-11(01), persons registered as electors or being eligible for registration as electors in the traditional FCs will be given a choice to opt to register in the traditional FCs or the new DC FC with the following exceptions:

- (a) elected DC members may only register in the existing DC FC. This arrangement also applies to elected DC members who are at the same time eligible for registration as electors in the Heung Yee Kuk (“HYK”) FC; and
- (b) ex-officio DC members and persons eligible for registration as electors in the HYK FC may only register in the HYK FC. The existing requirement, under which persons eligible for registration as electors in the Agriculture and Fisheries, Insurance and Transport FCs may only register in those FCs concerned, will continue.

### **Legislative Council (Amendment) Bill 2010**

7. Clauses 11 and 13(2)-(3) of the captioned Bill provide for the composition of the DC (second) FC and persons eligible to be

registered as electors for the FC. These provisions have reflected the Government's proposal. Clause 11 of the Bill provides that the DC (second) FC is composed of persons who are registered as electors for GCs but are not registered as electors for any of the FCs specified. Section 48(1) of the Legislative Council Ordinance (Cap. 542) provides that a person is entitled to vote at an election to return a Member for a constituency only if the person is registered as an elector for the constituency.

Constitutional and Mainland Affairs Bureau  
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