

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2719/98-99

Ref : CB2/BC/16/98

**Legislative Council Bills Committee on  
Legislative Council (Amendment) Bill 1999**

**Minutes of 7th meeting  
held on Wednesday, 30 March 1999 at 4:30 pm  
in the Chamber of the Legislative Council Building**

**Members Present** :

- Hon Ronald ARCULLI, JP (Chairman)
- Hon Cyd HO Sau-lan
- Dr Hon Raymond HO Chung-tai, JP
- Hon LEE Wing-tat
- Hon LEE Kai-ming, JP
- Hon NG Leung-sing
- Prof Hon NG Ching-fai
- Hon Mrs Selina CHOW, JP
- Hon CHEUNG Man-kwong
- Hon Bernard CHAN
- Hon CHAN Wing-chan
- Hon CHAN Kam-lam
- Dr Hon LEONG Che-hung, JP
- Hon LEUNG Yiu-chung
- Hon Gary CHENG Kai-nam
- Hon SIN Chung-kai
- Hon Andrew WONG Wang-fat, JP
- Hon WONG Yung-kan
- Hon Howard YOUNG, JP
- Hon YEUNG Yiu-chung
- Hon LAU Kong-wah
- Hon Mrs Miriam LAU Kin-ye, JP
- Hon Ambrose LAU Hon-chuen, JP
- Hon Emily LAU Wai-hing, JP
- Hon TAM Yiu-chung, JP

**Members:**  
**Absent**

Hon Margaret NG  
Hon MA Fung-kwok  
Hon Christine LOH  
Hon YEUNG Sum  
Hon LAU Wong-fat, GBS, JP  
Dr Hon TANG Siu-tong, JP  
Hon CHOY So-yuk

**Attending :**  
**by Invitation**

Mr TSANG Kin-shing

Mr WAI Hing-cheung

Mr LEUNG Kwok-hung

The Frontier

Mr LAI Wing-yiu

Ms Apple CHAN

Democracy 2000

Ms LAU ka-yee

Ms Ivy CHAN

Hong Kong Professional Teachers' Union

Mr CHAN Hung

Federation of Hong Kong Higher  
Education Staff Association

Prof Joseph LAI

Dr CHAN Che-wai

Hong Kong and Kowloon Poultry  
Dealers and Workers Association

Mr Wong Wing-lam

Mr HO Hung

Representatives of Chinese Medicine

Hong Kong Association of Traditional Chinese Medicine  
梅嶺昌會長

Sin-Hua Herbalists' and Herb Dealers' Promotion Society  
談靈鈞理事長

Hong Kong Chinese Herbalists Association  
何家昌理事長

Association of Hong Kong & Kowloon Practitioners of Chinese Medicine  
謝秉忠理事長

Hong Kong Acupuncturists Association  
黃輝波理事長

The Kowloon Chinese Herbalists Association  
尹子江會長

Asia-Pacific Traditional Medicine Exchange Association  
李煥昌副主席

Hong Kong International Association of Traditional Medicine  
葉濃華會長

China Society of Practitioners of Chinese Medicine  
吳奕本理事長

Hong Kong Traditional Chinese Medicine Orthopedic and Traumatic Association  
袁啟順理事長

**Clerk in Attendance** : Mrs Percy MA  
Chief Assistant Secretary (2) 3

**Staff in Attendance** : Mr Stephen LAM  
Assistant Legal Adviser 4

Mrs Eleanor CHOW  
Senior Assistant Secretary (2) 7

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## **I. Meeting with deputations**

The Chairman welcomed the individuals and deputations to the meeting.

Mr TSANG Kin-shing

(LC Paper No. CB(2) 1579/98-99(01))

2. Mr TSANG Kin-shing briefed members on his submission. He urged for the abolition of all Functional Constituency (FC) and Election Committee (EC) seats in the LegCo. He considered that all the 60 Members of the LegCo should be returned by Geographical Constituency (GC) elections under a “single seat, single vote” system. He did not understand why the Government adopted two different kinds of election systems for GC elections, namely the proportional representation system for the LegCo election and the “single seat, single vote” system for the District Councils (DCs) election. He considered that the DCs election was a retrogression of democracy, given that more than 100 members would be appointed or ex-officio members. He further urged that the Government should partially subsidise the election expenses of a candidate who secured a certain percentage of votes. He was also in support of no canvassing activities on the polling day and advance polling arrangements.

3. Mr Howard YOUNG said that some people were of the view that electioneering activities should be totally banned on the polling day, including activities undertaken by the Government to promote elections in general and display of election advertisements by candidates. He asked Mr TSANG for his views. Mr TSANG said that it was his view that the two types of activities mentioned by Mr YOUNG should be allowed on the polling day.

Mr WAI Hing-cheung

(LC Paper No. CB(2) 1579(02))

4. Mr WAI Hing-cheung said that his views were similar to those of Mr TSANG. Through direct election, suitable persons would be returned to the LegCo. This could not be achieved in a small circle election. As evident by the high turnout rate of the LegCo GC elections in 1998, the public supported direct election. He also urged the Government to seriously consider the proposal to reimburse election expenses to candidates because a candidate who failed in an election would suffer financial loss in term of election expenses incurred and possibly forfeiture of election deposit. While the amount of subsidy could be considered later, any subsidy granted should not be taxable.

Mr LEUNG Kwok-hung

(LC Paper No. CB(2) 1661/98-99(01))

5. Mr LEUNG Kwok-hung briefed members on his submission. He criticised that the electoral system proposed in the Bill was undemocratic. He said that all 60 LegCo Members and the Chief Executive (CE) should be returned by direct elections through the "one person, one vote" system. In this connection, a referendum should be conducted in 2000 on how the Basic Law should be amended to give effect to the high degree of autonomy enjoyed by the Hong Kong people as provided for in the Constitution of the People's Republic of China and the Basic Law.

The Frontier

(LC Paper No. CB(2) 1580/98-99(02))

6. A representative of the Frontier said that the word "製造" in line 4 of paragraph 6 of the submission should read "建造". He then briefed members on the submission. In sum, the Frontier criticised that the Government was undemocratic and the Bill contravened the spirit of the Basic Law, the International Covenant on Civil and Political Rights and the Bill of Rights. It opposed FC and EC elections and advocated that all LegCo Members should be elected by universal suffrage to ensure that the basic rights of the people were safeguarded.

Democracy 2000

(LC Paper No. CB(2) 1580/98-99(03))

7. A representative of the Democracy 2000 said that the following amendments should be made to the submission -

- (a) to add "言" after the word "宣" in line 3 of paragraph 3; and
- (b) to replace the year "95" with "94" in line 1 of paragraph 7.

8. She then briefed members on the submission which was similar to that of the Frontier. Democracy 2000 urged that the elections of the CE, members of the representative system of government in the next term should be by universal suffrage.

Hong Kong Professional Teachers' Union (HKPTU)

(LC Paper No. CB(2) 1590/98-99(04))

9. A representative of the HKPTU briefed members on the submission. The HKPTU proposed that the Basic Law should be amended to the effect that all 60 seats of the LegCo should be returned by direct election from 2000 onwards under the "one person, one vote" system.

Federation of the Higher Education Staff Associations (FHESA)

(LC Paper No. CB(2) 1807/98-99(01))

10. At the invitation of the Chairman, representatives of the FHESA said that they were elected by members through a “one person, one vote” system. At present, there were 10 tertiary institutions including the eight universities funded by the University Grants Committee, the Open University and Shue Yan College. A total of some 7 000 teaching and administrative staff were employed by these institutions. In 1997, an amendment to the 1998 LegCo Bill to establish a new FC for higher education was negated by three votes. The FHESA proposed to set up a Higher Education FC in the 2000 LegCo election on the following grounds -

- (a) The higher education sector had no vested interest as it was not supported by any commercial undertakings. It was able to offer fair and impartial professional advice;
- (b) Human resources were the most precious resources in Hong Kong. The higher education sector was responsible for nurturing talents. If it was able to secure a seat in the LegCo, it would be able to take part in the conduct of public affairs more effectively. It would contribute to the betterment of Hong Kong;
- (c) The higher education sector was in the forefront of technological development. It was fully aware of the future trend and would explore technological innovations for industrial purpose to cater for the need of enterprises and to tie in with the policies of the Government; and
- (d) The nature and functions of higher education were different from those of basic education. Those engaged in higher education were intellectuals who were more often required to provide professional input and insight on social, economic and political issues.

11. Ms Emily LAU sought the views of the FHESA on the “one person, one vote” system. She pointed out that if the higher education sector was to be allocated a seat in LegCo, then the pre-school, primary/secondary, vocational and adult education sectors would also raise similar demand. She asked whether the FHESA considered such electoral arrangement fair.

12. The representatives of the FHESA replied that they in principle supported “one person, one vote”. However, this did not represent the views of the higher education sector because the issue had not been discussed among staff of the tertiary institutions. They opined that implementation of direct election alone would not resolve all the problems in Hong Kong. Since the Basic Law had provided for FC elections, it was based on this premise that the FHESA had put forward its proposal. The reason for FHESA to attend this meeting was to present the characteristics of the higher education sector so that Members could consider whether to support its proposal. In

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comparison with other educational sectors, the education attainment of the higher education sector was high and possibly the highest. It would contribute more to the future of Hong Kong.

13. In response to Mr Howard YOUNG as to which FC should be removed following the creation of a Higher Education FC, representatives of the FHESA replied that this was a matter for Members to decide.

14. Responding to Mr Andrew WONG as to whether members of FHESA had been consulted on the proposal, representatives of the FHESA said that the formation of the FHESA and the decision to secure a seat in the LegCo were endorsed at an annual meeting of the joint staff associations. Mr Andrew WONG said that if he was to represent the FHESA, he would not strive for an FC for higher education.

15. Mr LEUNG Yiu-chung suggested that the FHESA should consider securing a LegCo seat through direct election, if it was so keen to contribute their expertise to the community. Miss Cyd HO pointed out that in the 1998 LegCo election, a GC seat represented about 300 000 persons. However, the proposed FC for higher education would represent 7 000 persons only. She asked whether the FHESA considered the electorate differential reasonable. Representatives of the FHESA pointed out that one could only compare like with like and that it was inappropriate to draw a comparison between GCs and FCs. In fact, the size of some of the existing FCs was smaller than that of the proposed High Education FC. They reiterated that the proposal of the FHESA was made within the confines of the existing provisions in the Basic Law.

Hong Kong and Kowloon Poultry Dealers and Workers Association (HKKPDWA)  
(LC Paper No. CB(2) 1580/98-99(05))

16. A representative of the HKKPDWA briefed members on the submission. He said that members of HKKPDWA were not interested in politics in the past. However, in the aftermath of the avian flu crisis and having regard to the impact of the reorganisation of the structure for the provision of municipal services, the HKKPDWA wished to be included as an elector for the Wholesale and Retail FC. He pointed out that three other comparable trade associations were already included as electors in the Wholesale and Retail FC.

17. In response to Mr Andrew WONG and the Chairman, the representative said that HKKPDWA had two groups of members. The first group had more than 300 individual members engaged in the poultry trade. The second group had more than 100 members who were poultry retailers. The HKKPDWA was the only association representing the retailers in the trade.

Representatives of Chinese Medicine  
(LC Paper Nos. CB(2) 1579/98-99(03) and (05))

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18. Members noted that representatives of 10 associations of Chinese medicine were present at the meeting. They represented the views of the 24 associations which had sent in a joint submission at paper (03).

19. At the invitation of the Chairman, Representatives of Chinese medicine briefed members on the submission. They said that with the abolition of the Urban Council FC and the Regional Council FC, they hoped that one of the vacant seats would be allocated to the Chinese Medicine FC on the grounds that -

- (a) Socially, Chinese medicine had effectively protected and contributed to the health of millions of people in Hong Kong for hundreds of years;
- (b) Politically, Article 138 stipulated that the Hong Kong Special Administratively Region should formulate policies to develop Western and traditional Chinese medicine and to improve medical and health services;
- (c) Economically, the Chief Executive had committed to develop Hong Kong into an international centre for Chinese medicine. In fact, import and re-export of Chinese medicines amounted to \$3-4 billions and \$7-8 billions respectively in 1997, excluding those traded in the black market; and
- (d) The Chinese Medicine Bill which made provisions for the registration of practitioners in Chinese medicine, the licensing of traders in Chinese medicine and the registration of proprietary Chinese medicine was under scrutiny by LegCo and was expected to be passed sometime this year.

20. Dr LEONG Che-hung asked about the basis for delineation of the electorate for the proposed FC, i.e. whether it should comprise registered Chinese medicine practitioners only or should also include those who were involved in Chinese medicines.

21. Representatives of Chinese medicine replied that if a Chinese Medicine FC was created, registered Chinese medicine practitioners should form the basis of the electorate. However, pending registration of Chinese medicine practitioners, consideration could be give to include the following as electors for the proposed Chinese Medicine FC -

- (a) the 7 000 odd Chinese medicine practitioners registered by the Preparatory Committee on Chinese Medicine in 1995; or
- (b) Members of the 24 associations who made the joint submission to this Bills Committee.

22. In response to members, representatives of Chinese medicine agreed that there



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was duplication of membership among the 24 associations. They also supplemented that the number of Chinese medicine practitioners could be more than 7 000, given that some practitioners had not taken part in the registration exercise in 1995. According to a survey conducted by the Preparatory Committee on Chinese Medicine in 1997, there were a total of 47 associations engaged in traditional Chinese medicine.

23. Ms Emily LAU reiterated her stance on direct election and advised the representatives of Chinese medicine that as a matter of principle, she would not support the creation of any FCs.

24. In response to Mrs Miriam LAU, the Chairman said that other written submissions would be considered at a future meeting.

*(Post-meeting note : The Administration's response to written submissions was circulated to members vide LC Paper No. C(2)1658/98-99(05) on 5 May 1999)*

**II. Date of next meeting**

25. Members noted that the next meeting would be held on 14 April 1999 at 2:30 pm.

26. The meeting ended at 6:15 pm.

Legislative Council Secretariat  
30 August 1999