

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

**Legislative Council (Amendment) Bill 2010  
Proposed Committee Stage Amendments  
(Sections 1(4) and 37(1) of the Bill)**

**Introduction**

This paper sets out the Administration's proposed Committee Stage Amendments ("CSAs") to the Legislative Council (Amendment) Bill 2010 ("the Bill") to amend the commencement clause and the transitional provision for the first register of electors for the District Council (second) functional constituency ("DC (second) FC").

**Proposed amendment to the commencement clause**

2. At the meeting of the Bills Committee on 27 January 2011, we proposed to adopt the views of the Legal Adviser to amend the commencement date specified in clause 1(4)<sup>1</sup> of the Bill to the commencement of the fifth term of the Legislative Council in 2012 instead of the previous formulation of 1 October 2012.

3. The proposal was supported by the Members.

**Proposed amendments to the first register of electors for the DC (second) FC**

4. In light of the discussion at the Bills Committee and Members' views, we need to introduce technical amendments to Clause 37 of the Bill to reflect the arrangements to be adopted by the Electoral Registration Officer ("ERO") in respect of the voter registration ("VR") for the DC (second) FC. As a one-off transitional arrangement, the ERO will prepare the first register of electors for the DC (second) FC by using the 2011 geographical

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<sup>1</sup> Clause 1(2) provides that all sections of the Ordinance (except sections 24 and 37(2)) come into operation on the day on which the Legislative Council (Amendment) Ordinance 2010 is published in the Gazette for the purpose only of enabling arrangements to be made for the holding of the Election Committee subsectors election in 2011 and the holding of the Legislative Council ("LegCo") general election in 2012. According to clause 1(4) of the Bill, in so far as those provisions have not come into operation under clause 1(2), they come into operation on 1 October 2012.

constituency (“GC”) final register as the basis, and deleting from it the electors of the existing FCs and those who elect not to be registered in the DC (second) FC. For any person who, according to the VR procedures, elects to be registered in the DC (second) FC during the 2012 VR cycle, and any elector of the existing FCs<sup>2</sup> who elects to be registered in the DC (second) FC, they will be included in the first register of electors for the DC (second) FC.

5. The ERO will put in place appropriate measures to tie in with the VR arrangements for the DC (second) FC. The ERO will inform those GC electors who are not electors of the existing FCs that they will be registered in the DC (second) FC, unless they elect not to be so registered. Also, the ERO will inform those electors of the existing FCs<sup>3</sup> that they can choose to be registered in the DC (second) FC and not be registered as electors for the functional constituency for which the electors are currently registered as electors. This is consistent with the existing provision that an elector can choose to be registered in one FC if the elector is eligible for registration in more than one FC. The ERO will amend the VR application form in due course to facilitate persons applying for registration as electors to indicate their choice.

### **Advice sought**

6. The draft of the above proposed CSAs is set out at Annex.

7. Members’ views are sought on the above proposals and the proposed draft CSAs at Annex. Details of other amendments to the Bill proposed by the Government are set out in a separate paper.

Constitutional and Mainland Affairs Bureau  
February 2011

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<sup>2</sup> Not applicable to Heung Yee Kuk FC, Agriculture and Fisheries FC, Insurance FC, Transport FC and DC (first) FC.

<sup>3</sup> See Note 2.

Legislative Council (Amendment) Bill 2010

**Committee Stage**

Amendments to be moved by  
the Secretary for the Constitutional and Mainland Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
1(4)	By deleting “1 October 2012” and substituting “the commencement of the term of Office of the fifth term of office of the Legislative Council”.
37(1)	In the proposed section 6(1) of Schedule 3, by deleting “2012 provisional register of electors for geographical constituencies” and substituting “current GC register”.
37(1)	In the proposed section 6(1)(a)(i) of Schedule 3, by deleting everything after “persons” and substituting “whose names are in the current FC register”.
37(1)	In the proposed section 6(3) of Schedule 3, in the English text, by deleting “who” and substituting “whose name”.
37(1)	In the proposed section 6(3) of Schedule 3, by deleting paragraphs (a) and (b) and substituting— “(a) is in the current GC register; and (b) is not in the current FC register,”.
37(1)	In the proposed section 6(5) of Schedule 3, by deleting “who is registered in the 2012 provisional register of electors for any functional constituency ( <i>current constituency</i> ) (other than” and substituting “whose name is in the current FC register (except for”.
37(1)	In the proposed section 6(5)(b) of Schedule 3, by deleting everything after “will” and substituting “not be registered as an elector for the functional constituency for which the person is currently registered as an elector,”.
37(1)	In the proposed section 6 of Schedule 3, by adding— “(7) In this section— <i>current GC register</i> (現有地方選區登記冊) means the record comprising —

- (a) the final register of geographical constituencies published for 2011 under section 32; and
- (b) the records of the names and other relevant particulars of persons to be registered in the provisional register of geographical constituencies published for 2012 under section 32 in accordance with the regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541);

***current FC register*** (現有功能界別登記冊) means the record comprising —

- (a) the final register of functional constituencies published for 2011 under section 32; and
- (b) the records of the names and other relevant particulars of persons to be registered in the provisional register of functional constituencies (other than the District Council (second) functional constituency) published for 2012 under section 32 in accordance with the regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).”.