

**Extract from the minutes of meeting of
Panel on Constitutional Affairs on 18 October 2010**

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Proposed restrictions on LegCo Members who resign from their office to stand again in the by-elections

13. Dr Priscilla LEUNG said that she had put forth a draft Private Member's Bill proposing that LegCo Members in office who resigned at will would not be able to stand for the subsequent by-elections within the same term. She did not agree with the Administration's view that the draft Bill related to public expenditure or political structure and therefore could not be introduced by a LegCo Member according to Article 74 of the Basic Law ("BL"). She, however, envisaged that the draft Bill would stand little chance of being passed by LegCo if introduced. Dr LEUNG pointed out that there were other suggestions in the community such as the vacancy should be filled automatically by the candidates who obtained the second highest number of votes in the respective list and the direct substitution practice adopted in the National People's Congress election. Considering that the right to stand for election as guaranteed under BL 26 was not absolute, she urged the Administration to look earnestly into the suggestions and put forth its proposal to amend the LegCo Ordinance (Cap. 542) ("LCO") so as to impose restrictions on the eligibility of a Member who resigned in order to stand for election in the by-election to fill that vacancy.

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**Extract from the minutes of meeting of
Panel on Constitutional Affairs on 30 October 2010**

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Proposed restrictions on LegCo Members who resigned from their office to stand again in the by-elections

57. Mr WONG Kwok-hing asked the Administration to explain the reason for not including any legislative proposal in the local legislation to be enacted on the two electoral methods to amend the LegCo Ordinance (Cap. 542) ("LCO") for the purpose of imposing restrictions on the eligibility of a LegCo Member who resigned in order to stand again in the by-election to fill that vacancy. He expressed concern that a DC FC Member could by resigning set in motion the need to another by-election and called on the Administration to put forward legislative proposals to plug the loophole as soon as possible. Expressing support for plugging the loophole, Dr Priscilla LEUNG said that while she considered that it was appropriate to impose restrictions on LegCo Members who resigned at will to stand again in the by-elections within the same term of office, she agreed that the Administration should take time to study the issue in depth to put forward effective legislative proposals.

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