

**MRS MIRIAM LAU** (in Cantonese): Madam Chairman, I move the addition of item 45A to Schedule 1A in clause 42 as set out in the paper circularized to Members. This is to include the Hong Kong (Cross Border) Transportation Drivers' Association in the Transport Functional Constituency.

The Government objects to the inclusion of this association in the Transport Functional Constituency on the ground that this association, founded in July 1998, has been set up for less than one year. Moreover, it has not joined the road transport advisory committee of the Transport Department. So, the Government does not consider that it is a transport association with wide representation. I agree that the association under a previous amendment was established in 1988 and this is absolutely true while the Hong Kong (Cross Border) Transportation Drivers' Association was founded more recently in 1998. I admit that I would never invent the founding date of these associations for I consider it very important. I would also demand the association concerned to submit all relevant documents before I would present their case to the Government.

This association was established in July. Many of its members were the executive committee members of the Organization of Hong Kong Drivers. Perhaps they split off it because of disagreement between them. The Hong Kong (Cross Border) Transportation Drivers' Association now comprises 700 members. So they have a high degree of representation, especially in the field of freight transportation, and they are fully familiar with cross-border transportation.

As regards the Government's comment that they have not joined the road transport advisory committee of the Transport Department, I think this may not be totally true. They probably have not attended the committee in a very formal way. As far as I know, the government officials of the Transport Department contacted them on many transport issues. Yesterday, there was a major traffic jam at Huanggang Port and Lok Ma Chau. It has long been a problem. The Transport Department and the Customs and Excise Department, together with representatives of the transportation sector, went to China yesterday to discuss with the mainland authority to find out measures which could be implemented to alleviate the cross-border traffic problem. The Hong Kong (Cross Border) Transportation Drivers Association was also invited by the Transport Department to join the visit yesterday. I do not agree that the Transport Department should take the presence or the role of the association

lightly.

As regards whether the association has wide representation, I believe that without an objective criterion, it is really difficult for us to definite "wide representation". At present, the 700 members of the association are all representatives of the sector and engaged in freight transportation. Is the association not representative enough? Is it true to say that the association does not have wide representation? I think the association should at least have sufficient representation. As regards whether its representation is wide enough, I think it has sufficient representation to be included in the Transport Functional Constituency unless the Government can lay down some other criteria.

With these remarks, I urge Members to support this amendment. Thank you.

*Proposed amendment*

**Clause 42 (see Annex III)**

**CHAIRMAN** (in Cantonese): Does any Member wish to speak?

(No Member indicated a wish to speak)

**CHAIRMAN** (in Cantonese): Secretary for Constitutional Affairs, do you wish to speak?

(The Secretary for Constitutional Affairs indicated that he did not wish to speak)

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That Mrs Miriam LAU's amendment be passed. Will those in favour please raise their hands?

(Members raised their hands)

**CHAIRMAN** (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mrs Miriam LAU rose to claim a division.

**CHAIRMAN** (in Cantonese): Mrs Miriam LAU has claimed a division. The division bell will ring for one minute.

**CHAIRMAN** (in Cantonese): Voting shall now begin.

**CHAIRMAN** (in Cantonese): Are there any queries? I declare that voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr James TIEN, Mr Edward HO, Dr Raymond HO, Mr Eric LI, Mr LEE Kai-ming, Mrs Selina CHOW, Mr Ronald ARCULLI, Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat and Mrs Miriam LAU voted for the motion.

Mr Michael HO, Dr LUI Ming-wah, Mr CHEUNG Man-kwong, Mr CHAN Wing-chan, Mr SIN Chung-kai, Mr LAW Chi-kwong, Mr FUNG Chi-kin and Dr TANG Siu-tong voted against the motion.

Geographical Constituencies and Election Committee:

Mr Albert HO, Mr LEE Wing-tat, Mr Martin LEE, Miss Christine LOH, Miss CHAN Yuen-han, Mr SZETO Wah, Mr TAM Yiu-chung, Mr David CHU, Mr NG Leung-sing, Mr CHAN Kam-lam, Mr YEUNG Yiu-chung and Mr Ambrose LAU voted against the motion.

Mr Gary CHENG, Mr Jasper TSANG, Prof NG Ching-fai and Mr MA Fung-  
kwok abstained.

THE CHAIRMAN, Mrs Rita FAN, did not cast any vote.

THE CHAIRMAN announced that among the Members returned by functional constituencies, 19 were present, 11 were in favour of the motion and eight against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 17 were present, 12 were against the motion and four abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negatived.

**MRS MIRIAM LAU** (in Cantonese): Madam Chairman, I move the addition of item 46A to Schedule 1A in clause 42 as set out in the paper circularized to Members. This is to include the Hong Kong Fresh Fruit Transportation Association into the Transport Functional Constituency.

I believe the fresh fruit transportation sector is similar to the poultry trade represented by Mrs Selina CHOW since both of them belong to a unique commercial activity. Mrs Selina CHOW represents the retail and wholesale sector while I represent the transport sector.

The Government opposes the inclusion of the Hong Kong Fresh Fruit Transportation Association into the Transport Functional Constituency on the ground that it represents companies engaged in fresh fruit transportation — this is absolutely true as reflected by its name. Also, it has never participated in the road transport advisory committee of the Transport Department. Hence, the Government does not agree that this is a transport association with wide representation in the sector. I would like to point out that many electors in the Transport Functional Constituency do not necessarily meet the criteria on which the association is rejected by the Constitutional Affairs Bureau. In other words, they must have wide representation and be consulted on road transport issues by the Transport Department.

Let me give Members an example. The young children school buses which serve children passengers are also categorized as a kind of passenger transportation. What difference does it make when compared with any other kind of cargo transportation? In fact, it does not. Why, then, can the young children school buses be included in the constituency? It is because the business is unique and should be represented in the constituency to reflect the special needs of the business. In the same line of thought, fresh fruit transportation is different from other transportation industry. Fresh fruit transportation is carried out in the evening which is completely different from other cargo transportation trades. In view of their uniqueness, the Government had earlier included the young children school buses in the Transport Functional Constituency. Similarly, the Government had also included the concrete delivery lorries into the constituency to ensure their special needs be voiced in view of their uniqueness. Why does the Government now say that the fresh fruit transportation sector cannot be included in the constituency because it lacks wide representation? I feel that the Government is applying double standards. Some unique trades are included while the unique fresh fruit transportation sector is not.

I would like to tell Members that the association, founded in 1995, currently comprises 600 members. Other government departments have also consulted the Hong Kong Fresh Fruit Transportation Association on many other issues, such as the traffic problem around the fruit wholesale market. The Government, when designing and making traffic and transportation arrangements for the Cheung Sha Wan Wholesale Market, had also consulted the association. Hence, the Government does not deny the value or the importance of the association. Only the Constitutional Affairs Bureau thinks that the representation of the association is not wide enough and that the association has never been consulted by the Transport Department. So, it rejects the inclusion of the association into the Transport Functional Constituency. Since the reason held in this case by the Bureau is not sufficient, I hope Members can support my amendment. Thank you.

*Proposed amendment*

**Clause 42 (see Annex III)**

**CHAIRMAN** (in Cantonese): Does any Member wish to speak?

(No Member indicated a wish to speak)

**CHAIRMAN** (in Cantonese): Secretary for Constitutional Affairs, do you wish to speak?

(The Secretary for Constitutional Affairs indicated that he did not wish to speak)

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That Mrs Miriam LAU's amendment be passed. Will those in favour please raise their hands?

(Members raised their hands)

**CHAIRMAN** (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mrs Miriam LAU rose to claim a division.

**CHAIRMAN** (in Cantonese): Mrs Miriam LAU has claimed a division. The division bell will ring for one minute. *(Members were entering the Chamber one after another)*

**CHAIRMAN** (in Cantonese): I hope Members will remain in the Chamber for a short while after voting so that they do not have to hasten back. *(Laughter)*

**CHAIRMAN** (in Cantonese): Are there any queries? If not, the result will now be displayed.

Functional Constituencies:

Mr James TIEN, Mr Edward HO, Dr Raymond HO, Mr Eric LI, Mr LEE Kai-ming, Mrs Selina CHOW, Mr Ronald ARCULLI, Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat and Mrs Miriam LAU voted for the

motion.

Mr Michael HO, Dr LUI Ming-wah, Mr CHEUNG Man-kwong, Mr LAW Chi-kwong, Mr FUNG Chi-kin and Dr TANG Siu-tong voted against the motion.

Mr CHAN Wing-chan abstained.

Geographical Constituencies and Election Committee:

Mr Albert HO, Mr LEE Wing-tat, Mr Martin LEE, Miss Christine LOH, Mr SZETO Wah, Mr TAM Yiu-chung, Mr David CHU, Mr NG Leung-sing, Mr Ambrose LAU and Miss Choy So-yuk voted against the motion.

Miss CHAN Yuen-han, Mr Gary CHENG, Mr Jasper TSANG, Prof NG Ching-fai, Mr MA Fung-kwok, Mr CHAN Kam-lam and Mr YEUNG Yiu-chung abstained.

THE CHAIRMAN, Mrs Rita FAN, did not cast any vote.

THE CHAIRMAN announced that among the Members returned by functional constituencies, 18 were present, 11 were in favour of the motion, six against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 18 were present, 10 were against the motion and seven abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negatived.

**MRS MIRIAM LAU** (in Cantonese): Madam Chairman, I move the addition of item 52A to Schedule 1A in clause 42 as set out in the paper circularized to Members. This is to include the Hong Kong Mid-stream Operators Association

into the Transport Functional Constituency.

Madam Chairman, the Government opposes the inclusion of the Hong Kong Mid-stream Operators Association into the Transport Functional Constituency. Founded in January 1999, the establishment of the association is quite recent. The Government told us that two of the nine corporate members of the association have been included as eligible electors of the FC. The Bill has also proposed the inclusion of another one. In other words, three out of the nine members of the association have been included in the FC. For the rest, none of them is a large scale mid-stream operator. In moving my first amendment, I mentioned that the Government had in fact laid down a criterion that small companies would be barred from joining the constituency if the large ones had already been included. The Hong Kong Mid-stream Operators Association, which comprises nine members, handles over 90% of mid-stream cargo movement in Hong Kong. In other words, these nine companies handle 90% of Hong Kong's mid-stream cargo movement, representing a very large share of the market. Among these companies, three have been included in the Transport Functional Constituency. The Government told us that since these three companies can represent the other six, the latter should have their mouths shut. I feel that such criterion is rather puzzling as electors should not be discriminated on the basis of their scale of operation. Theoretically, I can include these six small scale operators into the constituency. But the association is not so greedy. It told me that the other six companies, due to their small scale operation, could be represented in the name of the association. This is because a majority can be formed by having six votes among the nine votes in the association. So, if the association is included into the constituency, it can represent the six companies which have not been included. Unless Members agree that small companies should be precluded once large companies have been incorporated into the FC, or unless Members agree to the Government's discriminatory attitude towards the electors, I hope Members can support my amendment. Thank you, Madam Chairman.

*Proposed amendment*

**Clause 42 (see Annex III)**

**CHAIRMAN** (in Cantonese): Does any Member wish to speak?



(No Member indicated a wish to speak)

**CHAIRMAN** (in Cantonese): Secretary for Constitutional Affairs, do you wish to speak?

(The Secretary for Constitutional Affairs indicated that he did not wish to speak)

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That Mrs Miriam LAU's amendment be passed. Will those in favour please raise their hands?

(Members raised their hands)

**CHAIRMAN** (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mrs Miriam LAU rose to claim a division.

**CHAIRMAN** (in Cantonese): Mrs Miriam LAU has claimed a division. The division bell will ring for one minute.

**CHAIRMAN** (in Cantonese): I would like to ask Mrs LAU a question before voting. Will you claim divisions for the other two amendments that you move later?

**MRS MIRIAM LAU** (in Cantonese): Madam Chairman, I will claim a division.

**CHAIRMAN** (in Cantonese): In that case, I need not ask Members to raise their hands.

**CHAIRMAN** (in Cantonese): Will Members please proceed to vote.

**CHAIRMAN** (in Cantonese): Are there any queries? I declare that voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr James TIEN, Mr Edward HO, Dr Raymond HO, Mr Eric LI, Mr LEE Kai-ming, Mrs Selina CHOW, Mr Ronald ARCULLI, Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat and Mrs Miriam LAU voted for the motion.

Mr Michael HO, Dr LUI Ming-wah, Mr CHEUNG Man-kwong, Mr LAW Chi-kwong, Mr FUNG Chi-kin and Dr TANG Siu-tong voted against the motion.

Mr CHAN Wing-chan and Mr WONG Yung-kan abstained.

Geographical Constituencies and Election Committee:

Prof NG Ching-fai and Mr MA Fung-kwok voted for the motion.

Mr Albert HO, Mr LEE Wing-tat, Mr Martin LEE, Miss Christine LOH, Mr SZETO Wah, Mr TAM Yiu-chung, Mr David CHU, Mr NG Leung-sing, Mr Ambrose LAU and Miss CHOY So-yuk voted against the motion.

Miss CHAN Yuen-han, Mr Gary CHENG, Mr Jasper TSANG, Mr CHAN Kam-lam and Mr YEUNG Yiu-chung abstained.

THE CHAIRMAN, Mrs Rita FAN, did not cast any vote.

THE CHAIRMAN announced that among the Members returned by functional constituencies, 19 were present, 11 were in favour of the motion, six against it and two abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 18 were present, two were in favour of the motion, 10 against it and five abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negatived.

**MRS MIRIAM LAU** (in Cantonese): Madam Chairman, I feel more and more encouraged as the number of votes in support of me is gradually on the rise and the number of votes against me is gradually on the decrease. I hope that at least one of my remaining amendments can be passed. I will continue to try my best.

Madam Chairman, I move the addition of item 65A to Schedule 1A in clause 42 as set out in the paper circularized to Members. This is to include the Hong Kong Taxi and Public Light Bus Association Limited in the Transport Functional Constituency.

The Government opposes the inclusion of this association into the Transport Functional Constituency on the ground that there is already adequate representation of the whole taxi and public light bus trade in the current electorate composition. Hence, the Government opposes this proposal. The reason is exactly the same as that for the rejection of the Golden Link Taxi Owners and Drivers Association as mentioned earlier. Founded in 1994, the Hong Kong Taxi and Public Light Bus Association Limited has been set up for a number of years. It now comprises more than 300 members. The Government opposes the inclusion of this association on rather flimsy ground. It just reiterated its position and commented that representation was sufficient. On that basis, addition of any elector, no matter it is a taxi association or public light bus association, is barred. On the other hand, the Government did not respond to the question why this association should not be included in the Transport Functional Constituency. I would like to remind the Secretary that if he still refuses to respond, the number of votes in support of my amendment may rise sharply and my amendment may be passed. So, I urge the Secretary to actively respond to my queries. Thank you, Madam Chairman.

*Proposed amendment***Clause 42 (see Annex III)**

**CHAIRMAN** (in Cantonese): Does any Member wish to speak?

(No Member indicated a wish to speak)

**CHAIRMAN** (in Cantonese): Secretary for Constitutional Affairs, do you wish to speak?

(The Secretary for Constitutional Affairs indicated that he did not wish to speak)

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That Mrs Miriam LAU's amendment be passed. Since Mrs Miriam LAU has already claimed a division, the division bell will ring for one minute.

**CHAIRMAN** (in Cantonese): If there are no queries, I declare that voting shall now stop and the result will be displayed.

**Functional Constituencies:**

Mr James TIEN, Mr Edward HO, Dr Raymond HO, Mr Eric LI, Mr LEE Kai-ming, Mrs Selina CHOW, Mr Ronald ARCULLI, Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat and Mrs Miriam LAU voted for the motion.

Mr Michael HO, Dr LUI Ming-wah, Mr LAW Chi-kwong, Mr FUNG Chi-kin and Dr TANG Siu-tong voted against the motion.

Mr CHAN Wing-chan and Mr WONG Yung-kan abstained.

Geographical Constituencies and Election Committee:

Mr Albert HO, Mr Martin LEE, Miss Christine LOH, Mr SZETO Wah, Mr TAM Yiu-chung, Mr NG Leung-sing, Mr Ambrose LAU and Miss CHOY So-yuk voted against the motion.

Miss CHAN Yuen-han, Mr Gary CHENG, Mr Jasper TSANG, Prof NG Ching-fai, Mr MA Fung-kwok, Mr CHAN Kam-lam and Mr YEUNG Yiu-chung abstained.

THE CHAIRMAN, Mrs Rita FAN, did not cast any vote.

THE CHAIRMAN announced that among the Members returned by functional constituencies, 18 were present, 11 were in favour of the motion, five against it and two abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 16 were present, eight were against the motion and seven abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negatived.

**MRS MIRIAM LAU** (in Cantonese): Madam Chairman, I shall be brief. This is my last amendment. I would like to urge Members to allow at least this last association to be included in the Transport Functional Constituency if they think that the Government's justification against my amendment is invalid.

Madam Chairman, I move the addition of item 122A to Schedule 1A in clause 42 as set out in the paper circularized to Members. This is to include the Rights of Taxi Owners and Drivers Association Limited in the Transport Functional Constituency.

The Rights of Taxi Owners and Drivers Association Limited was established early last year. With a history of only a year or so, the executive

committee members and those who promote the establishment of the association have in fact been engaged in the trade for a long time. Being former members of other taxi associations, they set up their own association because of difference of opinion.

The Government said earlier that some taxi associations lacked sufficient representation. But this association, which now comprises more than 300 members, has formally been included by the Transport Department as one of the transport bodies under regular consultation. On that basis, I think they have sufficient representation which at least entitles them to be included in the Transport Functional Constituency. Doing solid work in the sector, they have been fighting for the rights and interests of the taxi trade. Unless Members support the Government's foregoing argument that there is already sufficient representation for the taxi and public light bus industry and no more new association should be added, I urge Members to consider each association's mode of composition and operation, history, and status in the eyes of the Transport Department before deciding whether it should be included in the transport FC.

I hope Members can understand that this is the last amendment I propose. I hope Members can indicate their disagreement with the Government's flimsy justification against my amendment by lending me their support. Thank you.

*Proposed amendment*

**Clause 42 (see Annex III)**

**CHAIRMAN** (in Cantonese): Does any Member wish to speak?

**MR JAMES TIEN** (in Cantonese): Madam Chairman, this is the last chance of Mrs Miriam LAU in this evening. I hope that Mr Martin LEE, as chairman of the Democratic Party, can consider the amendment since it concerns rights and interests. Normally, Members of the Democratic Party will show immediate support by raising their hands whenever they see the words "rights" and "interests". We are usually the opposition party. So, I hope that Mr Martin LEE can reconsider the amendment on behalf of the Democratic Party because it is a matter of rights and interests. I hope he will support Mrs Miriam LAU.

**MR MARTIN LEE** (in Cantonese): Unfortunately, the word "democracy" is missed out.

**CHAIRMAN** (in Cantonese): Secretary for Constitutional Affairs, do you wish to speak?

(The Secretary for Constitutional Affairs indicated that he did not wish to speak)

**CHAIRMAN** (in Cantonese): Mrs Miriam LAU, do you wish to reply?

**MRS MIRIAM LAU** (in Cantonese): I think it is not necessary. Madam Chairman, I just want to urge Members not to be rigid because, as I explained earlier, this amendment has nothing to do with Article 74 of the Basic Law. I would like to reiterate that they should have no other choice and should support my amendment unless they think that the Government's justification is tenable. Thank you.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That Mrs Miriam LAU's amendment be passed. Since Mrs Miriam LAU has already claimed a division, the division bell will ring for one minute.

**CHAIRMAN** (in Cantonese): If there are no queries, I declare that voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr James TIEN, Mr Edward HO, Dr Raymond HO, Mr Eric LI, Mr LEE Kai-ming, Mrs Selina CHOW, Mr Ronald ARCULLI, Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat and Mrs Miriam LAU voted for the motion.

Mr Michael HO, Dr LUI Ming-wah, Mr HUI Cheung-ching, Mr LAW Chi-kwong, Mr FUNG Chi-kin and Dr TANG Siu-tong voted against the motion.

Mr CHAN Wing-chan and Mr WONG Yung-kan abstained.  
Geographical Constituencies and Election Committee:

Mr Martin LEE, Miss Christine LOH, Dr YEUNG Sum, Mr TAM Yiu-chung, Mr NG Leung-sing, Prof NG Ching-fai, Mr Ambrose LAU and Miss CHOY So-yuk voted against the motion.

Miss CHAN Yuen-han, Mr Gary CHENG, Mr Jasper TSANG, Mr MA Fung-kwok, Mr CHAN Kam-lam and Mr YEUNG Yiu-chung abstained.

THE CHAIRMAN, Mrs Rita FAN, did not cast any vote.

THE CHAIRMAN announced that among the Members returned by functional constituencies, 19 were present, 11 were in favour of the motion, six against it and two abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 15 were present, eight were against the motion and six abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negatived.

**CHAIRMAN** (in Cantonese): Next are three amendments to be moved by Mrs Selina CHOW to include three organizations as voters in the Wholesale and Retail Functional Constituency.

**MRS SELINA CHOW** (in Cantonese): Madam Chairman, I believe Members are tired down by the discussions. I am no exception too. I do not intend to repeat the comments raised by Members earlier except that I wish to remind Members that, as the Secretary has already stated just now, the amendments I am going to move have nothing to do with Article 74 of the Basic Law. How



useful is it? I do not know. Just now, Mrs Miriam LAU tried this tactic. In spite of the fact that the Secretary has pointed out that they are unrelated, some people still fully support the Government though the arguments advanced by the Government are not well-founded. We really have to scratch our heads if the Government said it was not too clear about those bodies set up in 1988.

I hope Members may have a more direct understanding of the three bodies I am going to talk about. The bodies that Mrs Miriam LAU mentioned just now are more specialized. We do not necessarily understand each of them. As for the several associations I am going to mention, Members can, through their respective districts, or through such contacts as social contacts, or even through the information provided by the associations, clearly see that they have a long history and definite representativeness. It is undeniable that there is a very strong justification for these associations to join the FC (that is, the Wholesale and Retail Functional Constituency).

Just now, an Honourable colleague asked me why the Government reacted so strongly. Is there any political consideration for the Government in rejecting such demands? I do not understand it either. What political consideration could there be? These associations have no strong connection with a certain person or me. Is it "vote rigging"? No. Perhaps it is because they will invite me to attend their annual general meetings. In the meetings, I will be able to meet Members from different parties and government officials. There is absolutely no political consideration. The Government did say that there might be some irregularities with their constitutions. In fact, the constitutions of the existing 90 associations in the Wholesale and Retail Functional Constituency are similar. As far as I can see, many associations and constitutions will definitely define their scopes in a broad manner. But we must note two things: first, the nature of the relevant association and its membership; second, whether the association is able to gain wide acceptance in the trade and is recognized as representative. These are very important too.

Earlier, I heard the Secretary Michael SUEN said that they were unable to make the assessment, and hence they had asked the relevant Policy Bureaux to make the assessment. What he needs to do is to listen to their opinion only because they are more specialized and they are responsible for the relevant policies. I would really want to know whether Mr SUEN has a good idea of the efforts these bureaux made for the purpose of making assessment. Have they contacted some of the associations to really understand their history and

representativeness? Perhaps Mr SUEN can respond to this point later. If they have not made such efforts, I think this is grossly unfair to these associations.

The vast majority of members from the associations under proposal can be said to be operators of small and medium enterprises. If someone asks me whether they should be classified as individuals or companies, I can only say that, frankly speaking, even they are not necessarily able to tell. Many of them are basically assuming both identities of an individual as well as a company, with many of them being mini-enterprises. I trust Members have read the appendices sent by me on 12 July in detail. So I am not going to repeat them here. In fact, during the discussions of the Bills Committee, the associations provided information to Members for reference. They also provided Members with information once again on knowing that we were going to move this amendment. It is for these reasons that I do not want to introduce their background one by one.

Now I am going to move the amendments. Madam Chairman, is it necessary for me to wait until the Secretary has responded before I can move the amendment? Before moving the amendments, I want to claim a division for the voting on each of the amendments moved by me in order to save time. But should I state the background of these associations one by one now, or should I do it after the Secretary has responded?

**CHAIRMAN** (in Cantonese): I suggest you to explain at this stage why you think the three bodies should be included into the FC and see what responses other Members will have.

**MRS SELINA CHOW** (in Cantonese): Perhaps I should briefly mention some information relating to the Hong Kong & Kowloon Confectionery, Biscuit and Preserved Fruit Wholesalers Association Limited. This association has a very long history and I think I need not go into the details. In fact, in the brief on the business of the Association I sent to Members, I have stated clearly that it was set up in 1967, the founders and objectives of the Association. This Association is made up of wholesalers. But the reason held by the Government

in opposing my amendment is that the scope of membership as laid down in the relevant article of association is too wide. I think this is really unacceptable. Why? This is because, actually, the 80-odd members are all wholesalers. This has been the case to date — the situation will also remain the same today as well as in future. The Secretary said that the matter would be handed to another Secretary who would advise him of the situation. But is the conclusion reached by the Secretary really trustworthy? I believe even the Secretary himself has doubts about it.

The second association is the Hong Kong and Kowloon Poultry Dealers and Workers Association. The Secretary has mentioned earlier that this amendment has nothing to do with Article 74. This Association should bear a closer relationship with markets in various geographical constituencies. Mr Jasper TSANG, Mr Gary CHENG and, perhaps, Dr YEUNG Sum, for example, should know the Association very well for there are markets in their respective constituencies. The retailers we are talking about are fundamentally lacking in sufficient representativeness. The existing associations in the relevant FC are all wholesalers. But what we are talking about is the Wholesale and Retail Functional Constituency, how can the Association be left out? Moreover, this Association has already been set up since 1974. The Government cannot exclude it simply by saying that its history is not long enough.

The last one is The Stanley Commerce Association Limited. I believe Mr Gary CHENG knows the association better than I do for he comes from the Stanley constituency. I believe every Member, not only Mr Gary CHENG, knows Stanley very well because everyone surely has visited it before. Members of the Association are all Stanley's small retail operators. Why are they not given any votes? This is because they cannot afford the \$7,000-odd membership fee to join the Hong Kong Tourist Association (HKTA). If they have joined the HKTA, they will have become members of the Association of Retailers and Tourism Services and then they will have their own representatives. But they are basically unwilling to pay the fee. I always asked them why they did not join the HKTA. The answer would invariably be that the membership fee is too high. It is simply impossible for these small operators to pay for the fee. Are these operators not retailers? It is evident to all that they have been in existence for a long time. Moreover, they serve not only the Hong Kong people, but also tourists from overseas countries.

It is really ridiculous for the Government to raise objection on the ground

that it is a local organization. First, it is not a local organization; second, even if it is a local organization, two of the organizations which have been included into the constituency are district-based. One of them is The Mongkok Vegetable Wholesale Merchants Association Company Limited and the other is the Shau Kei Wan Fishery Merchants Association. Are their respective districts not clearly specified? Actually, this Association from Stanley is not so localized. Its clients are actually very general. It is really very surprising that the Government has used this as an excuse to raise objection. I think Members should not accept such an argument. In particular, some Members sitting here know these associations very well and they know clearly what the associations are doing. Are the association members engaging in wholesale and retail distribution? Yes. Do these associations really exist? Have they existed for a long time? Yes, indeed. If the Government still insists on saying that they do not meet the criteria, I really do not know who can meet the Government's requirements. If this is really the case, then there is also a question of double standards where it is fine for those organizations which have been accepted, while others which meet the criteria will have to be left out and denied participation. I think the way the Government has handled the matter is hardly convincing to the public.

I hope Members can refrain from abstaining again and support me instead. We need to, through this incident, tell the Government, government officials that arguments without sufficient justifications are not going to stand. They cannot deceive Members by such means. It is also unacceptable to us that some officials from Policy Bureaux have acted in a totally rashly manner without making thorough understanding of and contacting these associations, and have told the Secretary for Constitutional Affairs hastily that the Government cannot admit these associations. I urge Members to think about it carefully and support me. Thank you, Madam Chairman.

*Proposed amendment*

**Clause 42 (see Annex III)**

**CHAIRMAN** (in Cantonese): Honorable Members, in response to my request, Mrs Selina CHOW has just given an introduction to the contents of the three amendments proposed by her. Members may now speak on the three amendments. After a while, we can vote on the amendments one after the other.

Does any Member wish to speak?

**DR YEUNG SUM** (in Cantonese): Madam Chairman, I would like to ask Mrs Selina CHOW a very simple question concerning the background of the Hong Kong & Kowloon Confectionery, Biscuit and Preserved Fruit Wholesalers Association Limited in item 12A, the Hong Kong and Kowloon Poultry Dealers and Workers Association in item 23A and The Stanley Commerce Association Limited in item 87A. The Democratic Party will oppose the amendment if these are corporate electors. Madam Chairman, we did not support Mrs Miriam LAU's amendments earlier also because of the same reason. I would like to ask Mrs Selina CHOW: Which one among these three will vote on individual basis? Can she brief us on that?

**MRS SELINA CHOW** (in Cantonese): Madam Chairman, as I was saying just now, most of these associations are small enterprises run by individuals since electors of the retail and wholesale sector do not vote on corporate basis. Electors of this sector are those who are on the membership list of these associations. All the three associations I have just mentioned can be described as individual operators. If you ask me its trading name, it may be Chan Wang, which can be the company name as well as the name of the member. There may be no distinct identity between the company and the individual. In a nutshell, the member is the individual himself. As a sole proprietor, he joins the association and votes in his own name. They are not corporate electors. Unlike the associations proposed in Mrs Miriam LAU's amendments, they do not vote in the name of the organization either.

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): I will very briefly respond to Mrs Selina CHOW's question just now as regards whether our Policy Bureaux understand the relevant situation. Actually, she has mentioned that she saw government officials participate in the annual activities of the commercial associations. Since the officials also represent the Government, the Government must be aware of the activities of these associations.

**CHAIRMAN** (in Cantonese): Mrs Selina CHOW, do you wish to reply?

**MRS SELINA CHOW** (in Cantonese): Madam Chairman, as far as I can remember, I am not sure whether every annual general meeting of each association was attended by government officials. But it is clear that apart from functions organized by The Stanley Commerce Association Limited for specific purpose, I am doubtful whether government officials have ever attended its other functions since it is a very small one. In fact, when we strive for certain goals, we will often contact government officials. But my main question just now is whether those responsible Policy Bureaux have tried to get a true understanding in the operation and representativeness of these associations in connection with their recent request for joining the Wholesale and Retail Functional Constituency. Do they have any understanding in the matter? How did they report to the Secretary for Constitutional Affairs? As far as I know, the Government has not sent anybody to contact them at all. This time when they requested for joining the FC, no one has ever taken the initiative in understanding the whole matter. The only exception is that some government officials have listened to the request and justification stated by the association's representatives in our Bills Committee. Apart from that, no other government officials have ever made direct contact with them or tried to understand the history and representativeness of these associations.

**CHAIRMAN** (in Cantonese): No government official or Member wishes to speak? I then invite Mrs Selina CHOW to move item 12A first, which is on the Hong Kong & Kowloon Confectionery, Biscuit and Preserved Fruit Wholesalers Association Limited.

**MRS SELINA CHOW** (in Cantonese): Madam Chairman, I move the addition of item 12A to Schedule 1C in clause 42 as set out in the paper circularized to Members. This amendment seeks to include the Hong Kong and Kowloon Confectionery, Biscuit and Preserved Fruit Wholesalers Association Limited in the Wholesale and Retail Functional Constituency.

*Propose amendment*

**Clause 42 (see Annex III)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That Mrs Selina CHOW's amendment be passed. We now proceed to a division and the division bell will ring for one minute.

**CHAIRMAN** (in Cantonese): For the benefit of those Members who have just entered the Chamber, I would like to remind them that we are now voting on Mrs Selina CHOW's amendment and they can refer to page 78 of the script.

**CHAIRMAN** (in Cantonese): Will Members please proceed to vote.

**CHAIRMAN** (in Cantonese): If there are no queries, I declare that voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr James TIEN, Mr Edward HO, Mr Michael HO, Dr Raymond HO, Mr Eric LI, Mr LEE Kai-ming, Mrs Selina CHOW, Mr Ronald ARCULLI, Mr CHEUNG Man-kwong, Mr Bernard CHAN, Dr LEONG Che-hung, Mrs Sophie LEUNG, Mr SIN Chung-kai, Mr Howard YOUNG, Mr LAU Wong-fat, Mrs Miriam LAU and Mr LAW Chi-kwong voted for the motion.

Dr LUI Ming-wah and Dr Philip WONG voted against the motion.

Miss Margaret NG, Mr HUI Cheung-ching, Mr CHAN Wing-chan, Mr WONG Yung-kan, Mr FUNG Chi-kin and Dr TANG Siu-tong abstained.

Geographical Constituencies and Election Committee:

Mr Albert HO, Mr LEE Wing-tat, Mr Martin LEE, Mr Fred LI, Mr James TO, Dr YEUNG Sum and Mr SZETO Wah voted for the motion.

Miss Christine LOH and Mr TAM Yiu-chung voted against the motion.

Miss CHAN Yuen-han, Mr Gary CHENG, Mr Jasper TSANG, Mr LAU Kong-wah, Mr NG Leung-sing, Prof NG Ching-fai, Mr MA Fung-kwok, Mr CHAN Kam-lam, Mr YEUNG Yiu-chung, Mr Ambrose LAU and Miss CHOY So-yuk abstained.

THE CHAIRMAN, Mrs Rita FAN, did not cast any vote.

THE CHAIRMAN announced that among the Members returned by functional constituencies, 25 were present, 17 were in favour of the motion, two against it and six abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 21 were present, seven were in favour of the motion, two against it and 11 abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negatived.

**CHAIRMAN** (in Cantonese): Mrs Selina CHOW, I now invite you to move the second amendment under your name.

**MRS SELINA CHOW** (in Cantonese): Madam Chairman, some colleagues have heard me saying earlier today that I would be defeated because of the abstainers. I hope this will not happen again though this may well be my own wishful thinking. I now move the addition of item 23A to Schedule 1C in clause 42. It seeks to include the Hong Kong and Kowloon Poultry Dealers and Workers Association in the Wholesale and Retail Functional Constituency as an elector.



*Propose amendment***Clause 42 (see Annex III)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That Mrs Selina CHOW's amendment be passed. The division bell will ring for one minute.

**CHAIRMAN** (in Cantonese): If there are no queries, I declare that voting shall now stop and the result will be displayed.

## Functional Constituencies:

Mr James TIEN, Mr Edward HO, Mr Michael HO, Dr Raymond HO, Mr Eric LI, Mr LEE Kai-ming, Mrs Selina CHOW, Mr Ronald ARCULLI, Mr CHEUNG Man-kwong, Mr Bernard CHAN, Dr LEONG Che-hung, Mrs Sophie LEUNG, Mr SIN Chung-kai, Mr Howard YOUNG, Mr LAU Wong-fat, Mrs Miriam LAU and Mr LAW Chi-kwong voted for the motion.

Dr LUI Ming-wah voted against the motion.

Miss Margaret NG, Mr HUI Cheung-ching, Mr CHAN Wing-chan, Dr Philip WONG, Mr WONG Yung-kan, Mr FUNG Chi-kin and Dr TANG Siu-tong abstained.

## Geographical Constituencies and Election Committee:

Mr Albert HO, Mr LEE Wing-tat, Mr Martin LEE, Mr Fred LI, Mr James TO, Dr YEUNG Sum and Mr SZETO Wah voted for the motion.

Miss Christine LOH and Mr TAM Yiu-chung voted against the motion.

Miss CHAN Yuen-han, Mr Gary CHENG, Mr Jasper TSANG, Mr LAU Kong-wah, Mr NG Leung-sing, Prof NG Ching-fai, Mr MA Fung-kwok, Mr CHAN Kam-lam, Mr YEUNG Yiu-chung, Mr Ambrose LAU and Miss CHOY So-yuk abstained.

THE CHAIRMAN, Mrs Rita FAN, did not cast any vote.

THE CHAIRMAN announced that among the Members returned by functional constituencies, 25 were present, 17 were in favour of the motion, one against it and seven abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 21 were present, seven were in favour of the motion, two against it and 11 abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negatived.

**CHAIRMAN** (in Cantonese): Mrs Selina CHOW, please move the third amendment under your name.

**MRS SELINA CHOW** (in Cantonese): Madam Chairman, I will make one last attempt. However, this is only a last-ditch effort by a dying person. I move the addition of item 87A to Schedule 1C in clause 42, and that is, to include The Stanley Commerce Association Limited as an elector under the Wholesale and Retail Functional Constituency (FC).

*Proposed amendment*

**Clause 42 (see Annex III)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mrs Selina CHOW be passed. As Mrs Selina CHOW has already indicated that she will claim a division, the division bell will ring for

one minute.

**CHAIRMAN** (in Cantonese): If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr James TIEN, Mr Edward HO, Mr Michael HO, Dr Raymond HO, Mr Eric LI, Mr LEE Kai-ming, Dr LUI Ming-wah, Mrs Selina CHOW, Mr Ronald ARCULLI, Mr CHEUNG Man-kwong, Mr Bernard CHAN, Dr LEONG Che-hung, Mrs Sophie LEUNG, Mr SIN Chung-kai, Mr Howard YOUNG, Mr LAU Wong-fat, Mrs Miriam LAU and Mr LAW Chi-kwong voted for the motion.

Miss Margaret NG, Mr HUI Cheung-ching, Mr CHAN Wing-chan, Dr Philip WONG, Mr WONG Yung-kan, Mr FUNG Chi-kin and Dr TANG Siu-tong abstained.

Geographical Constituencies and Election Committee:

Mr Albert HO, Mr LEE Wing-tat, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr Gary CHENG, Dr YEUNG Sum, Mr SZETO Wah and Prof NG Ching-fai voted for the motion.

Miss Christine LOH and Mr TAM Yiu-chung voted against the motion.

Miss CHAN Yuen-han, Mr Jasper TSANG, Mr LAU Kong-wah, Mr NG Leung-sing, Mr MA Fung-kwok, Mr CHAN Kam-lam, Mr YEUNG Yiu-chung, Mr Ambrose LAU and Miss CHOY So-yuk abstained.

THE CHAIRMAN, Mrs Rita FAN, did not cast any vote.

THE CHAIRMAN announced that among the Members returned by functional constituencies, 25 were present, 18 were in favour of the motion and seven abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 21 were present, nine were in favour of the motion, two against it and nine abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negatived.

**CLERK** (in Cantonese): Clauses 42 and 43 as amended.

**MR LEE CHEUK-YAN** (in Cantonese): Madam Chairman, thank you for giving me time out of your tight Agenda, to respond to what the Honourable James TIEN said about FCs during the Second Reading debate yesterday. After I had left the Chamber yesterday, Mr TIEN criticized me openly by saying that my fight for workers' interest was the cause for the relocation of the garment manufacturing factories. I think that he has really distorted the facts.

First of all, he has exaggerated our influence. How can we have such a great influence on the factories and make them move away from Hong Kong?

Secondly, Mr TIEN has also made Members of the labour sector sound like monsters by attributing the relocation of factories to labour rights. As the head of the Liberal Party, I think that Mr James TIEN's remarks should be justified, and I would like to ask what are his justifications? Ten years ago, I was not yet a Member of the Legislative Council, and representatives of the labour sector were few and far in between; however, the whole Legislative Council could be said to be dominated by the business sector at that time. That is why I think that Mr James TIEN's remarks are absolutely unintelligent. It would just be like saying that the garment factories are relocated to the Mainland because their operators have followed the lead of Mr TIEN to speculate in the real estate market ever since he has become a real estate agent. This is really unintelligent. I think we all know why the factories were relocated to the Mainland. This is because labour costs on the Mainland or, in other words, the manufacturing costs of Chinese goods is lower than that of Hong Kong. And why are their costs lower? This is because there is a big gap between the development of the two places. Local factory operators should well be aware that the local manufacturing costs have gone up because of the high land and property prices of Hong Kong. If we were to lay the blame somewhere, we

could only put the blame on these significant factors, and that were, the high land and property prices. The local manufacturing costs have gone up because of these factors and the factories have also been relocated to China for such reasons. What made me very disappointed was that Mr James TIEN still had a blind faith in the economic policy of Hong Kong when he talked about the FCs. He was still prejudiced towards the business sector, and thought that the prosperity of Hong Kong could only be maintained by adhering to the wishes of the business sector. If the Liberal Party thinks that we have to rely on the member of a political party to inform us on behalf of the business sector about the development of Hong Kong and the development of democracy, and if they wish to advocate the concept that economic development should be placed before everything else, then it should be up to the public to decide. However, it is a pity that the Liberal Party is still sentimentally attached to the FCs. If they think that directly elected Members are not on the side of the business sector, then they should run for direct elections. They should tell the 6 million-odd people of Hong Kong about their political platforms and political beliefs and give the people a choice and should not be contented with free political lunches.

Thank you, Madam Chairman.

**CHAIRMAN** (in Cantonese): Does any Member wish to speak?

**MR JAMES TIEN** (in Cantonese): Madam Chairman, it is not that I have not listened to what the Honourable LEE Cheuk-yan said. Actually, I was watching the television outside and listened carefully to Mr LEE's speech. I understand that he has responded to what I said yesterday, and I respect his opinions. I know that Mr LEE has his own views. Thank you, Madam Chairman.

**CHAIRMAN** (in Cantonese): If no more Members wish to speak, we will put clauses 42 and 43 as amended to the vote.

**CHAIRMAN** (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

**CHAIRMAN** (in Cantonese): Those against please raise their hands.

(No hands raised)

**CHAIRMAN** (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

**CLERK** (in Cantonese): New Clause 40B Chief Executive in Council may make regulations.

**MR CHEUNG MAN-KWONG** (in Cantonese): Madam Chairman, I move the addition of new clause 40B for the purpose of reimbursing election expenses to support candidates who are interested in Council work and in serving the public and who have secured the support of the public. If these candidates can secure the prescribed percentage of votes, then they should receive a subsidy, the amount of which is based on the number of votes they got.

The Democratic Party is of the view that candidates, no matter whether they are members of political parties or independent candidates, who run for the Legislative Council or District Councils Elections, do so with the objective of serving the community. We are of the opinion that for those who run for an election, in addition to their personal enthusiasm and past performances, publicity programs will have a crucial role to play in their electioneering activities. This is especially true after the Geographical Constituencies in the Legislative Council Election have been enlarged. Since the candidates have to reach out to a larger number of voters, the resources which they need to put into the election will also increase accordingly. In the 1998 Legislative Council Election, in many geographical constituencies, candidates on one voting list have to spend over \$1 million. If there are five seats in one constituency, then the maximum expenses will be as much as \$2.5 million. This is equivalent to the cost of a housing unit. Though candidates are not required to spend the maximum amount of prescribed election funds, they will still find it difficult to

raise the minimum amount of election funds in face of exorbitant election expenses. Some potential candidates may even abandon the thought of running for the elections because of financial reasons.

I would like to point out that fund-raising is not only a problem to independent candidates, but it is also a problem to candidates who have the support of political parties. While the Government does not have any policy to help the development of political parties, it has also failed to offer much assistance to individual candidates when they run for elections. Apart from two free mailing services and some limited television and radio time slots to allow the candidates to publicize their political platform, they would not have received the assistance of any electioneering publicity programmes. Moreover, the source of funding for local political parties, especially those which rely on the support of the general public, are very limited for they can only raise funds on the streets. Financially speaking, such political parties are placed at a very disadvantageous position in comparison to the political parties which are supported by business groups or Chinese-financed organizations. This is also a significant factor which has led to unfair and unbalanced developments in parties politics.

Madam Chairman, in order to ensure that our proposal is feasible and reasonable, the Democratic Party has made references to the electoral arrangements and forms of election subsidies of many countries before moving this amendment. In fact, it is not unusual for governments to offer subsidies for candidates to cover their election expenses, for this have been practised in countries like the United Kingdom, United States, Canada, Australia, Taiwan, Indonesia as well as over 10 countries in Europe. It is not something new for the governments of these countries to offer subsidies to candidates who run for elections, and such expenditure is already included as part of the countries' public expenditure. This practice has already been well-practised and well-tested. Such rules are also provided in the electoral rules of those countries, and the amount of subsidies a candidate obtains will depend on the number of votes he gets. Just take the example of Canada, in Canada only successful candidates or those who obtained 15% of the total number of votes are entitled to subsidies, the amount of which is subjected to 15% of the maximum amount of prescribed election expenses. In Australia which is nearer to us, if the candidates for parliamentary election or those who are on the voting list obtained 4% of the total number of valid votes, then they can get a subsidy of about HK\$7.7 per vote. As for Taiwan which is only at a shore's length from Hong

Kong, election expenses subsidy has already been in existence for quite a long time. At the recent legislative council election of Taiwan, political party members who have got 5% or more of the total number of votes may receive a subsidy which is equivalent to HK\$11.8 per vote per year. In Bulgaria, a political party or coalition which obtained more than 50 000 votes in the national assembly election, can advance half of the amount of the "estimated election expenses subsidy", whereas other candidates can obtain an interest-free loan.

The Democratic Party, having considered the fact that our Government does not have a very heavy financial burden and carefully made reference to successful subsidy models of other countries, would like to develop a fair model which will ensure that public funds will not be abused, is administratively simple and easily understood by members of the public, to encourage potential candidates who has the support of the public to run for elections. Under these principles, the Democratic Party has come up with a proposal which is both financially viable and consequentially acceptable: and that is, to determine the rate of subsidy in accordance with the number of votes a candidate obtained. If a candidate obtains 5% or more of the total number of valid votes, then there will be a subsidy of \$5 per vote. This is a moderate rate compared to the level of subsidy of the countries which we have make reference to. If we based our calculations on the situation of the 1998 election, the Government will only have to allocate \$7 million-odd to cover the subsidy incurred. With a population of 6 million to 7 million people in Hong Kong, this will work out to a dollar for each person, and should be considered to be a reasonable level.

Madam Chairman, the Government has estimated that the budget for the next Legislative Council Election will be as much as more than \$110 million, \$76 million of which will be spent on publicity exercise for voters registration. If 10% of this amount is used in providing a subsidy for the candidates, then I think it will certainly enhance the turnout rate of voters, and will be more in line with the objective of the Government's "Enhanced Productivity Programme". This is because only the candidates themselves will be fully aware of the needs of the voters. They will also be able to identify the targets of their publicity programmes, and make the best use of their resources. The election expenses incurred by the Government in 1998 is actually \$83 million-odd less than the original estimate, and the money thus saved could be used in providing a subsidy and the election results could also be significantly enhanced. According to the public opinion poll conducted by the Government, about 34% of the respondents



supported the provision of election subsidy. It is really rare for a new funding concept to have such a high rate of support, and we think that we are already off to a good start. The Democratic Party is of the opinion that if members of the public can be given a clearer understanding of the objective and effectiveness of election subsidy, and under a financial viable situation, Hong Kong can follow the example of other countries in offering our candidates some form of subsidies. The Government should take the lead by adopting some specific measures, in encouraging potential candidates, no matter whether they are rich or poor, to run for the elections.

Madam Chairman, with these remarks, I move the amendment.  
THE CHAIRMAN'S DEPUTY, DR LEONG CHE-HUNG, took the Chair.

**DEPUTY CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That new clause 40B be read the Second time.

**MR JASPER TSANG** (in Cantonese): Mr Deputy, the Honourable CHEUNG Man-kwong just said that the business sector political party, by which he is referring to the Liberal Party, does not have any financial problems; and the pro-China political party, by which he is referring to the Democratic Alliance for the Betterment of Hong Kong (DAB) and the Hong Kong Progressive Alliance (HKPA) do not have any problems either. So, it seems to me that this amendment has been tailored made for the Democratic Party. But anyway, this does not really matters, for I have always supported the idea that public funds should be used for subsidizing election expenses, and I have advocated this idea in this Council a long time ago. I first learned about some such cases when I went on a study tour to Australia in spring 1995 to study its election system. Later, I also learned that this system is also practised in other countries. As regards the method proposed by Mr CHEUNG Man-kwong for determining the amount for the subsidy, I have applied his method to some rough calculations and found that the election subsidy would not constitute a great portion of the Government's election expenditure budget. At least to me, this suggestion is very attractive. I have tried to lobby members of the DAB to support this amendment. However, the DAB is really very democratic — I do not know whether this is also true for other parties which keep up a democratic front — (*laughter*) and since members of our party have expressed different opinions during our liberal discussions, and I think that the opposing views are justified,

and I would like to seek Mr CHEUNG Man-kwong's advice regarding such views.

In moving his amendment, Mr CHEUNG Man-kwong just said that the objective of the proposal is to enable those who are interested in serving and working for the community, and supported by the voters, to secure the minimum funds. However, after considering the proposal in detail, we found that the funding method suggested by Mr CHEUNG Man-kwong will be particularly beneficial to big political parties. I am not singling out the Democratic Party, the DAB is also a big political party (*laughter*) and we will also benefit from this arrangement. But, even if this arrangement is to our benefit, we still have some doubts, and why is that? This is because for a political party, particularly one which has a large number of candidates running for the election, the amount of subsidies can always be carried forward to the next election. After the election, the Government will allocate a subsidy to the political parties in accordance with the percentage of votes they get, and the parties can retain this sum of money. When the next election comes, a big political party will have in possession a certain sum of money for election purposes, and this will be a great help to them. Moreover, if a certain political party has 100 candidates running for the District Council Election, even though if not all of the 100 candidates will win in the election, some may secure more votes than others. Taking the number of votes together, a big political party will certainly have more advantages over a small one. This practice is widely accepted in countries which Mr CHEUNG Man-kwong has just mentioned, because their party politics is better developed. Though these countries may still have some small political parties or independent candidates, it will only be very few in numbers. In general, after the election is held, the Government will subsidize the operations of these political parties with public funds. After accumulating this sum, the political party can run for another election and support new candidates. I think that is how the system works.

As regards to the objective of encouraging new candidates to take part in the elections, we (especially when the Democratic Party believes that the pace of democratization should be expedited) share the view that more and more seats should be returned by equal suffrage, and more people should run for elections. In other words, new candidates should take part in elections. We must admit that though there are already a few political parties in Hong Kong, we cannot allow them to monopolize the elections. We hope that new candidates, though they may not be members of the Democratic Party, DAB, Liberal party, HKPA

or the Frontier, will run in the elections. We also hope to see new independent candidates run for the elections. However, we think that the proposed subsidy will pose difficulties for newcomers. First of all, the candidates will only be able to have the "accounts settled" after the election, and receive the subsidy then. Secondly, the amount of subsidy will have to depend on the number of votes a candidate gets, and that means, the more votes, the greater will be the amount of subsidy. Therefore, the "newly popped up enterprises" or the "small-to-medium enterprises" will encounter difficulties when they first run in the elections. In the course of our discussions, some colleagues asked if public funds were to be allocated to subsidize the election activities, then perhaps more people would benefit if the existing scope of government subvention were expanded. As mentioned by Mr CHEUNG Man-kwong, the existing government subvention includes two rounds of free mail service and free radio time slots. Though the existing form of subsidy is very limited, it will be to the benefit of everyone. Every candidate, no matter whether he is a newcomer or a veteran, with or without a political party background, can all benefit from this form of subvention, once they run for the election. In other words, we can make sure that they can make use of these resources to launch their election campaign. They do not have to wait until after the election and after votes have been counted before they can receive any subsidies. Also, they do not have to wait until the next election to utilize the subsidy.

As regards the proposal of using public funds to subsidize election expenses, some of our Members have opposed to the mode of allocating the subsidy after the election, after considering the present state of our political development in respect of elections. However, in principle, I am personally in favour of the idea that more public funds should be used in supporting election activities, so that we can encourage more people to run for the elections. We all know that candidates, especially new or independent candidates who run for an election, will have to make a lot of sacrifices in terms of time and efforts, or maybe even their career. So, if we want to encourage candidates of a high calibre, and those with ideals and ability to run for the elections, I think that the Government has to provide them with more financial support. So, the DAB, based on a party decision, has to abstain from voting on today's amendment. Thank you, Mr Deputy.

**DR YEUNG SUM** (in Cantonese): Mr Deputy, the Honourable CHEUNG Man-kwong has moved today's amendment mainly in the hope that the

Government and the public will recognize the status and role of political parties. That is why he has proposed that public funds should be used to subsidize political parties. The amount of subsidy should be determined in accordance to the number of votes a political party gets, with the minimum number of votes set at 5% of the total number of votes, and a subsidy of \$5 will be allocated for each vote. The allocation of such a subsidy will show that the Government and the community have fully, positively and definitely recognized the role of political parties.

Mr Deputy, since the reunification of Hong Kong with China, political parties are something new which started to develop and they still need assistance on many different fronts. Generally speaking, the funds of political parties may come from fund-raising activities. Political parties like the Democratic Party, the Frontier and the Hong Kong Confederation of Trade Unions have all conducted fund-raising campaigns. Recently, the Democratic Alliance for the Betterment of Hong Kong (DAB) has also tried to raise funds on the streets, in addition to raising funds through other sources. However, to be honest, street fund-raising activities are a very limited source of revenue. The Democratic Party is only able to raise \$1 million to \$2 million after a lot of hard work and by mobilizing members in five of our district offices.

Secondly, another source of revenue for political parties is to run business. In Taiwan, a lot of banks and various businesses are run by the Kuomintang, and the Democratic Progressive Party of Taiwan is very worried about this situation. So, they have asked the Kuomintang to make a clear cut distinction between business and political activities. Though there are a lot of innovative practices in Hong Kong, we all know that it is quite difficult to raise funds through business operations.

Thirdly, membership fees are another source of revenue for political parties. However, the membership for Hong Kong political parties will be very small if they charge a high membership fee, whereas if a low membership fee is charged, then there will not be much revenue. Moreover, the membership for political parties is really very small. Let us look at the example of the Democratic Party. We have only got a membership of 600 people. I learned from recent press reports that the DAB hopes to build up a

party about the size of the Labour Party and its target is to have a membership of 1% of the total population of Hong Kong. The DAB has very high aspirations, but I think that the Democratic Party will not be able to reach the same target even after a very long time from now.

Since it is very difficult for political parties to raise funds through street fund-raising activities, business operations or membership fees, and they cannot survive without funds, perhaps receiving subsidy from public funds in accordance with the number of votes the political parties get could be a feasible means. This is also practised in other countries, and the question is, why do the governments of other countries support the political parties by giving them a subsidy from public funds? The reason is they think that the operations of political parties are important to the community, in nurturing political talents and promoting political, economical and cultural developments. Another very important reason is that political parties can help to co-ordinate different interests in the community, or even help to resolve the conflicts between different interest groups. As political parties represent the interests of different sectors in the community, they will be able to resolve conflicts and balance different interests through negotiations and debates. So, that is why the governments of other countries have given due recognition to political parties. However, the SAR Government has always been quite reserved towards new developments, and our Central Government has also adopted the same attitude towards the political parties of Hong Kong. I really hope that all parties concerned could seriously consider this matter.

Though Mr CHEUNG Man-kwong's amendment may not be carried today, I think we have already achieved some success by proposing the amendment. According to the results of the first opinion poll on this matter, 40% of the respondents are against this proposal and about 30% have supported. Mr CHEUNG Man-kwong is quite happy to have gained 30% support the first time when this idea is proposed. I hope that members of the academic and political circles, as well as the Government will conduct further studies on the future role of the political parties. Will political parties be able to promote the political, cultural and political development of Hong Kong; stabilize and resolve conflicts in the community; and bring about a consensus in the community regarding the future direction for our development? Should we recognize their role in these aspects? If the answer is yes, then should we encourage the further development of political parties through the assistance of the community?

Nowadays, participation in politics is really a very difficult task. Professionals and businessmen can only do so at a very high opportunity cost. In fact, those colleagues who have set aside their business and profession to devote all their time to the work of this Council have my full appreciation. They may either be returned through the functional constituencies, direct elections or the Election Committee, but one thing they have in common is that they have all devoted great efforts to work for this Council. However, we cannot expect everyone to keep on sacrificing their time and interests always on the strength of moral. I think that both the Government and members of the political parties should recognize the role of political parties. Honestly, if it were not for the political parties which promoted the concept of "Hong Kong people ruling Hong Kong", could it have been so successfully advocated by the Government? We hope that the Government and the academic circle can conduct more studies and analysis on this matter after we put forward this proposal, so that it will eventually become a reality.

Thank you, Mr Deputy.

**MR LEE WING-TAT** (in Cantonese): Mr Deputy, I would also like to express my views. When we proposed this amendment, we had many debates and arguments within the Party. In fact, this issue had been briefly discussed in the media. Most of the people have strong views and particularly from what they expressed through the radio, they contended, "you people are already elected and hence remunerated. How dare you ask for reimbursement of the election expenses? Is it not tantamount to subsidizing your candidature?" This is what the public thinks generally but the Democratic Party is of the view that it is now increasingly difficult to raise funds either individually or collectively for electioneering purpose or participation in politics. It is because under the "double-seat, double-vote system" or the "single-seat, single-vote system" adopted in previous elections, constituencies were small and personal savings were already enough to cover the expenses. I remember that I only spent several thousand dollars when I first contested in the District Board Election and at most \$10,000 in the Regional Council Election subsequently. In the 1991 Legislative Council Election, election expenses started to go up and I spent close to \$100,000, yet, I need to spend nearly \$200,000 in the 1995 election. In the last election, some \$1.5 million were spent by my constituency, for which the maximum limit of election expenses was as high as \$2.5 million. To an

ordinary professional, \$1.5 million at the start would pose a great difficulty unless he is very wealthy and it is very difficult to raise this sum of money without the support of a political party. In this regard, the Honourable LEUNG Yiu-chung has done remarkably well. His case is most cost-effective for he won a seat in a very large constituency by only spending some \$200,000 to \$300,000 on election expenses. So he is just remarkable.

If things go on like this, even Mr SUEN can get the picture by doing a bit of calculations. Now, there are five seats in the New Territories West constituency and the number will increase to six in the next term. By 2004, it is likely that one additional seat will be allocated to each of the five constituencies, thus increasing the number of seats in New Territories West, already increased to six then, to a total of seven. Let us put aside such factors as inflation or deflation and base calculations on money of the day. Four years later, the maximum amount of election expenses for New Territories West will climb up to \$3.5 million (on the basis that the maximum limit for each seat is \$500,000, seven seats will make a total of \$3.5 million) which is hardly affordable. While political parties in overseas countries have fund-raising activities, it is very difficult to raise funds for such purpose in Hong Kong, albeit a few exceptions. Firstly, I have the feeling that in Hong Kong, even in the industrial and commercial sector, the attitude towards politics or participation in political activities is comparatively conservative. While the industrial and commercial sector in Hong Kong may provide some assistance to certain political parties which, of course, do not include the Democratic Party, organizations or individuals seldom give donations to political parties to facilitate the latter's participation in politics. Now, only two options are left: either allow the existing situation to continue or make changes to it. The points made by the Honourable Jasper TSANG are well worth discussion and I share his view that some knotty problems exist. The first problem is whether the amendment will be advantageous to big political parties. This is inherently caused by the differences between big political parties and small political parties. Big political parties are in an advantageous position *vis-a-vis* individuals or small political parties not only financially, but also in many other aspects. The situation is not as obvious as it was before due to the adoption of "proportional representation". If the "single-seat, single-vote" system is adopted, and as Mr TSANG knows, a big political party can have as many as a dozen members running in the election. Strategically, it can easily deploy its best candidates to contest against the second best candidates of the rival parties in the election. Big political parties are, therefore, readily in a position to make such an

arrangement in the election. This is one of the advantages. Secondly, if a particular candidate can easily win in the election, he may as well put aside his own electioneering activities to help other candidates in their campaign. In the 1994 Regional Council Election in which I luckily won a seat, I only went for two rounds of home visits and then proceeded to campaign for others. Let me tell Mr TSANG that these problems cannot possibly be solved. When the development of a political party has reached a certain stage, with a lot of support obtained and members recruited from the middle class, the party will enjoy a great many advantages in respect of policy research, election, training, professional services and so on. Also, the various kinds of expenses they would incur will be comparatively less. Although it is said that election is conducted only after the completion of the nomination, everyone knows that this is not the case in reality. Many preparations have to be made ahead of the nomination, only that it is difficult to take them into account. It is more advantageous to a political party if its membership comprises these people. That is why I think it is very difficult to assess the advantages.

There is another point which made me feel that big political parties do not have absolute advantage. As far as I can see, where there are activities which require joint efforts, individuals will get together to form "coalitions". What exactly are these "coalitions of individuals"? To recall, in 1995 when the district boards were to elect a representative to sit in the Legislative Council and in 1998 when the Election Committee was to return members of the Legislative Council, we saw that some of those who had no political affiliation and who were less well-known joined together to form coalitions. I do not think it expedient to say who these people are, but by paying attention to press reports, we should know that some people will do so. They are the "individual candidates" but they will join forces with one another. Will such phenomenon be encouraged with the passage of this proposal? This is not surprising at all. The amendment that we are proposing now is not necessarily beneficial to a party as a whole only. It can also benefit individual candidates. Anyone who has obtained votes exceeding the prescribed percentage or the "hurdle" may be reimbursed for his election expenses. The Green Party in Germany, with which I am more familiar, serves as an illustration. When the Green Party in Germany first started off, the votes they obtained in elections accounted for a mere 5%. They lost in the first and the second time they ran in elections, obtaining votes accounting for 1% to 2% only because the ideas they advocated were considered too avant-garde and not readily accepted by the public. However, the Green Party was able to become settled very soon, and the votes



they secured in general elections exceeded the threshold by over 5%, showing that they are pretty stable. That being the case, is the proposal not workable for them? It is workable provided that there is individual or collective support.

Besides, Mr TSANG raised the point of whether the scope of support currently provided for candidates could be expanded. I think the point he made and our proposal are not mutually exclusive. We do not oppose the Government's improvement on existing services or support by other ways in tandem with our proposal. I would even like to make a suggestion which Mr SUEN will find it difficult to resist. In fact, he can also identify many ways which enable candidates to have more choices while maintaining government expenditure at the existing level. Take my constituency as an example. About one million letters were sent by post because there are 500 000 to 600 000 voters in my constituency. 600 000 letters were sent each time, so altogether 1.2 million letters were sent for the two rounds. We all know that each government department has to recover their costs under the accounting guidelines issued by the Finance Bureau. In other words, the Post Office paid \$1.2 million being postage for our list for New Territories West, and that is the list which comprised the Honourable Albert HO and me. While I propose that the cost of postage should not be increased, candidates should be allowed to allocate among themselves how this \$1.2 million is to be used. I may use \$500,000 only for postage and keep the remaining \$500,000 for other purposes. This conforms to Mr TSANG's principle as all candidates are subsidized disregarding whether or not they win in the election. I think the Government's approach is very rigid and I question the rationale of the Government in strictly requiring me to send two rounds of mail to each voter. I find it better to distribute one letter to each household in public housing estates than sending them the letter by post for a number of reasons. Firstly, we can hire students of tertiary institutions at an hourly rate of some \$30 to assist in the electioneering activities. For a block of building with 800 households, it would probably take them one evening to finish the distribution work and would cost about \$60 to \$70 for each student. Even if we take on three students, it would merely cost something over a hundred dollars, which means that letters are distributed to all voters on one block with just one hundred dollars or so. Generally, a Harmony block in public housing estates consists of 700 households. If there is one voter in each household, there will be 700 voters, in which case \$700 is required for postage. But alternatively, I only have to spend a few hundred dollars to finish distributing the letters. Furthermore, each household may in fact have two voters. Sometimes I do not quite understand why the Government adopts such

a practice in this regard. Perhaps I have not brought this to light before, but I hope the Government can consider my proposal, under which government expenditure could be maintained at its existing level on the one hand while on the other hand, the Government could continue to provide each candidate with the postage-free mailing service. Now, the Government has to spend \$1 million on postage for each list. If candidates have their own ways to sort things out, the Government can consider providing cash allowances or other forms of subsidies for candidates to allow more flexibility. From the perspective of environmental protection, wastage can also be reduced because each household will only read one publicity leaflet. It is unlikely that in a family of four, the four members, though each of them received a copy of the leaflet, read the same leaflet for four times. This is unlikely to happen. The real case is that the father, after reading the leaflet, will pass it onto the mother who will, after reading it, pass it onto her children subsequently. Therefore, this will not only contribute to environmental protection, this will actually reduce government expenditure. There will not be any increase in government expenditure and every list of candidates is given more flexibility in using the money.

According to the press reports last week, Mr Robin IP stated that any increase in government expenditure was undesirable. If this is the principle of the Government, I hope the Government can give the matter some thoughts. There are many options for the purpose without having to increase government expenditure. In the area of election, I think some of the expenses are actually a waste of money. I hope the Government can consider the points that I have made. Thank you, Mr Deputy.

**MR JAMES TIEN** (in Cantonese): Mr Deputy, the Honourable CHEUNG Man-kwong's amendment is a relatively new idea, so it is understandable that members of the public are not too familiar with this idea, for even those of us who are in politics have the same feeling. That is why, Mr CHEUNG Man-kwong is very happy that he has managed to gain an initial support of 34%. Dr the Honourable YEUNG Sum has been very honest in telling us that there were also 40% of the respondents who were against the amendment for they do not know what it is all about.

I know that the voters registration and turnout rates are very high these days, and voters are more and more aware of their rights and obligations.

However, the voters may not realize that if they support the electioneering activities of political parties in the hope that their members will do something, at least they have the obligation to donate some money to these political parties. They should understand that their obligation is more than voting for the parties that will speak for them, and they neglected the fact that the parties may not be elected or will not have enough funds. I believe that, in addition to the grassroots, the middle and upper class members of the community as well as businessmen will be willing to donate money to the political parties as public participation increases. When I talked about political parties, I mean all political parties, and not just a certain political party.

Dr YEUNG Sum just said that the Democratic Party managed to raise \$1 million to \$2 million per year. The Liberal Party does not have any experience in raising funds on the streets, but I do not know whether this is also true for the Democratic Alliance for the Betterment of Hong Kong (DAB). However, I believe that if the Democratic Party is really democratic and represents the interests of all sectors in the community, then big and small-to-medium enterprises (SMEs) alike will be willing to donate money to the Democratic Party. The fact that these enterprises are not doing so at the moment maybe due to many reasons. Perhaps the Democratic Party should do some soul-searching to see whether they have been too biased towards a certain sector in respect of certain issues. If they really represent the interests of all sectors in the Hong Kong community and members from all walks of life, then the professionals, SMEs as well as big enterprises will be more willing to donate money to the Democratic Party. The election expenses of the Democratic Party are as high as \$10 million (I only learned about these specific details when the Honourable LEE Wing-tat let us know the breakdown of our expenses just now, I was quite ignorant of them at first). In other words, they will have to spend about \$3 million on the electioneering activities of each Geographical Constituency (GC) in the next election, so it will be a total of \$15 million for five GCs. If it has to spend \$15 million once every four years, then it has to raise \$3 million to \$4 million every year. With the fund-raising method they now employ, it really sounds like they would have difficulties in reaching this target.

Mr Deputy, the rationale of this amendment is that candidates will be able to obtain more subsidies if they can get more votes, and this will encourage more people to participate in politics so that members of the public would be offered more choices. I wonder whether this rationale is really valid? If we

encourage more people to run in the elections, new candidates may only get 2% to 3% of the votes and their deposits may even be forfeited, then how would they be qualified for reimbursements since only those who get 15% of the votes are eligible. So, will small political parties and political groups which run in the elections for the first time be in a disadvantageous position? Political parties which are well-established and have secured a certain number of votes will continue to dominate the political scene. If these political parties could receive a reimbursement for the election expenses, then new candidates may never have the opportunity to make further developments. As for the development of democracy, will members of the public have even less choices? Should we encourage the growth of more political parties to give the public more choices?

Mr Deputy, some Members have just quoted the examples of overseas countries. I think that their situation is different from ours, for I understand that there is no ceiling on election expenses in the United States, and this is a very significant difference. Some people may ask why has the Liberal Party failed to work harder for direct elections since we have more funds? In fact, I am really working very hard. However, the problem with the Liberal Party is that though we have the money, we cannot spend it because of the ceiling, whereas there is no ceiling on election expenses in the United States. In the United States, political parties of the business sector that do not have any help from volunteers can still spend money to hire people to participate in politics and run in the elections on their behalf. However, this is not feasible in Hong Kong. If we are allowed to follow the same pattern and remove the ceiling on election expenses, then members of the commercial and industrial sector may be more eager to support political parties, or may have more confidence in running for direct elections.

Mr Deputy, candidates who run in the elections may have their own strengths and weaknesses. The business sector may consider wealth as their strength and the lack of manpower as their weakness. Mr LEE Wing-tat has just indicated that he appreciated the sacrifices made by Members of the business sector in leaving their business to serve as Legislative Council Members. Other businessmen would hire people to serve as politicians on their behalf. In fact, a lot of United States politicians are the product of such arrangements. In other words, money may be of great help to those who are running in the elections. However, the present situation of Hong Kong is different. The ceiling set by the Government is too low and it is even lower for those who are

returned through Functional Constituencies. If the ceiling is so low, how can we encourage more professionals or members of the business sector to run for elections? If these people do not have an opportunity to take part in politics and are not well-known by the public, then how can they run for direct elections? If we were to consider this amendment, then I believe we should also consider making amendments to the ceiling of election expenses.

Mr Deputy, in view of the above reasons, I think the time is not yet ripe for putting forth this amendment. Therefore, the Liberal Party will vote against the amendment. However, it does not necessarily mean that we will adopt the same stance when we discuss this issue again in the year 2004.

Thank you, Mr Deputy.

**MR JAMES TO** (in Cantonese): Mr Deputy, I would not repeat the points made by other Members. Since the Democratic Alliance for the Betterment of Hong Kong (DAB) has adopted a relatively open-minded attitude, I think it is worthwhile for us to discuss this issue.

The Honourable LEE Wing-tat has said that the Government could make more flexible use of its existing subsidies without increasing the ceiling of its expenditure. The DAB is of the opinion that if the Government increases its pre-election services or subsidies to the candidates, then new candidates and candidates who are not well-known by the public, could immediately enjoy these services. This would help them in the electioneering activities. However, I think that there may be some problems if we actually put this into practice. I support this concept because the objective of participation in public service and election is to serve the public, and the Government should pay a price to promote these activities. However, I think that we will encounter two problems if candidates are to immediately enjoy these subsidies. First of all, the flexibility of the Government is usually very small, and it normally provides subsidies "in kind". Those subsidies may be in the form of short periods of free radio or television air time. We have discussed the possibility of the Government buying air time from radio or television stations and distribute those air time evenly among the candidates. This practice, however, is not very flexible, for the party concerned will usually specify a certain time slot for the candidates. Moreover, the practice of providing subsidies in kind may have different effects on candidates with different strengths and weaknesses.

Therefore, our opinion on this form of subsidy also varies.

Secondly, services or subsidies which can be immediately enjoyed are different from the reimbursement of election expenses after the election. If election expenses are reimbursed after the election, then the amount of subsidies a candidate get will be directly proportional to the acceptability of the candidates. However, if all candidates enjoy such services, then perhaps the only price they have to pay to run in the elections is their deposits. In the past, some people have pointed out that candidates have taken advantage of the "air time" and other services to launch their own publicity programme, and they may not be really sincere in running for the elections. A candidate has even taken the opportunity to say, "come to me if you want to emigrate." Therefore, the provision of subsidies in kind will to a certain extent, lead to waste of resources and may not be appropriate. So, when we are considering the issue of whether reimbursements should be made before or after the elections, there are certain issues we have to consider.

Furthermore, I would like to respond to a point which was either made by the Honourable James TIEN or the Honourable Jasper TSANG, and that is, what significance will the arrangement of reimbursement have on new political parties? I can share with you my experience in this aspect. Let us look at the example of the Hong Kong Association for Democracy and People's Livelihood (they do not have any representatives in this Council at the moment). Mr Frederick FUNG has emphasized many times that they have to borrow money to cover the election expenses of each election and this has nothing to do with the number of votes he can secure. Mr FUNG does have the support of voters and he may be returned to this Council in the next term. His problem is that he has to borrow money and this is a common practice among representatives of the grassroots sector. Even Dr SUN Yat-sen had to sign loan forms in the past. Under such circumstances, if the amount of reimbursement is pegged to the candidate's acceptability or the number of votes he can obtain, then it may be helpful to candidates like Mr FUNG. If a candidate is confident that he can get a certain number of votes, then there will not be any problems even if he has to raise a loan. However, if he could not or have great difficulties in repaying the loan, then his prospects will be hampered.

As Mr CHEUNG Man-kwong has said earlier, in certain countries, candidates can raise loans or advance funds once they have registered for elections. In fact, the concept of advance payments is similar to that of free mailing services and free air time which are now offered by the Government.

However, it is doubtful that whether these services will be as flexible as what the Honourable LEE Wing-tat has expected, and whether candidates could really make flexible and effective use of the existing resources in accordance to their needs. Flexible use of resources is particularly important under the existing "list system". There may be six candidates on one list, and if each candidate sent out two rounds of mail, then their voters will receive 10 to 20 pamphlets each time. Since voters may not be willing to read all the pamphlets, it may result in wastage. In fact, individual candidate may just need to "concentrate on" his work in one constituency because he will only need to secure several tens thousands votes to become elected. Under such circumstances, if the resources could be allocated flexibly, would the disadvantages which have just been mentioned by some Members, that is, to reimburse the candidates after the elections, perhaps be avoided to a certain extent?

I think that the principle of this amendment is that part of the expenditure on public affairs and public elections should be subsidized with public funds, and in fact, this is also the principle of the Government. I also hope that different candidates, new and experienced candidates alike; well-established or newly-established political parties; budding politicians and those without election funds, could all have the opportunity to run in the elections. I also hope that the necessity of raising funds will also be reduced with the reimbursement of election expenses. As pointed out by Mr James TIEN, fund-raising, no matter whether its targets are big consortia or people on the streets, is a very time-consuming activity. Of course, some people may think that although they have to spend time on fund-raising, it is also part of their electioneering campaign. However, I think that the time spent on fund-raising could be better used in other areas. This is especially true for serving Legislative Council Members for their time could be better used on serving the public, rather than worrying about the lack of funds.

THE CHAIRMAN resumed the Chair.

**MR ALBERT HO** (in Cantonese): Madam Chairman, from the wording of this amendment, subsidies may be provided not only for political parties or people with political affiliations. In fact, every candidate may be provided with

subsidies. Everyone knows that the "list system" is adopted in the direct election of geographical constituencies. Under this system, if the candidates on a list are members of a political party and if this party has served the district for a certain period of time, it obviously stands a good chance to win a certain number of seats. However, the "list system" is now designed in such a way that it will easily produce an effect similar to that of the "multi-seat, single-vote system". In fact, we can see that independent candidates also stand a chance to win if he has a history of serving the district or put in a lot of efforts. This is the first point.

Secondly, as the Honourable James TO said earlier, we must be clear about the concept. Let us not take the view that the money is used to subsidize a particular political party. Instead, we should focus on the point that the electoral system is integral to the whole constitutional framework. Without the electoral system, our political system cannot operate. As this electoral system forms part of our constitutional framework, we would like it to operate well. To this end, the system should ensure that none of those who intend to contest the election is barred from candidature due to one's financial constraints. Furthermore, it should enable everyone to stand in elections as far as possible to give incentives to those who wish to play a role in public service. Therefore, we must bear in mind that it is definitely not a question of subsidizing any particular political party.

There is yet another point which is more important and that is the question of the accumulation of subsidies, so to speak. In fact, this does not really exist. I beg to differ from the Honourable Jasper TSANG on this point. Earlier on, Mr TSANG contended that major parties would start off with a certain number of votes so they could accumulate the subsidies given to them in the election. This is not the case in reality. Even with the passage of this amendment into law, all political parties have to go for the first election, and to be exact, the first election following the enactment of the Bill. Each and every political party has to commit a certain amount of money in the first place and subsidies in a definite amount will be granted only afterwards subject to the results of the election. The same applies to all candidates. Many political parties, including the Democratic Party, need to borrow money to enable its members to run in the election. The Democratic Party is not one of those parties which manage to obtain generous patronage from a particular sector in the community, such as the industrial and commercial sector. Nor is it one of those parties which can easily obtain a large amount of donations. On the contrary, we must and need



to procure loans. I believe that other political parties, as well as the Frontier, have to procure loans for their candidates to contest in elections. Where do the loans come from? Fund-raising may be one of the sources but the money so raised has to be spent on the operation of the party. Therefore, the money is unlikely to be accumulated easily. How possibly can it be accumulated? As a matter of fact, the money has to be earmarked for the day-to-day operational use. Let us bear in mind that the subsidies from the Government are not a bonus to us. They are granted because the candidate's accomplishment and performance have reached the standard as prescribed in the system. To wit, people are encouraged to run in the election and when the performance of a candidate has reached a certain standard which is recognized by the Government, subsidies are granted as a token of support to the candidate. Subsidies may be granted by means of dollar-to-dollar reimbursement or other forms of allowances. This is vitally important. There is absolutely no question of a particular political party being given a lump sum of money and it is not to be taken as a bonus. Also, let us not forget that the money is meant to reimburse expenses which have been paid already. If the Government can subsidize candidates from the public coffers, political parties may use the money they raised for other operational purposes or spend it on district affairs, thus obviating the need to further raise funds for electioneering. I think this will make a world of difference between the two.

Now, it seems to be the greatest concern to the Democratic Alliance for the Betterment of Hong Kong (DAB) that the reimbursement system will be favourable to major political parties and the incumbent Members of this Council. To be honest, this assertion invariably poses as an obstacle to, and also a pretext to reject, any proposal to further improve and open up our system. In fact, every person and every political party must take the first step, the first step in politics. No one is spared from the many difficulties when one starts to pursue a political career. The same applies to the Democratic Party, the DAB or the Frontier. If the Hong Kong Progressive Alliance and the Liberal Party will participate in direct elections in future, they will understand that they have to go through the same process. In fact, our system should aim at encouraging newcomers and ensuring that they will not be deterred by their financial constraints. It should not seek to impede the development of the existing political parties by subjecting them to more restrictions and obstacles. This is entirely wrong. If we look at things from this perspective, one can maintain that the system is still advantageous to the incumbents and some major political parties even if there are more directly-elected seats. We must absolutely not

hold on to this mentality. As far as elections are concerned, we all know that fledgling political parties and new candidates must make an effort to start the ball rolling. The existing political parties are actually facing challenges and pressure from them. It is absolutely not the case that all incumbent Members can have their seats firmly secured. Is it for sure that the incumbents are in a more advantageous position? It is not the case from what we have seen in elections. Many newcomers can defeat those who have served the district for a decade or two. Why is it so? Thanks to an open society and the discerning voters who can make clever choices. In fact, we do encourage voters to choose. On the other hand, we must also ensure that those who wish to stand in elections are provided with sufficient channels and resources.

In this connection, some may consider this system immature because the specific arrangements to be made in future remain unknown and there are a diversity of problems that need to be discussed. I share their concerns and I think the specific operational arrangements have to be further discussed in detail. Yet, it is precisely because of this reason that Members must give full consideration for this amendment today. The amendment is silent on the specific arrangements for the granting of subsidies. But are we going to adopt the Honourable LEE Wing-tat's proposals to replace the postage-free mailing service or the air time for electioneering, or to replace everything by cash allowances, or to give three to five dollars as subsidies for each vote? None of them is to be adopted. The amendment seeks to empower the Chief Executive to make further regulations and to provide for subsidies on such level as he thinks fit. Of course, the regulations to be made in future will be subject to the approval of the Legislative Council. However, today's procedure and amendment simply aim at identifying the policy direction and objectives. Details such as how and when the policy will be implemented, as well as the procedure and the scope of consultation required for its implementation, will be subject to future discussions. But do we agree on this broad direction? If so, how can we vote against the amendment or abstain? I think the point in question is whether we agree on the principle that a democratic electoral system should be supported by public coffers in order to facilitate the participation from those who do not have enough resources to run in elections, and whether we should do our best to provide, through the system, more opportunities for the people to obtain a reasonable extent of resources in order to support their candidature. This is the most important point on which a decision has to be made today.

Indeed, speaking from this angle, I very much hope the DAB will further consider the matter. I do not know if they can give it some consideration and if they manage to do so today, it is best to further consider it for 15 minutes before they cast their votes tomorrow. It is my hope that they can give it some thoughts today. As regards the future arrangements, they will have to be discussed later. It is not known for certain who will be the beneficiaries or otherwise of a proposal in future. Any system can be said to be beneficial to the incumbents but this is not necessarily the case in reality. Every person and every political party has to work hard in order to secure gains. By the same token, a Member who has performed poorly will be criticized even though he is an incumbent. We should not resort to give up a system despite the fact that it is a good system simply because it is beneficial to the incumbents. It is most important to consider the point that under the system, a greater number of people will have the chance to start off. At present, our system is punitive in nature in that the deposit lodged by a candidate will be forfeited once the candidate lost in the election. This is incorrect and improper.

Obviously, we must also ensure that our system deters frivolous candidates from running in elections. We certainly do not encourage people to take elections lightly. But I think all we have to do is to lay down specific rules in order to prevent abuse. I believe that the details, including the level of the subsidies and the requirements for subsidies to be granted, can be thoroughly discussed at a later stage. All in all, let us bear in mind that we are asking for the use of public funds to support the electoral system. This is what we are pursuing for, pure and simple. If Honourable Members hold that the electoral system forms an integral part of the constitutional system, that it is operated in the public interest, and that those returned by this system to the Legislative Council will serve public interest, there is really no reason for not supporting the concept and the principle of this amendment.

Finally, I would like to respond incidentally to the Honourable James TIEN who said that the Democratic Party was unable to obtain support from the industrial and commercial sector. I can tell him that the reality is not as such as he had depicted. It is true that we conduct fund-raising activities mainly on streets but we still manage to obtain a certain degree of support from those in the industrial and commercial sector. Some of them are rather close acquaintances of Mr TIEN but I do not wish to name them. In view of the characteristics in Hong Kong these days and the status of the Democratic Party against the current

political environment, our supporters do not dare to reveal that they have backed us up. They are all the more reluctant to tell Mr TIEN. From this, Mr TIEN will know the sort of political environment that exists today. In addition, people in the industrial and commercial sector are very pragmatic. When they do not see the need for the Democratic Party to speak for them, knowing that there are so many Functional Constituencies and that they may turn to Mr TUNG Chee-hwa or policy secretaries, they will find it unnecessary for us to speak on their behalf and they, in turn, will not give us donations any more. If there is a system which genuinely facilitates competition and performs checks and balances, the industrial and commercial sector will best know the way to cope with it. They will swiftly make donations to every political party by all means. No matter how difficult it is for us now, I have to tell Mr TIEN that we certainly cannot obtain donations from many of those in the industrial and commercial sector. Yet, in response to Mr TIEN's remarks that we are totally rejected by the sector, I can honestly say that this is definitely not the case. That said, under the circumstances nowadays, we do not look to the industrial and commercial sector to give us a great deal of support. In an environment which is grossly unfair today, it is only natural for us to speak for the grassroots more because the system is so unfair in its entirety. But from what you have seen in the Chamber, has the Democratic Party completely trampled on the interests of the industrial and commercial sector? Is it that the Democratic Party has never spoken in favour of the sector? Take fair competition as an example. Did we act against the interests of the industrial and commercial sector? For instance, when we called for fair competition, and at least in the case of the Cyberport, many of those in the industrial and commercial sector took the view that we have been courageous enough to speak the truth. From this angle, they feel that Hong Kong needs the sort of people and the sort of political party like us. As such, will they totally reject us? The reply is simply in the negative. We also have many friends in the industrial and commercial sector. In the past elections in which the "one person, one vote" system was adopted, many of those who supported us were businessmen.

To end, I think political parties need not take into consideration their own circumstances. Instead, we must consider whether the system *per se* can ensure equal opportunities for everyone to participate. This is our most important argument today. I so submit. Thank you, Madam Chairman.

**MR MARTIN LEE** (in Cantonese): Madam Chairman, the contentions

surrounding the Legislative Council (Amendment) Bill 1999 are drawing to a close. If I am not wrong, the Democratic Alliance for the Betterment of Hong Kong (DAB) seems to have supported the Administration's amendments only but not any of those sponsored by Members so far. They, at most, abstained in the vote. Therefore, I think it is indeed wishful thinking on the part of the Honourable Albert HO in appealing for DAB's support on this amendment.

Why do I say so? Among the many amendments, I bet the Chief Executive dislikes this one most. Why? The Chief Executive basically wants to clamp down on the democratic camp, so he definitely will not give us a single chance to get it through. However, this amendment does not only cater for the interests of political parties. Instead, it takes into account the overall interests of Hong Kong so that all political parties and politicians will be free from the control of others. It is because their acceptance of donations will give rise to conflicts of interests, which will, in turn, prevent them from fighting for public interests freely. Here lies the greatest objective of this amendment which seeks to enable all politicians to work genuinely in the public interest.

Madam Chairman, I wish to share with Members some of my personal experiences. I remember that in the early days of the United Democrats of Hong Kong (UDHK), a friend from the industrial and commercial sector telephoned me in Britain, where I was spending the summer vacation. He said to me, "Martin, someone wants to make a donation to your party." My reaction at that time was that the caller must have made a mistake because the UDHK had just been founded. Why should anyone want to give us donations? I said, "Well, our party has one condition, and that is, no strings attached. Whatever assistance offered to our party must be unconditional." The caller replied that no condition was attached so I said that we could talk it over. Then, the caller said, "The Government will introduce a bill on anti-smoking measures to the Legislative Council shortly after the summer holidays." I asked the caller, "In that case, is it a tobacco company which wants to patronize us?" The caller answered in the affirmative and I said, "Sorry. I am afraid we need not discuss it any further. Since it is you who made this long distance call, you had better not throw any more of your money down the drain. We just cannot accept this sort of donation."

Look, this is the stance of the Democratic Party. I am not sure about the stance of other political parties in this respect. But in any case, if a political party accepts "patronage" from others, how can it not provide assistance to its

patrons when such need arises? It is very difficult not to do so.

In fact, we propose this amendment not for the purpose of looking after the interests of big political parties, as the Honourable Jasper TSANG has said. Why is it not doing any good to smaller political parties? Why is it not doing the individuals any good? We all understand that "everything is difficult at the outset". If a small political party is formed and if it knows there is such a law, their confidence will be boosted. Even though they have to borrow money from their friends, they will know how much they can recover as long as they manage to obtain, say 5%, of the votes. They can feel at ease to borrow money from others. Candidates who do not have the support of political parties can do likewise. This will enable them to gain confidence to run in elections. Otherwise, they may not have the confidence to stand in elections and may eventually give up the idea of pursuing a political career. Therefore, we have proposed this amendment not only in the interests of big parties. It is, in fact, beneficial to the society as a whole.

The Honourable James TIEN pointed out that since we have gained public support to such a large extent, we should also enlist the support of business enterprises. In this connection, Mr Albert HO has made a point. Under the present circumstances when so many members of the Democratic Party cannot even go to Shenzhen to shop at bargain prices, how many people, under such a climate, have the guts to make donations to the Democratic Party openly? One already needs to pluck up great courage to join our party.

As Mr Albert HO has rightly stated, we are, indeed, patronized by friends from the industrial and commercial sector. I have once received a sum of money, in the form of a bundle of banknotes in one-thousand-dollar denomination. The donor did not ask for a receipt. I asked the donor why he had so much trust in me. The donor replied, "If I do not trust you, I would not have given you money." That is the case. But the donor did not even ask for a receipt. If the Xinhua News Agency or otherwise does not invariably put us, as well as the industrial and commercial sector, under its close surveillance, I believe that there is no reason why the Democratic Party cannot obtain the support of the industrial and commercial sector. Had Hong Kong been a democratic society, we could somehow obtain donations from some people. Even though they know that all donations made to us must be unconditional, the situation should not be so distressing as it is now. At present, people choose to

repeatedly buy our raffle tickets at \$20 each outside Sogo, a place where air pollution is most deplorable.

Having heard what Mr James TIEN has also said just now, I come to know that the Liberal Party has a hard nut to crack too. Even though they have money, they cannot spend it given the ceiling on election expenses. This is where their difficulty lies. By comparison, the Liberal Party has the money but not the votes whereas the Democratic Party has the votes but not the money. The DAB has the money and some of the votes, so I think they are doing best.

As I said earlier, the Chief Executive surely will not give a chance to political parties for he knows that many people would love to make donations to the pro-Communist political parties. As to our political party which has offended the Central Government, he basically does not wish to see us exist for any longer period of time. Let us take a look at the speech made by Mr SUEN, the Secretary for Constitutional Affairs, which I have already read about yesterday. That is, the speech he made in the Harvard Project for Asian and International Relations Conference. In his speech he had spoken on the political parties in Hong Kong. To quote him, "They (the political bodies) are also hampered by the limited financial resources at their disposal, which mainly come from public donation. Their party apparatus and support services are in dire need of strengthening. Time is of the essence to bring maturity to the party system here in Hong Kong." That means progress has to be made slowly and the process must be conducted slowly. Let me jump a few lines here. He said, "However, time, in terms of years, ....." (I thank him for not saying it should take centuries) "..... will definitely be needed and there is no short-cut to it. I believe that we would be doing very well if our political parties complete their initial metamorphosis within 10 years." His purpose is to impose limitations on us financially and find excuses to argue that the pace of the development of democracy cannot be too fast. I can tell Members that if the Democratic Party must cope with this year's District Council Election, in which our members will certainly stand as candidates, along with next year's Legislative Council Election, in which our members will also contest, I think we will incur a deficit of some \$10 million. It is easy to reckon a \$10 million deficit but still, we must be able to procure loans in the first instance. If nobody is willing to lend us money, how possibly can a deficit exist?

However, we will do our best to cut expenses as far as possible because elections are considered politically indispensable to the Democratic Party.

Therefore, no matter how difficult it is, we must march forward courageously. Besides, we strongly disapprove of the Administration using a diversity of pretexts to procrastinate the development of democracy. We are, indeed, short of funds; but we have the votes. We do not agree that the development of democracy should be procrastinated for this reason.

Therefore, let us not be bogged down in partisan struggles on this issue. As a matter of fact, this amendment, if passed, will benefit all political parties, all politicians and the community as a whole. But I am sure that this amendment will certainly be voted down. Even if it is passed, the Chief Executive will not endorse it. Even if he will endorse other amendments, he is not going to endorse this amendment anyway, the case is as simple as that.

It is also my hope that Members will do some soul-searching. Many Members have proposed amendments to the Bill in the Second and Third Readings but all were voted down given the objection from the Administration. I hope Members feel the same as I do. I believe that Members feel very sad. On occasions when we support the Government, the Government takes prompt actions, deploying such a great number of "paparazzi" to surround us so enthusiastically. We are even reminded to cast our votes. However, once Members put forward dissenting views, the government machinery will set off to steamroller us. Perhaps this is the best chance that we should not let go. We have tolerated for too long. Please vote for us so that we can, at least, vent our spleen!

**MR JASPER TSANG** (in Cantonese): I think that the Honourable Martin LEE has made a very interesting speech, and it is something which we should mull over. Mr Martin LEE has clearly stated the Democratic Party's reasons for moving this amendment. He pointed out that if a political party or politician got the funds they need from the Government, then they could avoid being manipulated by their donors. In other words, for all political parties, candidates or politicians, as long as their funds are not provided by the Government, then no matter how many times, be it ten, a hundred or a thousand times, they said that donations should be made with "no strings attached", they may still be subjected to the control of those who give you a wad of thousand dollars without asking for receipts, and do not wish to have their identities disclosed.



Mr Martin LEE said a deficit of \$10 million is easy to talk about, but now the Democratic Party has really incurred a deficit in that amount. I am really full of admiration for them and have to review our own situation. Just now, Dr the Honourable YEUNG Sum has been very honest, and he has disclosed a lot of confidential information about his party, such as the fact that they have raised \$1 million to \$2 million on the streets within one year. He always said that the Democratic Party has relied on the support and donations of the grassroots. However, the Honourable Albert HO has also disclosed that they have the support and donations from the business sector, but of course, those donations have been made with "no strings attached". He then went on to say that the amount raised from this source is very limited, and they would have incurred a deficit of \$10 million after two more elections.

The Democratic Party has always made comparisons to the Democratic Alliance for the Betterment of Hong Kong (DAB) and imagined that there are "many strings" attached to the donations received by the DAB, and thus assumed that we are being manipulated by other people. I am really curious to know if a party has no money and does not have other sources of donations, then how could it manage to survive merely on the \$1 million to \$2 million which it has raised on the streets every year. How could it have so many members running for elections and provide loans to its members? To be quite honest, our colleagues are really very amazed when they observed the professionalism shown in the publicity materials of the Democratic Party in the electioneering campaign.

As regards the issue of public opinion polls, we know that the Democratic Party can always conduct one at any time they want. We have also tried to conduct opinion polls by enlisting the help of youngsters and they said "the Democratic Party pays us \$40, why are you only paying us \$30?". Perhaps they are lying to us, and maybe they are only volunteers. However, if we do a rough calculation, we would find that the expenses for conducting a public opinion poll and making a thousand phone calls are very great. Everyone can just try and see. We have got a computer that would assist us in conducting opinion polls by random sampling, but our results are often subjected to queries. People would say "the DAB is really very inefficient in comparison to the Democratic Party for the scale of their survey is much larger and their sample size is much bigger". We can only say that it is all we can do.

As the Chairman of the DAB, I really have to set higher targets for my

colleagues. We have got so much funds and other people also said that we have a lot of funds, but why is that we have only accomplished so little? Other people do not have to spend any money and they have also incurred a deficit, why could their performance be so superb? Why is it that they could have so many nice billboards? Perhaps they could get those billboards at extremely low prices. All their electioneering activities are so well-conducted and their publicity information is so well-presented. To be honest, my publicity leaflets of the last election are really pale into insignificance in comparison to those of the Honourable LAU Chin-sek and the Honourable James TO. My electioneering team told me that my electioneering leaflets which are printed by high-speed machines are really very conservative and amateurish in comparison to those of the Democratic Party. I really have to ask them to tell me the secrets for being so professional. If that is the case, then even if this amendment is being negated, we could still follow the Democratic Party more closely only if we can learn their trade secrets. Mr Albert HO's speech is really quite touching, and I actually considered whether we should ask for an adjournment so that we could reconsider our position. However, since Mr Martin LEE has already passed a judgment for us, we might as well seize this opportunity to maintain our position to abstain from voting. Thank you.

**MR JAMES TIEN** (in Cantonese): Madam Chairman, this amendment is about whether taxpayers should reimburse political parties representing them for their election expenses if their candidates win in the elections. Since this amendment is about money, our discussions seemed to have been deviated from the main issue. Take for example, when the Honourable Martin LEE talked about fund-raising, he said that the Liberal Party has money but no votes, and the Democratic Party has votes but no money. I really wonder whether Mr LEE is trying to put the Democratic Party up for an acquisition.

Madam Chairman, when Mr Martin LEE mentioned about loans for political parties, I do not think that anyone will be foolish enough to lend money to political parties, though a lot of people will be willing to give them donations. Loans to political parties, with the exception of those given to the ruling party, are most often not being repaid. Even if the loans are given to the ruling party, it may not always be able to repay the loan, though the lender may be offered certain advantages.

I think what the Honourable Albert HO just said was in contradiction to

what Dr the Honourable YEUNG Sum has said. Dr YEUNG Sum boasted about their ability to raise \$1 million or \$2 million a year. Mr Albert HO said they had a lot of support from the business sector, and Mr Martin LEE said some of their supporters would give them money in secret without asking for receipts for fear of exposing their identities. If that is really the case, then why is that the Democratic Party can only raise a million-odd dollars? They also said that for every raffle ticket they sell, they can raise \$20. They have worked so hard, I really think they can certainly raise more than that. I am not trying to probe into the secrets of the Democratic Party; but since they have disclosed the details of their financial condition, I would like to ask how much money have they been given by the business sector? I would say that even if there are any, it would not be a large sum. If people would donate money to the Democratic Party by giving them a wad of thousand dollars bills and have not requested for receipts, then actually they do not have to worry that Beijing, the Xinhua News Agency or even the Chief Executive will know about their identities. They really do not have to be so secretive when they hand over the notes. If people are bold enough to donate money to the Democratic Party, then why should they be afraid?

Madam Chairman, I think that this has nothing to do with Beijing or the Chief Executive, but rather the anti-business stance of the Democratic Party. Otherwise, the money they would be able to raise each year, excluding those raised on the streets, will certainly be more than a million-odd dollars. In fact, if the Democratic Party is really a political party which represents a cross-section of the community, instead of only labour unions, which means it does not only fight for the interests of the labour sector or tell the business sector that there should be fair competition, then the business sector (including the small and medium enterprises (SMEs)) would think that the Democratic Party does represent their interests and would give them anonymous donations or piles of cash. Then, why would the Democratic Party be in such a pathetic situation? Why would it have to face a deficit of nearly \$10 million after a few years' operation?

I think that the amount of funds which a party can raise actually depends on its public image. Things will not always go smoothly in this respect. The Liberal Party has always given people an impression that it represents the business sector. That is why we may be doing better in fund-raising.

However, since we represent the interests of the business sector, our values may not be shared by the grass-roots members. That is why we may not be able to secure votes from this sector of the community. On the contrary, since the Democratic Party speaks for the grass-roots, it may secure their votes. By applying the same principle, it will receive less funding from the business sector. Now, if the Democratic Party is really democratic, and does not only act in the interest of labour unions, I think it may secure the votes of the public, donations from the SMEs, as well as anonymous donations from major corporations. In this way, it can have the best of both worlds and does not need to worry about having no money or no votes.

Thank you, Madam Chairman.

**MR MARTIN LEE** (in Cantonese): I do not think that any party will publicly divulge their financial conditions. In fact, what we have said were not self-contradictory for we were talking about different periods of time. When I mentioned about people giving me donations, I was talking about something which happened a few years ago, and not within this year.

Dr the Honourable YEUNG Sum talked about things which happened in the recent year, and that was after the year 1997. The Honourable Albert HO talked about the time when we were forced to get off the through-train. At that time, the economy of Hong Kong was very poor, so when we raised funds on the streets, the situation was different from that of today. Overseas Chinese in Canada were quite well-off at the time when we were raising funds in Canada and the situation was also different then. So, I am not going to show Mr James TIEN all my accounts. However, I do not agree to what Mr TIEN said about the Liberal Party being the representative of the business sector, for I think that they only represents the interests of big consortia. I do not think that the small and medium enterprises (SMEs) will regard the Liberal Party as their representative because there are a lot of conflicts in the interests between the SMEs and the big consortiums, and we all know that the Liberal Party does not speak for the SMEs.

The Honourable Jasper TSANG said that they have always been scolded in the opinion polls. Frankly speaking, I do not find it a bit surprising that the Democratic Alliance for the Betterment of Hong Kong (DAB) has been scolded,

for the Democratic Party has also been under such attacks. We are often being scolded by the old men in the Victoria park, and even by people in the carpark outside this building. However, I am not sure whether we have been scolded in the public opinion polls, for I have not conducted those polls myself. However, if we think that something need to be done, then we will spend money on doing it. The Democratic Party has always been very careful in spending money. For every dollar we spent, we can usually accomplish more than what others spent many more dollars to do because we have a lot of volunteers to help us out. However, we have to pay the students who helped us in conducting opinion polls over the phone.

Thank you, Madam Chairman.

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam Chairman, I have listened very carefully to the views expressed by various Members. I find that all of them have somewhat deviated from the topic. The purpose of Mr CHEUNG's amendment is to empower the Chief Executive in Council to make subsidiary legislation to set up a mechanism for the reimbursement of election expenses. But everyone has talked about public funds. It sounds as if there is such a mechanism already in place and that what we are discussing is a formal motion to put in effect the proposal on the use of public funds. If this amendment really has a charging effect, I do not think that the Chairman would permit this amendment to be tabled to this Council for discussion in this meeting. Perhaps everyone has the feeling that this step has already completed and the next step will naturally involve public funds, so everyone may have been a little carried away today. Everyone assumed that there will be such a situation and so talked about how to use public funds .....

**CHAIRMAN** (in Cantonese): Mr Bernard CHAN, is the book you are reading related to matters concerning the Legislative Council? (*Mr Bernard CHAN shook his head*)

**CHAIRMAN** (in Cantonese): Please put it down.

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Thank

you, Madam Chairman. Therefore, we have seen very clearly that there are many problems in this respect which we have not yet considered.

The Democratic Party has conducted a survey and found that only one third of the interviewees agreed to this amendment while one half of them opposed. We have to understand that public funds are the money of the taxpayers. When we discuss whether taxpayers' money should be used to subsidize the election campaign of candidates, we have to consider all problems involved very carefully. In their speech just now, Members have raised many questions, which are all very hard to resolve. Actually, when we studied this amendment, we also thought of many problems concerning the details of the situation. I do not consider it appropriate to hastily legislate for such a system before we consider the situation carefully and get a clear picture as to whether these problems can be solved. Therefore, I have already explained to Members in the Second Reading why we oppose this amendment. We think that since we are yet to have a clear picture of the whole situation and yet to be sure whether or not we can set up this system, I object to the amendment of Mr CHEUNG.

**CHAIRMAN** (in Cantonese): Mr CHEUNG Man-kwong, please make your reply.

**MR CHEUNG MAN-KWONG** (in Cantonese): Madam Chairman, I hope that the meeting will be finished and we can call it a day by ten o'clock. Mr Michael SUEN has rightly stated that my amendment seeks to authorize the Chief Executive to consider whether to subsidize the candidates by reimbursing part of their election expenses. In other words, the Chairman's ruling is absolutely correct in the sense that the passing of my amendment does not necessarily bring about an immediate charging effect on the Government. Whether or not there will be a charging effect will all be up to the Chief Executive who makes the final decision. If he decides to use public funds, he will of course not be subject to the restraint of the Basic Law, as it is out of a choice of his own or that of the administration under him. This is the first point.

The second point is that I would like to clarify a few things. First, the Honourable James TIEN has said just now that to require a candidate to obtain 15% votes before an offer of reimbursement will put a small political party or a new candidate in an unfavourable position. This is not what I propose. My proposed percentage is 5, that is, as long as a candidate obtains 5% of the votes,

he is entitled to the subsidy. Of course, the more votes a candidate obtains, the more will he be reimbursed. However, why should 5% be the cutoff? Why 5%? That is because under the present arrangement, should a candidate obtain less than 5% of the votes, his deposit will be forfeited; hence I have chosen 5%. Second, all candidates who get the subsidy have obtained over 5% of the votes. The amendment has nothing to do with whether they represent a political party or not. As long as a candidate gets 5% of the votes, he is entitled to the reimbursement. Third, Mr Michael SUEN has just mentioned the survey conducted by us in relation to the public support to my amendment. The figures that he quoted are not exactly the same as the actual ones but the differences are rather small. About 34% of the interviewees supported my amendment and a little over 40% opposed it, while the rest had no comment. The ratio between those supporting it and those against it is approximately 3:4, the difference of which is rather small. Although a little more people are against my amendment, to me, this is still a good start. Actually, we have no intention to rush the Legislative Council and the public to change their viewpoints in a single move by proposing this amendment, for we understand that it is not easy to change a society's cultural habit or even its values, but we very much hope that by proposing this amendment, we can make a start.

I recall that long ago, even before the establishment of the United Democrats of Hong Kong, we discussed whether we should call ourselves a political party. It was during the early 1990s. After a lengthy argument, we finally decided against adopting the title of a political party, taking into account that the people of Hong Kong had a rather strong resentment against political parties, and would hence cast adverse effect on our work. Thus we called ourselves the United Democrats of Hong Kong at first. After a number of years, when people had gradually got used to the term "political party", we then renamed ourselves the "Democratic Party" after our merger with the Meeting Point. I just wish to point out by this example that to change the concept or set values of certain people, very often it will take some time, some catalysis and discussions. I hope that we have embarked on this path today.

Moreover, very unfortunately, our discussion today touches on a question — where does the money come from; where does the money of the Democratic Party come from? The Honourable Martin LEE has already explained earlier. This has also reminded me of an interesting incident.

Recently, I have read an article in the entertainment section of a newspaper in which Deborah was reported to have advised her son, Nicholas TSE, not to show people his belly, that is, never lightly show people how much stuff he had. But where on earth does the money of the Democratic Party come from? In fact, fund raising is one way and the other is donation. However, a relatively large proportion of our funds is contributed by our members of and candidates running for various councils. For these candidates, no matter whether they successfully win a seat or not, as long as they have borrowed money from the Party, more often than not they have to repay these loans. Even after they have been returned as a Member, they have to continue to save money and turn it over to the Party. They cannot use the money until the next election. Therefore, in most cases, the allowances our members get after winning a seat in the councils will be used for repayment of their loans or turning over to the Party, which will be set aside for future election expenses. The funds that we raised are just not sufficient to cover all election expenses at all.

In addition, the amendment that we propose today is actually a very mild one, which seeks to initiate public discussion. Let me cite a very simple example. There are about 600 000 voters in the New Territories West Geographical Constituency. The Honourable LEE Wing-tat and the Honourable Albert HO have together gained about 140 000 votes from this constituency. Even if my proposal was agreed by the Chief Executive, according to it, they would get a subsidy of about \$700,000 after winning the election. Even if this subsidy of \$700,000 was granted, they would still have to pay the remaining expenses of close to \$1,800,000 incurred in the election. We can image how arduous it is to run for a direct geographical election. It is not at all easy for these few persons to raise \$1,800,000 for their election expenses. Even if they were able to get the subsidy, it was no more than \$700,000. Actually, even if the Government accepts this amendment, it may not need to increase its funding. Take Mr LEE Wing-tat's proposal as an example: if the Government allowed him to forfeit one of the free postal deliveries, it would save the Government, which I calculate to be, about \$780,000 of its funding to that particular candidate list. Thus, the charging effect of my amendment on the Government will be completely eliminated and the Government has no need to spend an extra penny of the public fund. All it has to do is merely to allow the candidates more flexibility on how to use the public fund. Therefore, the Government needs not disregard this amendment completely, which should worth its consideration, as it will not incur additional government expenditure. It will merely increase the choices given to the



candidates.

I hope that everyone will give some thoughts to this: if candidates can be granted a minimum subsidy on their election expenses, something like a seed money, more people will be encouraged to run in the election. They can borrow half of their expenses from outside, and have the Government subsidize the other half. Then they are almost ready to march forth and run in the election. This is after all better than not having even a seed money to start with. If they borrow money to run for the election and at the same time receive the subsidy, they may be able to repay the loans after the election.

Mr Jasper TSANG has said just now that my amendment highly favours big political parties as they can spend the subsidy received each time on the next election. Frankly speaking, for parties like the Democratic Party, if it gets the subsidy, the first thing that it does is not to save it up for the next election but to repay all or at least part of the debts incurred in the election, which will thus leave it penniless afterwards. That is the reality that we face. Even if there is a subsidy, it will still be insufficient to cover all the debts. Actually, some of our Members in this Chamber have not yet repaid all their debts and neither have they the idea when they will. That is a fact. Members can see the difficulties of becoming a politician. If insufficient funds make it extremely difficult for one to engage in politics, it will not be easy to attract more quality candidates to run in the election, the public's choice for better candidates in the election will thus be limited, and the quality of Members of the Legislative Council or other tiers of councils will also be affected in future. This is not worth it. Given that, I very much hope that the Government will seriously consider my proposal.

Nevertheless, I still have reaped some good results today. For example, I am very glad to hear Mr James TIEN said just now that the Liberal Party will oppose to my amendment this time, but they would consider it next time. The Democratic Alliance for the Betterment of Hong Kong has decided to abstain from voting. This will of course bar the passing of the amendment but their abstention is also a good sign, as it shows that divided views existed among members. After they have listened to today's debate and after the society's concept on this will begin to change some years later, I firmly believe, or hope, that the next time when the same amendment is proposed, it will gain more support. I firmly believe that this is bound to happen as the need will arise sooner or later. The reason is very simple. At present, the maximum expenses prescribed for running the direct election of five seats are \$2,500,000,

of six seats are \$3,000,000, and more and more expenses will be needed for more and more seats. It may be \$3,500,000 or \$4,000,000. Who can afford such sums of money? Even if someone agrees to sponsor, he will have to think it over very carefully whether he can afford that. Thank you, Madam Chairman. The time is up.

**CHAIRMAN** (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

**CHAIRMAN** (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr CHEUNG Man-kwong rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr CHEUNG Man-kwong has claimed a division. The division bell will ring for one minute.

**CHAIRMAN** (in Cantonese): While the bell is ringing, I would like to inform Members that the meeting will not be adjourned at 10 pm, since I have prepared to finish the Third Reading of the Legislative Council (Amendment) Bill 1999 today. Then we can deal with other bills tomorrow.

**CHAIRMAN** (in Cantonese): Will Members please check their votes. If there are no queries, the voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr Michael HO, Mr CHEUNG Man-kwong, Mr SIN Chung-kai and Mr LAW Chi-kwong voted for the motion.

Mr James TIEN, Mr Edward HO, Dr Raymond HO, Mr Eric LI, Mr LEE Kai-ming, Dr LUI Ming-wah, Miss Margaret NG, Mrs Selina CHOW, Mr Ronald ARCULLI, Mr HUI Cheung-ching, Mr Bernard CHAN, Dr LEONG Che-hung, Mrs Sophie LEUNG, Dr Philip WONG, Mr Howard YOUNG, Mr LAU Wong-fat, Mrs Miriam LAU, Mr FUNG Chi-kin and Dr TANG Siu-tong voted against the motion.

Mr CHAN Wing-chan and Mr WONG Yung-kan abstained.

Geographical Constituencies and Election Committee:

Miss Cyd HO, Mr Albert HO, Mr LEE Wing-tat, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr Andrew WONG, Dr YEUNG Sum, Mr LAU Chin-shek, Miss Emily LAU, Mr Andrew CHENG and Mr SZETO Wah voted for the motion.

Mr TAM Yiu-chung, Mr David CHU, Mr NG Leung-sing, Prof NG Ching-fai, Mr MA Fung-kwok, Mr Ambrose LAU and Miss CHOY So-yuk voted against the motion.

Miss Christine LOH, Miss CHAN Yuen-han, Mr Gary CHENG, Mr Jasper TSANG, Mr LAU Kong-wah, Mr CHAN Kam-lam and Mr YEUNG Yiu-chung abstained.

THE CHAIRMAN, Mrs Rita FAN, did not cast any vote.

THE CHAIRMAN announced that among the Members returned by functional constituencies, 25 were present, four were in favour of the motion, 19 against it and two abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 13 were in favour of the motion, seven against it and seven abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negatived.

<b>CLERK</b> (in Cantonese):	New clause 5A	Chief Executive to specify date for general election on dissolution of Legislative Council
	New Clause 18A	When final register is to take effect
	New Clause 27A	When general election can be postponed or adjourned
	Heading before new clause 45A	Post Office Regulations
	New clause 45A	Regulation amended
	Heading before new clause 45B	Societies Ordinance
	New clause 45B	Interpretation
	New clause 46A	Interpretation
	New clause 49	Schedule 1 amended.

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam Chairman, I move that new clauses 5A, 18A, 27A, heading before new clause 45A, new clause 45A, heading before new clause 45B, new clauses 45B, 46A and 49, as set out in the paper circularized to Members, be read the Second time.

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That new clauses 5A, 18A, 27A, heading before new clause 45A, new clause 45A, heading before new clause 45B, new clauses 45B, 46A and 49 be read the Second time.

**CHAIRMAN** (in Cantonese): Does any Member wish to speak?

(No Member indicated a wish to speak)

**CHAIRMAN** (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

**CHAIRMAN** (in Cantonese): Those against please raise their hands.

(No hands raised)

**CHAIRMAN** (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

**CLERK** (in Cantonese): New clauses 5A, 18A, 27A, heading before new clause 45A, new clause 45A, heading before new clause 45B, new clauses 45B, 46A and 49.

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam Chairman, I move that new clauses 5A, 18A, 27A, heading before new clause 45A, new clause 45A, heading before new clause 45B, new clauses 45B, 46A and 49 be added to the Bill.

*Proposed additions*

**New clause 5A (see Annex III)**

**New clause 18A (see Annex III)**

**New clause 27A (see Annex III)**

**Heading before new clause 45A (see Annex III)**

**New clause 45A (see Annex III)**

**Heading before new clause 45B (see Annex III)**

**New clause 45B (see Annex III)**

**New clause 46A (see Annex III)**

**New clause 49 (see Annex III)**

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That new clauses 5A, 18A, 27A, heading before new clause 45A, new clause 45A, heading before new clause 45B, new clauses 45B, 46A and 49 be added to the Bill.

I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

**CHAIRMAN** (in Cantonese): Those against please raise their hands.

(No hands raised)

**CHAIRMAN** (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

**CHAIRMAN** (in Cantonese): Council now resumes.

Council then resumed.

**Third Reading of Bill**

**PRESIDENT** (in Cantonese): Bill: Third Reading.

**LEGISLATIVE COUNCIL (AMENDMENT) BILL 1999**

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, the

Legislative Council (Amendment) Bill 1999

has passed through Committee with amendments. I move that this Bill be read the Third time and do pass.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the Legislative Council (Amendment) Bill 1999 be read the Third time and do pass.

**PRESIDENT** (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

**PRESIDENT** (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Dr YEUNG Sum rose to claim a division.

**PRESIDENT** (in Cantonese): Dr YEUNG Sum has claimed a division. The division bell will ring for three minutes.

**PRESIDENT** (in Cantonese): We now proceed with the voting.

**PRESIDENT** (in Cantonese): Are there any queries? Voting shall now stop and the result will be displayed.

Mr James TIEN, Mr David CHU, Mr Edward HO, Dr Raymond HO, Mr Eric LI, Mr LEE Kai-ming, Dr LUI Ming-wah, Mr NG Leung-sing, Prof NG Ching-fai, Miss Margaret NG, Mrs Selina CHOW, Mr Ronald ARCULLI, Mr MA Fung-kwok, Mr HUI Cheung-ching, Miss Christine LOH, Miss CHAN Yuen-han, Mr Bernard CHAN, Mr CHAN Wing-chan, Mr CHAN Kam-lam, Dr LEONG Che-hung, Mrs Sophie LEUNG, Mr Gary CHENG, Mr Andrew WONG, Dr Philip WONG, Mr WONG Yung-kan, Mr Jasper TSANG, Mr Howard YOUNG, Mr YEUNG Yiu-chung, Mr LAU Kong-wah, Mrs Miriam LAU, Mr Ambrose LAU, Miss CHOY So-yuk, Mr TAM Yiu-chung and Mr FUNG Chi-kin voted for the motion.

Mr Miss Cyd HO, Mr LEE Cheuk-yan, Mr LAU Chin-shek, Mr LAU Wong-fat, Miss Emily LAU and Dr TANG Siu-tong voted against the motion.

Mr Albert HO, Mr Michael HO, Mr LEE Wing-tat, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Dr YEUNG Sum, Mr Andrew CHENG, Mr SZETO Wah and Mr LAW Chi-kwong abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that there were 53 Members present, 34 were in favour of the motion, six against it and 12 abstained. Since the question was agreed by a majority of the Members present, she therefore declared that the



motion was carried.

### **SUSPENSION OF MEETING**

**PRESIDENT** (in Cantonese): Members, we now suspend the meeting, which will be resumed at 9.00 am tomorrow.

*Suspended accordingly at twelve minutes past Ten o'clock.*

**Annex III**

## LEGISLATIVE COUNCIL (AMENDMENT) BILL 1999

**COMMITTEE STAGE**Amendments to be moved by the Secretary for Constitutional Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
2(a)	By deleting subparagraph (iii).
3	By deleting paragraph (b) and substituting -  " (b) by repealing subsection (3) and substituting -  " (3) Subject to subsection (4), each term of office of the Legislative Council is to begin on a date to be specified by the Chief Executive in Council. The Chief Executive in Council must give notice of that date in the Gazette." . "
5	By deleting the clause and substituting -  <b>"5. Chief Executive to specify dates for holding general elections</b>  Section 6 is amended -  (a) by repealing subsection (1) and substituting -  " (1) The Chief Executive must specify a date for holding a general election to elect the Members for each term of office of the Legislative Council. The

ClauseAmendment Proposed

Chief Executive must give notice of that date in the Gazette.";

- (b) in subsection (4), by repealing everything after "must" and substituting "specify the date from which that Council stands prorogued. The Chief Executive must give notice of that date in the Gazette."."

New By adding -

**"5A. Chief Executive to specify date for general election on dissolution of Legislative Council**

Section 7(1) is amended by repealing everything after "must" and substituting "specify a date for holding a general election. The Chief Executive must give notice of that date in the Gazette."."

6 By deleting the clause.

8 By deleting paragraph (a) and substituting -

"(a) by repealing subsection (1) and substituting -

"(1) The Chief Executive must specify a date and time for holding the first meeting of each term of office of the Legislative Council. The Chief Executive must give notice of that date and time in the Gazette.";"

13 (a) In the proposed section 20B(a)(viii), by deleting "Federations" and substituting "Federation".

ClauseAmendment Proposed

- (b) In the proposed section 20V(1) -
- (i) in paragraph (a), by deleting "Amateur";
  - (ii) in paragraph (b), by deleting "Amateur";
  - (iii) by deleting paragraph (i)(iii) and substituting -  

"(iii) International Federation of the  
Phonographic Industry (Hong Kong  
Group) Limited;"
- (c) In the proposed section 20X -
- (i) in paragraph (a), by adding "corporate" before "members";
  - (ii) in paragraph (b) -
    - (A) by adding "corporate" before "members";
    - (B) in subparagraph (xi), by deleting "and";
    - (C) by adding -  

"(xii) The Hong Kong General Chamber  
of Textiles Limited; and";
  - (iii) by deleting paragraph (c).

ClauseAmendment Proposed

- 18 (a) By deleting "Section 32(1) is amended -" and substituting -
- "Section 32 is amended -
- (a) in subsection (1) -".
- (b) By deleting -
- "(a) in paragraph (a),"
- and substituting -
- "(i) in paragraph (a),".
- (c) By deleting "(b)" where it first appears and substituting "(ii)".
- (d) By deleting the full stop and substituting a semicolon.
- (e) By adding -
- "(b) in subsection (2), by adding "The Electoral Registration Officer may, from time to time, amend the register in accordance with Schedule 2 and those regulations to give effect to any change in the ex-officio membership of the Election Committee." after the full stop at the end."
- New By adding -
- "18A. When final register is to take effect**
- Section 33 is amended -
- (a) by renumbering it as section 33(1);

ClauseAmendment Proposed

(b) in subsection (1), by adding "(other than a final register of members of the Election Committee)" after "A final register";

(c) by adding -

"(2) A final register of members of the Election Committee is to have effect as amended from time to time in accordance with Schedule 2 and regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541) after its publication.".

20 (a) By deleting paragraph (a) and substituting -

"(a) in paragraph (b) -

(i) by repealing "section 45" and substituting "section 42C";

(ii) by repealing "constituency or by the Election Committee" and substituting "functional constituency";".

(b) In paragraph (c) -

(i) by deleting ""(ca)" and substituting "(cb)";

(ii) by adding after "by adding -" -

ClauseAmendment Proposed

""(ca) on the making of a declaration under section 46A(1) that the proceedings for the election for a constituency or by the Election Committee have been terminated;".

- 22 (a) By deleting everything before the proposed section 38(13) and substituting -

**"22. Nomination lists for geographical constituencies**

Section 38 is amended -

- (a) by renumbering subsection (8) as subsection (4A);
- (b) by adding -

"(6A) If, after the Returning Officer has determined that a nominee is validly nominated, but before the close of nominations, it comes to the knowledge of the Returning Officer that the nominee has died or is disqualified from being nominated, that Officer must strike out the name of that nominee from the nomination list and adjust the order of priority in which the names of nominees appear on that list

ClauseAmendment Proposed

accordingly.";

(c) in subsection (7), by adding "or (6A)" after "subsection (6)";

(d) in subsection (10), by adding ", (6A)" after "subsections (6)";

(e) by adding -

"(11) If, before the date of the election, it comes to the knowledge of the Returning Officer that a candidate whose name appears on a list of candidates has died or is disqualified from being nominated as a candidate, the Returning Officer must strike out the name of that candidate from the list."

(b) In the proposed section 38(13), by deleting "The" and substituting "After striking out a name from a list of candidates under subsection (11), the".

(c) In the proposed section 38(14), by deleting "subsections (11) and (12), no name remains on the list" and substituting "subsection (11), no name remains on the list of candidates".

(d) In the proposed section 38(15), by deleting "after the Returning Officer has taken the action referred to in subsections (11) and (12)" and substituting "of candidates after the Returning Officer has taken the action referred to in subsection (11)".



ClauseAmendment Proposed

- 25
- (a) In the heading, by deleting "**Section**" and substituting "**Sections**".
- (b) By deleting "is added" and substituting "are added".
- (c) By adding after the proposed section 42A(1) -
- "(2) The Returning Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), publish a notice stating which persons are validly nominated as candidates."
- (d) By deleting -
- "(2) If, after the Returning Officer has made a decision under subsection (1) that a candidate is validly nominated for election for a constituency"
- and substituting -
- "42B. Death or disqualification of a validly nominated candidate for election for geographical constituency or by Election Committee before date of election**
- (1) If, after the Returning Officer has made a decision under section 42A(1) that a candidate is validly nominated for election for a geographical constituency".
- (e) By deleting "but before the general polling day (or, if there is advance polling, before the advance polling day or the first advance polling day if more than one)" where it twice

ClauseAmendment Proposed

appears and substituting ", but before the date of the election".

- (f) By adding before "in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541) -" -

"in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), give notice of the death of the candidate.

(2) If a notice under section 42A(2) has been published, the Returning Officer must also, "

- (g) By deleting "Subsection (2) does" and substituting "Subsections (1) and (2) do".

- (h) By deleting -

"(4) If, after the Returning Officer has made a decision under subsection (1) that a candidate is validly nominated for election for a constituency"

and substituting -

"(4) If, after the Returning Officer has made a decision under section 42A(1) that a candidate is validly nominated for election for a geographical constituency".

- (i) By adding after "in accordance with those regulations" -

", give notice of the variation of the decision.

(5) If a notice under section 42A(2) has been published, the Returning Officer must also, in accordance with regulations in force under the

ClauseAmendment Proposed

Electoral Affairs Commission Ordinance (Cap. 541)".

(j) By deleting -

"(5) Subsection (4) does"

and substituting -

"(6) Subsections (4) and (5) do".

(k) By deleting "Member."." and substituting "Member.".

(l) By adding -

**"42C. Death or disqualification of a validly nominated candidate for election for functional constituency before date of election**

If, after the close of nominations for an election for a functional constituency, but before the date of the election, it comes to the knowledge of the Returning Officer that a candidate who is validly nominated for election for the constituency has died or is disqualified from being nominated as a candidate for the constituency, that Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), publicly declare that the proceedings for the election for that constituency are terminated."."

ClauseAmendment Proposed

New           By adding -

**"27A. When general election can be postponed or adjourned**

Section 44(4) is amended -

- (a) by repealing ", by notice published in the Gazette,";
- (b) by adding "The Chief Executive must give notice of that date in the Gazette." before "That date".

30           In the proposed section 46A -

- (a) by deleting the heading and substituting "**Death or disqualification of a validly nominated candidate before declaration of election result**";
- (b) in subsection (1), by deleting "general polling day (or, if there is advance polling, on or after the advance polling day or the first advance polling day if more than one) but before the close of polling for an election" and substituting "date of an election but before the close of polling for the election";
- (c) in subsection (4) -

ClauseAmendment Proposed

- (i) by adding "for a geographical constituency" after "declare an election";
- (ii) by deleting "a constituency or by the Election Committee was less than the number of Members to be returned for the constituency or by that Committee" and substituting "the constituency was less than the number of Members to be returned for the constituency";
- (iii) in paragraph (a), by deleting "list within the meaning of section 49 for election for a geographical" and substituting "particular list within the meaning of section 49 for election for the".
- 31 (a) By deleting "by adding".
- (b) By adding after the dash -
- "(a) in subsection (3), by adding "(other than an ex-officio member)" after "Election Committee";
- (b) by adding -
- "(3A) Subject to subsections (3B) and (3C), an ex-officio member of the Election Committee who is registered as an elector for a functional constituency is entitled to vote at an election to return a Member -
- (a) for the constituency; or
- (b) by the Election

ClauseAmendment Proposed

Committee,

of that member's choice made in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541) before the compilation of the final register of members of the Election Committee for the purposes of the second general election. The choice is to have effect in relation to any election held for the second term of office of the Legislative Council and is irrevocable.

(3B) An elector registered for a functional constituency ("first-mentioned registration") who is subsequently registered as an ex-officio member of the Election Committee after the second general election ("second-mentioned registration") is only entitled, after the second-mentioned registration, to vote at an election to return a Member by the Election Committee unless there has been an election for the second term of office of the Legislative Council (whether contested or uncontested) to return a Member for that constituency during the period between the first-mentioned registration and the second-mentioned registration of the elector, in which case the elector is only entitled to vote at an election to return a Member for that constituency.

(3C) An ex-officio member of the

ClauseAmendment Proposed

Election Committee who is subsequently registered as an elector for a functional constituency after the second general election is, despite the subsequent registration, only entitled to vote at an election to return a Member by the Election Committee."."

(c) By deleting everything from ""(4A)" to "polling days."."

36

By deleting the clause and substituting -

**"36. When an elector is disqualified from voting at an election**

Section 53 is amended -

- (a) in subsection (1)(b), by repealing "specified in Schedule 1" and substituting "eligible to be registered as an elector for such a constituency";
- (b) by repealing subsection (3) and substituting -

"(3) A person registered as an ex-officio member of the Election Committee is disqualified from voting at an election if the person -

- (a) has ceased to be an ex-officio member of that Committee;

ClauseAmendment Proposed

- (b) has ceased to be eligible to be registered as an elector for a geographical constituency; or
- (c) is not registered or has ceased to be registered as an elector for a geographical constituency."."
- 42 (a) In the proposed Schedule 1, by deleting items 1 to 77 and substituting -
- "1. The Aberdeen Fishermen Friendship Association.
  2. The Ap Lei Chau Fishermen's Credit Co-operative Society, Unlimited.
  3. The Castle Peak Fishermen's Credit Co-operative Society, Unlimited.
  4. The Castle Peak Mechanized Trawler Fishermen's Credit Co-operative Society, Unlimited.
  5. Cheung Chau Fisheries Joint Association.



ClauseAmendment Proposed

6. Cheung Chau Fishermen's Welfare Promotion Association.
7. The Fanling Kwun Ti Village Farmers' Irrigation Co-operative Society, Ltd.
8. Fish Farming and Stuff Association.
9. Fisherman's Association of Po Toi Island.
10. Fishery Development Association (Hong Kong) Limited.
11. Fraternal Association of The Floating Population of Hong Kong.
12. The Guild of Graziers.
13. Hang Hau Grazier Association.
14. Hong Kong and Kowloon Fishermen Association Ltd.
15. Hong Kong & Kowloon Floating Fishermen Welfare Promotion Association.
16. The Hong Kong Fisheries Development Association.
17. Hong Kong Fishermen's Association.
18. Hong Kong Fishing Vessel Owners Association, Ltd.
19. Hong Kong Florists Association.

ClauseAmendment Proposed

20. Hong Kong Graziers Union.
21. The Hong Kong Liner & Gillnetting Fisherman Association.
22. Hong Kong Livestock Industry Association.
23. Hong Kong N.T. Fish Culture Association.
24. Hong Kong N.T. Poultry - Culture (Geese & Ducks) Mutual Association.
25. Hong Kong Netting, Cultivation and Fisherman Association.
26. Hong Kong New Territories Boat People Association.
27. Hong Kong Off-shore Fishermen's Association.
28. Hong Kong Pigfarm Association Limited.
29. The Lam Ti Agricultural Credit Co-operative Society, Limited.
30. Lamma Island Lo Dik Wan Aquaculture Association.
31. The Lamma Island (North) Villagers' Thrift and Loan Co-operative Society Limited.
32. Lau Fau Shan Oyster Industry Association, New Territories.

ClauseAmendment Proposed

33. Ma Wan Fisheries Rights Association Ltd.
34. The Mui Wo Agricultural Products Marketing & Credit Co-operative Society, Ltd.
35. Mui Wo Fishermen Fraternity Society.
36. N.T. Oyster and Aquatic Products United Association.
37. The New Territories Chicken Breeders Association, Ltd.
38. The New Territories Fishermen Fraternity Association Ltd.
39. New Territories Florist Association, Ltd.
40. North District Florists Association.
41. Outlying Islands Mariculture Association (Cheung Chau).
42. Peng Chau Fishermen Association Ltd.
43. Quality Broiler Development Association.
44. The Sai Kung Agricultural Products Marketing & Credit Co-operative Society, Ltd.
45. Sai Kung Fishermen Association Limited.
46. Sai Kung (North) Sham Wan Marine Fish Culture Business Association.
47. Sai Kung Po Toi O Fish Culture Business Association.

ClauseAmendment Proposed

48. Sai Kung Tai Tau Chau Fish Culture Business Association.
49. Sai Kung Tai Wu Kok Fishermen's Association.
50. Sha Tau Kok Marine Fish Culture Association.
51. The Sha Tau Kok Small Long Liner and Gill Net Fishermen's Credit Co-operative Society, Unlimited.
52. The Shan Tong Vegetable Marketing Co-operative Society, Ltd.
53. Shatin Ah Kung Kok Fishermen Welfare Association.
54. Shatin Florists Association.
55. The Shau Kei Wan Deep Sea Capture Fishermen's Credit Co-operative Society, Unlimited.
56. Shau Kei Wan Fishermen Friendship Association.
57. The Shau Kei Wan Pair Trawler Fishermen's Credit Co-operative Society, Unlimited.
58. The Shau Kei Wan Trawler Fishermen's Credit Co-operative Society, Unlimited.
59. The Sheung Shui Ngai Yuen Sun Tsuen Pig Raising Co-operative Society, Ltd.

ClauseAmendment Proposed

60. Tai O Fishermen (Coastal Fishery) Association.
61. The Tai O Sha Chai Min Fishermen's Credit Co-operative Society, Unlimited.
62. The Tai Po Fishermen's Credit Co-operative Society, Unlimited.
63. Tai Po Florists and Horticulturists Association.
64. The Tai Po Ma Wo Village Pig Raising Co-operative Society, Ltd.
65. The Tai Po Purse Seiner and Small Long Liner Fishermen's Credit Co-operative Society, Unlimited.
66. The Tsing Lung Tau Hand Liner Fishermen's Credit Co-operative Society, Unlimited.
67. The Tsuen Wan Fishermen's Credit Co-operative Society, Unlimited.
68. The Tsuen Wan Gill Net Fishermen's Credit Co-operative Society, Unlimited.
69. Tuen Mun Agricultural Association.
70. Tung Lung Chau Mariculture Association.
71. The World Poultry Science Association, Hong Kong Branch.
72. The Wu Kau Tang Village Agricultural Credit Co-operative Society, Limited.
73. The Yuen Long Agriculture Productivity

ClauseAmendment Proposed

Association.

74. Yung Shue Au Marine Fish Culture Business Association.

75. 大嶼山水陸居民聯合會.

76. 青衣水陸居民聯誼會.

77. 荃灣葵青居民聯會（漁民組）.

78. 荃灣葵青漁民會."

(b) In the proposed Schedule 1A, by deleting items 1 to 157 and substituting -

"1. Adams Parking (International) Limited.

2. Airport Authority Hong Kong.

3. Airport Ferry Services Ltd.

4. Articulated & Commercial Vehicle's Instructors Union.

5. The Association of N.T. Radio Taxicabs Ltd.

6. Autotoll Limited.

7. Chartered Institute of Transport in Hong Kong.

8. China Merchants Shipping & Enterprises Co. Ltd.

9. China Tollways Ltd.

10. Chu Kong Shipping Enterprises (Holdings) Co.

ClauseAmendment Proposed

- Ltd.
11. Chuen Kee Ferry Ltd.
  12. Chuen Lee Radio Taxis Association Ltd.
  13. Citybus Ltd.
  14. Coral Sea Ferry Service Co., Ltd.
  15. COSCO-HIT Terminals (Hong Kong) Limited.
  16. CTOD Association Company Ltd.
  17. CTS - Parkview Ferry Services Ltd.
  18. Discovery Bay Transportation Services Ltd.
  19. Driving Instructors Merchant Association Ltd.
  20. Eastern Ferry Co.
  21. Expert Fortune Ltd.
  22. Far East Hydrofoil Co. Ltd.
  23. Fat Kee Stevedores Ltd.
  24. The Fraternity Association of N.T. Taxi Merchants.
  25. Fraternity Taxi Owners Association.
  26. G.M.B. Maxicab Operators General Association Ltd.

ClauseAmendment Proposed

27. The Goods Vehicle Fleet Owners Association Ltd.
28. Happy Taxi Operator's Association Ltd.
29. HKS Parking Limited.
30. Hoi Kong Container Services Co. Ltd.
31. Holiday Resorts (Hong Kong) Ltd.
32. Hon Wah Public Light Bus Association Ltd.
33. Hong Kong Air Cargo Terminals Limited.
34. Hong Kong & Kowloon Ferry Ltd.
35. Hong Kong & Kowloon Goods Vehicle Omnibuses and Minibuses Instructors' Association Ltd.
36. Hong Kong & Kowloon Motor Boats and Tug Boats Association Ltd.
37. Hong Kong & Kowloon Radio Car Owners Association Ltd.
38. Hong Kong and Kowloon Rich Radio Car Service Centre Association Ltd.
39. Hong Kong & Kowloon Taxi Companies Association Ltd.
40. Hong Kong Association of Freight Forwarding Agents Ltd.
41. Hong Kong Automobile Association.



ClauseAmendment Proposed

42. The Hong Kong Cargo-Vessel Traders' Association Ltd.
43. Hong Kong Commercial Vehicle Driving Instructors Association Ltd.
44. Hong Kong Container Freight Station Association Limited.
45. Hong Kong Container Tractor Owner Association Ltd.
46. Hong Kong Driving Instruction Club Ltd.
47. Hong Kong Gangdong Transportation Association Ltd.
48. The Hong Kong Institute of Marine Technology.
49. Hong Kong, Kowloon & NT Public & Maxicab Light Bus Merchants' United Association.
50. Hong Kong Kowloon Taxi & Lorry Owners Association Ltd.
51. The Hong Kong Liner Shipping Association.
52. Hong Kong Marine Contractors Association.
53. Hong Kong Motor Car Driving Instructors Association Ltd.
54. Hong Kong Pilots Association Ltd.
55. Hong Kong Public & Maxicab Light Bus United

ClauseAmendment Proposed

Associations.

56. Hong Kong Public Cargo Working Areas Traders Association Ltd.
57. Hong Kong Scheduled (GMB) Licensee Association.
58. The Hong Kong School of Motoring Ltd.
59. The Hong Kong Sea Transport Association Ltd.
60. The Hong Kong Shipowners Association Ltd.
61. Hong Kong Shipping Circles Association Ltd.
62. Hong Kong Shipping Industry Institute.
63. Hong Kong Shipping Staff Association.
64. Hong Kong Society of Articulated Vehicle Driving Instructors Ltd.
65. The Hong Kong Stevedores Employers' Association.
66. Hong Kong Tele-call Taxi Association.
67. Hong Kong Tramways Ltd.
68. Hong Kong Transportation Warehouse Wharf Club.
69. Hong Kong Tunnels and Highways Management Company Limited.
70. The Hongkong & Yaumati Ferry Co., Ltd.

ClauseAmendment Proposed

71. Hongkong International Terminals Ltd.
72. Hop Shing Kung Ferry Co., Ltd.
73. Institute of Advanced Motorists Hong Kong.
74. The Institute of Seatransport.
75. Institute of Transport Administration (China - Hong Kong Centre).
76. Kowloon Fung Wong Public Light Bus Merchants & Workers' Association Ltd.
77. Kowloon Motor Bus Company (1933) Ltd.
78. Kowloon Motor Driving Instructors' Association Ltd.
79. The Kowloon PLB Chiu Chow Traders & Workers Friendly Association.
80. The Kowloon Taxi Owners Association Ltd.
81. Kowloon Truck Merchants Association Ltd.
82. Kowloon-Canton Railway Corporation.
83. Kwik Park Limited.
84. Lam Tin Wai Hoi Public Light Bus Merchants Association Ltd.
85. Lantau Taxi Association.
86. Lei Yue Mun Ko Chiu Road Public Light Bus

ClauseAmendment Proposed

- Merchants Association Ltd.
87. Lok Ma Chau China - Hong Kong Freight Association.
88. Long Win Bus Company Limited.
89. Lung Cheung Public Light Bus Welfare Advancement Association Ltd.
90. Mack & Co. Carpark Management Limited.
91. Marine Excursion Association.
92. Maritime Affairs Research Association Ltd.
93. Mass Transit Railway Corporation.
94. Merchant Navy Officers' Guild - Hong Kong.
95. Metropark Limited.
96. Mid-stream Holdings (HK) Limited.
97. Mixer Truck Drivers Association.
98. Modern Terminals Ltd.
99. N.T. PLB Owners Association.
100. N.T. San Tin PLB (17) Owners Association.
101. N.T. Taxi Merchants Association Ltd.
102. N.T. Taxi Owners & Drivers Fraternal Association.

ClauseAmendment Proposed

103. N.T. Taxi Radio Service General Association.
104. N.W. Area Taxi Drivers & Operators Association.
105. New Hong Kong Tunnel Co., Ltd.
106. New Lantao Bus Co., (1973) Ltd.
107. New Territories Cargo Transport Association Ltd.
108. New World First Bus Services Limited.
109. North District Taxi Merchants Association.
110. Organisation of Hong Kong Drivers.
111. Owners and Drivers Association.
112. Peak Tramways Co., Ltd.
113. Pioneer Concrete Owners Drivers Association.
114. The Polly Ferry Co., Ltd.
115. Private Hire Car for Young Children Association Ltd.
116. Public and Private Light Buses Driving Instructors' Society.
117. The Public Cargo Area Trade Association.
118. Public Light Bus General Association.
119. The Public Omnibus Operators Association Ltd.
120. Public Vehicle Merchants Fraternity

ClauseAmendment Proposed

Association.

121. Quadripartite Taxi Service Association Ltd.
122. Rambo Taxi Owners Association Ltd.
123. River Trade Terminal Co. Ltd.
124. Route 3 (CPS) Company Limited.
125. Sai Kung PLB Drivers and Owners Association.
126. Sai Kung Taxi Operators Association Ltd.
127. Salvage Association (Hong Kong Office).
128. Sea-Land Orient Terminals Ltd.
129. Serco Guardian (F.M.) Ltd.
130. Shun Tak Ferries Ltd.
131. The "Star" Ferry Co., Ltd.
132. Sun Hing Taxi Radio Association.
133. T.C. Taxi United Association Ltd.
134. Tang's Taxi Companies Association Ltd.
135. Tate's Cairn Tunnel Co., Ltd.
136. Taxi Associations Federation.
137. Taxi Dealers & Owners Association Ltd.

ClauseAmendment Proposed

138. Taxi Drivers & Operators Association Ltd.
139. The Taxi Operators Association Ltd.
140. Taxicom Vehicle Owners Association Ltd.
141. Tsing Ma Management Limited.
142. Tsuen Wan PLB Commercial Association Ltd.
143. Tuen Mun PLB Association.
144. Tung Yee Shipbuilding & Repairing Merchants General Association.
145. United Association of Public Lightbus Hong Kong.
146. United Friendship Taxi Owners & Drivers Association Ltd.
147. United Radio Taxi & Goods Vehicle Association Ltd.
148. Urban Taxi Drivers Association Joint Committee Co. Ltd.
149. Wai Fat Taxi Owners Association Ltd.
150. Wai Yik HK & Kln & NT Taxi Owners Association.
151. West Coast International (Parking) Limited.
152. Western Harbour Tunnel Co. Ltd.

ClauseAmendment Proposed

153. Wilson Parking (Hong Kong) Limited.
154. Wing Lee Radio Car Traders Association Ltd.
155. Wing Tai Car Owners & Drivers Association Ltd.
156. Wing Yip Shipping & Transportation Co. Ltd.
157. Wu Gang Shipping Co. Ltd.
158. Xiamen United Enterprises (H.K.) Ltd.
159. Yik Sun Radiocabs Operators Association Ltd.
160. Young Children School Mini-Buses Operators Association Ltd.
161. Yuen Long Tai Po PLB Merchants Association Ltd."

(c) In the proposed Schedule 1B -

(i) In Part 1, by deleting items 1 to 19 and substituting -

- "1. Central & Western District Recreation & Sports Association.
2. Eastern District Recreation & Sports Advancement Association Ltd.
3. The Federation of Tsuen Wan District Sports & Recreation Association Ltd.



ClauseAmendment Proposed

4. Islands District Sports Association.
5. Kowloon City District Recreation & Sports Council.
6. Kwai Tsing District Sports Association.
7. Kwun Tong Sports Promotion Association Ltd.
8. Mongkok District Cultural Recreation & Sports Association Ltd.
9. North District Sports Association.
10. Sai Kung District Sports Association Ltd.
11. Sha Tin Sports Association Ltd.
12. Sham Shui Po Sports Association.
13. Southern District Recreation & Sports Council.
14. Tai Po Sports Association Ltd.
15. Tuen Mun Sports Association Limited.
16. Wanchai District Arts Cultural Recreation & Sports Association Ltd.

ClauseAmendment Proposed

17. Wong Tai Sin District Recreation & Sports Council.

18. Yaumatei and Tsimshatsui Recreation & Sports Association Ltd.

19. Yuen Long District Sports Association Ltd.";

(ii) in Part 2, by deleting items 1 to 16 and substituting -

"1. Central and Western District Association for Culture and Arts.

2. Eastern District Arts Council.

3. Kowloon City District Arts and Culture Council.

4. Kwai Chung and Tsing Yi District Culture and Arts Co-ordinating Association Limited.

5. Kwun Tong District Culture & Recreation Promotion Association Limited.

6. North District Arts Advancement Association Limited.

7. Saikung Cultural & Recreation Advancement Association.

ClauseAmendment Proposed

8. Sha Tin Arts Association Limited.
9. Shamshuipo Arts Association.
10. Southern District Arts and Culture Association Limited.
11. Tai Po District Arts Advancement Association.
12. Tsuen Wan Culture & Recreation Co-ordinating Association Limited.
13. Tuen Mun Arts Promotion Association.
14. Wong Tai Sin District Arts Council.
15. Yau Ma Tei and Tsim Sha Tsui Culture and Arts Association Limited.
16. Yuen Long District Arts Committee.";

(iii) in Part 3, by deleting items 1 to 62 and substituting -

- "1. All Stars Sports Association Ltd.
2. The Amateur Lyric Writers' Association of Hong Kong.
3. Artiste Training Alumni Association Limited.

ClauseAmendment Proposed

4. Asia Television Limited.
5. Composers and Authors Society of Hong Kong Limited.
6. Friends of the Art Museum, The Chinese University of Hong Kong Limited.
7. The Friends of the Hong Kong Museum of Art.
8. Galaxy Satellite Broadcasting Limited.
9. HK Film Directors' Guild Ltd.
10. Hong Kong Anthropological Society.
11. Hong Kong Archaeological Society.
12. Hong Kong Cable Television Limited.
13. The Hong Kong Children's Choir.
14. Hong Kong Chinese Orchestra.
15. Hong Kong Chinese Press Association.
16. Hong Kong Cinema and Theatrical Enterprise Association Ltd.
17. Hong Kong Cinematography and

ClauseAmendment Proposed

- Television Lighting Association Limited.
18. Hong Kong Commercial Broadcasting Company Limited.
  19. Hong Kong Curators Association.
  20. Hong Kong Dance Company.
  21. Hong Kong Federation of Journalists Ltd.
  22. Hong Kong Festival Fringe Ltd.
  23. Hong Kong Film Academy.
  24. Hong Kong Film Arts Association Limited.
  25. Hong Kong Golf Association.
  26. Hong Kong History Society.
  27. Hong Kong Intellectual Property Society.
  28. Hong Kong Journalists Association.
  29. The Hong Kong Life Saving Society.
  30. The Hong Kong Mass Media Professionals Association Ltd.
  31. Hong Kong Museum of Medical Sciences Society.

ClauseAmendment Proposed

32. Hong Kong News Executives' Association Ltd.
33. Hong Kong PEN (English) Centre.
34. Hong Kong Performing Artistes Guild Ltd.
35. Hong Kong Philharmonic Orchestra.
36. Hong Kong Press Photographers Association.
37. Hong Kong Recreation Management Association.
38. Hong Kong Repertory Theatre.
39. Hong Kong Screen Writers' Guild Ltd.
40. Hong Kong Sports Association of the Deaf.
41. Hong Kong Sports Press Association Ltd.
42. Hong Kong Stuntman Association Ltd.
43. Hong Kong Tai Chi Association.
44. Hong Kong Telecom VOD Limited.
45. Hong Kong United Arts

ClauseAmendment Proposed

Entertainment Co. Ltd.

46. Hutchvision Hong Kong Limited.
47. Metro Broadcast Corporation Limited.
48. Min Chiu Society.
49. Motion Picture Production Executives (Hong Kong) Association.
50. New Territories Regional Sports Association.
51. The Newspaper Society of Hong Kong.
52. Pop-Music Authors Society of Hong Kong.
53. Royal Asiatic Society Hong Kong Branch.
54. Sail Training Association of Hong Kong Ltd.
55. Society of Cinematographers (Hong Kong) Limited.
56. Society of Film Editors (HK) Ltd.
57. South China Film Industry Workers Union.
58. South China Research Circle.

ClauseAmendment Proposed

59. Swimming Teacher's Association  
Hong Kong.

60. Television Broadcasts Limited.

61. Videotage.

62. Zuni Icosahedron."

(d) In the proposed Schedule 1C, by deleting items 1 to 89 and substituting -

"1. The Anglo-Chinese Vegetable Wholesale Merchants Association Limited.

2. The Association of Retailers and Tourism Services.

3. Cheung Sha Wan Poultry United Wholesalers Association Ltd.

4. Chinese Medicine Merchants Association Ltd.

5. Chinese Merchants Association.

6. Chinese Paper Merchants Association.

7. The Cosmetic & Perfumery Association of Hong Kong Ltd.

8. Eastern District Fresh Fish Merchants' Society.

9. Federation of Hong Kong, Kowloon and New Territories Hawkers Associations.

10. The Federation of Hong Kong Watch Trades and



ClauseAmendment Proposed

Industries Ltd.

11. HK Vegetable Wholesaler Community.
12. Hong Kong and Kowloon Bamboo Goods Merchants Association Limited.
13. Hong Kong and Kowloon Electrical Appliances Merchants Association Ltd.
14. Hong Kong & Kowloon Electro-Plating Trade Merchants Association Ltd.
15. Hong Kong & Kowloon European Dress Merchants Association.
16. Hong Kong & Kowloon Fresh Water Fish Merchants' & Buyers' Association Limited.
17. Hong Kong & Kowloon Fruit & Vegetable Employees & Employers Guild.
18. Hong Kong & Kowloon Furniture & Shop Fittings Merchants Association.
19. Hong Kong & Kowloon General Association of Liquor Dealers and Distillers.
20. Hong Kong & Kowloon Machine Made Paper Merchants Association Ltd.
21. Hong Kong and Kowloon Machinery and Instrument Merchants Association Ltd.
22. Hong Kong & Kowloon Marine Products

ClauseAmendment Proposed

- Merchants Association Ltd.
23. Hong Kong & Kowloon Plastic Products Merchants United Association Limited.
  24. Hong Kong & Kowloon Poultry Dealers Guild.
  25. The Hong Kong & Kowloon Provisions, Wine & Spirit Dealers' Association.
  26. Hong Kong & Kowloon Rattan Ware Merchants Association (Wing-Hing-Tong).
  27. The Hong Kong and Kowloon Rice Retailers' General Association Ltd.
  28. Hong Kong and Kowloon Salt Merchants' Association.
  29. Hong Kong & Kowloon Sauce & Preserved-Fruit Amalgamated Employers Association.
  30. Hong Kong & Kowloon Tea Trade Merchants Association Ltd.
  31. Hong Kong & Kowloon Timber Merchants Association.
  32. Hong Kong & Kowloon Vegetable Transportation Fraternity Association.
  33. Hong Kong & Kowloon Vermicelli & Noodle Manufacturing Industry Merchants' General Association.
  34. Hong Kong Art Craft Merchants Association,

ClauseAmendment Proposed

- Ltd.
35. Hong Kong Dried Seafood and Grocery Merchants Association Limited.
  36. Hong Kong Dyestuffs Merchants Association Limited.
  37. Hong Kong Egg Merchants Association (Fung-Kwai-Tong).
  38. Hong Kong Embroidery Merchants Association Limited.
  39. Hong Kong Flour Merchants' Association.
  40. Hong Kong Flower Dealers & Workers Association.
  41. Hong Kong Flower Retailers Association.
  42. The Hong Kong Food Trades Association Limited.
  43. Hong Kong Fresh Fish Merchants Association.
  44. Hong Kong Fur Federation.
  45. Hong Kong Furniture & Decoration Trade Association Limited.
  46. Hong Kong General Chamber of Pharmacy Limited.
  47. Hong Kong Glass and Mirror Merchants and Manufacturers Association Company Limited.

ClauseAmendment Proposed

48. Hong Kong Jewellers' & Goldsmiths' Association Limited.
49. Hong Kong Leather Shoe And Shoe Material Merchants Association Ltd.
50. Hong Kong Live Pig Trade Merchants' Association.
51. The Hong Kong Medicine Dealers' Guild.
52. Hong Kong Metal Merchants Association.
53. The Hong Kong Oil Merchants Association Ltd.
54. Hong Kong Paints & Pigments Merchants Association Ltd.
55. Hong Kong Petroleum, Chemicals and Pharmaceutical Materials Merchants Association Ltd.
56. The Hong Kong Photo Marketing Association Limited.
57. Hong Kong Piece Goods Merchants' Association.
58. Hong Kong Plastic Material Suppliers Association Ltd.
59. Hong Kong Plumbing and Sanitary Ware Trade Association Ltd.

ClauseAmendment Proposed

60. Hong Kong Provision & Grocery General Commercial Chamber.
61. Hong Kong Rattan Merchants Association.
62. Hong Kong Record Merchants Association Ltd.
63. Hong Kong Registered Rice Wholesalers Association Limited.
64. Hong Kong Retail Management Association Ltd.
65. Hong Kong Silk Piece-Goods Merchants' Association.
66. Hong Kong Stamp and Coin Dealers Association Ltd.
67. Hong Kong Sugar Merchants' Association.
68. The Hong Kong Video Industry Association Ltd.
69. Hong Kong Yee Yee Tong Chinese Medicine Merchants Association Ltd.
70. The Hongkong & Kowloon General Merchandise Merchants' Association.
71. Hongkong Diamond Bourse Limited.
72. Hongkong Kowloon New Territories & Overseas Fish Wholesalers Association Limited.
73. Industrial Chemical Merchants' Association Ltd.
74. The Kowloon Cheung Sha Wan Wholesale

ClauseAmendment Proposed

- Vegetable Market (Importers) Recreation Club.
75. Kowloon Fresh Fish Merchants Association.
76. Kowloon Fresh Meat Retailers' Association Ltd.
77. The Kowloon Pearls, Precious Stones, Jade, Gold & Silver Ornament Merchants Association.
78. Kowloon Pig Laan Merchants Association.
79. Kowloon Poultry Laan Merchants Association.
80. The Merchants Association of First Wholesalers/Jobbery of Imported Fresh Fruits & Vegetables Limited.
81. The Mongkok Vegetable Wholesale Merchants Association Company Ltd.
82. The Motor Traders Association of Hong Kong.
83. Nam Pak Hong Association.
84. New Territories Poultry Wholesalers Association.
85. Po Sau Tong Ginseng & Antler Association Hong Kong Ltd.
86. The Rice Merchants' Association of Hong Kong Limited.
87. Shau Kei Wan Fishery Merchants Association.

ClauseAmendment Proposed

88. Tobacco Institute of Hong Kong Ltd.
  89. Umbrella Dealers Association, Hong Kong and Kowloon.
  90. Victoria Cottonyard and Piecegoods Merchants Association Ltd.
  91. Yuet Sum Kong Vegetable Association (Hong Kong) Co."
- (e) In the proposed Schedule 1D, by deleting items 1 to 3 and substituting -
- "1. APT Satellite Co. Ltd.
  2. Asia Satellite Telecommunications Company Limited.
  3. Chubb (Hong Kong) Limited."
- (f) In the proposed Schedule 1E, by deleting items 1 to 6 and substituting -
- "1. The Association for the Hong Kong Catering Services Management Limited.
  2. The Association of Restaurant Managers Limited.
  3. Federation of Hong Kong Restaurant Owners Limited.
  4. Hong Kong Catering Industry Association Limited.

ClauseAmendment Proposed

5. The Hong Kong Restaurant and Eating House Merchants General Association.

6. The Kowloon Restaurant and Eating House Merchants General Association."

43 (a) By adding before paragraph (a) -

"(aa) in the square brackets, by adding "33," after "ss. 3, 22, 32,";"

(b) By adding after paragraph (a) -

"(ab) in section 1(6), by repealing ", (8), (10) and (11)" and substituting "to (11A)";"

(c) By deleting paragraph (b) and substituting -

"(b) in section 1(7) -

(i) by repealing ", (10) and (11)" and substituting "to (11A)";

(ii) in paragraph (c), by repealing subparagraphs (i) and (ii) and substituting

-

"(i) in item 1 of Table 4 is to be filled by the persons holding office as Hong Kong deputies to the National People's Congress; and



ClauseAmendment Proposed

- (ii) in item 2 of Table 4 is to be filled by the persons holding office as the Members of the Legislative Council,

who are registered as ex-officio members of the Election Committee in, and whose names have not been removed from, the final register of members of the Election Committee.";"

- (d) By deleting paragraph (c) and substituting -

"(c) by repealing section 1(8) and substituting -

"(8) Subject to subsection (9), the Electoral Registration Officer must register -

- (a) the persons holding office on 30 June 2000 as Hong Kong deputies to the National People's Congress; and
- (b) the persons holding office on 30 June 2000 as the Members of the Legislative Council,

(except those persons who are not permanent residents of Hong Kong) as ex-officio members of the Election Committee, in accordance with

ClauseAmendment Proposed

regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), in compiling the final register of members of the Election Committee for the purposes of the second general election.";"

(e) By adding -

"(ca) by repealing section 1(9) to (11) and substituting

-

"(9) If a person is registered as an ex-officio member of the Election Committee -

(a) by virtue of being a person referred to in subsection (8)(a), and subsequently that person ceases to be a Hong Kong deputy to the National People's Congress, that person ceases to be an ex-officio member of the Election Committee and the Electoral Registration Officer must, subject to subsection (10), remove that person's name from the final register of members of the Election Committee; or

ClauseAmendment Proposed

- (b) by virtue of being a person referred to in subsection (8)(b), and subsequently that person ceases to be a Member of the Legislative Council, that person ceases to be an ex-officio member of the Election Committee and the Electoral Registration Officer must, subject to subsection (10), remove that person's name from the final register of members of the Election Committee.

(10) The Electoral Registration Officer must register as ex-officio members of the Election Committee -

- (a) persons who become Hong Kong deputies to the National People's Congress; and
- (b) persons who become Members of the Legislative Council,

after the publication of the final register of members of the Election Committee for the purposes of the second general

ClauseAmendment Proposed

election (except those persons who are not permanent residents of Hong Kong) in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).

(11) If the Electoral Registration Officer adds names to or removes names from the final register of members of the Election Committee under this section, that Officer must, as soon as practicable after the addition or removal, publish, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), a notice to the effect that names have been so added or removed.

(11A) If names have been added to or removed from the final register of members of the Election Committee under subsection (9) or (10), the register as amended is to take effect on the date of the publication of the notice under subsection (11).";".

(f) By deleting paragraph (d) and substituting -

"(d) in section 1(12), by repealing the definition of "relevant date";".

(g) In paragraph (g)(ii), in the proposed item 6, by deleting "the of".

(h) By deleting paragraph (i) and substituting -

ClauseAmendment Proposed

"(j) in section 3 -

(i) in subsection (3), by adding "subject to subsection (4A)," after "body,";

(ii) by adding -

"(4A) If the number of nominees of a designated body exceeds the assigned number for the body, but the body does not indicate preference under subsection (3) or the number of nominees to whom preference is given is less than the assigned number for that body, the Returning Officer must determine which nominees of that body (subject to their being validly nominated) are to make up the assigned number by drawing lots in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541). The nominees on whom the lot falls are to become members of the Election Committee.";

(iii) in subsection (6), by repealing

ClauseAmendment Proposed

"Members," and substituting  
"members";".

(i) In paragraph (j) -

(i) by renumbering subparagraphs (i) and (ii) as subparagraphs (ii) and (iii) respectively;

(ii) by adding -

"(i) in paragraph (a), by repealing "a person referred to in section 1(7)(c)(i) or (ii)" and substituting "a Hong Kong deputy to the National People's Congress or a Member of the Legislative Council";".

(j) In paragraph (m) -

(i) in subparagraph (i), by deleting "15, 19, 34, 35, 37, 43, 47 or 52" and substituting "25, 29, 40, 41, 43, 50, 54 or 59";

(ii) in subparagraph (ii), by deleting everything after "or item" and substituting "1, 2, 3, 4, 5, 8, 9, 12, 16, 17, 18, 23, 24, 34, 39, 42, 44, 45, 46, 47, 49, 52, 55, 56, 57 or 60 of Part 3 of Schedule 1B";";

(iii) in subparagraph (iii), by deleting everything after "or item" and substituting "6, 7, 10, 11, 13, 14, 19, 20, 22, 26, 27, 31, 33, 35, 37, 38, 48, 53, 58, 61 or 62 of Part 3 of Schedule 1B";";

(iv) in subparagraph (iv), by deleting "8, 18, 20, 31, 44, 56 or 57" and substituting "15, 21, 28, 30,

ClauseAmendment Proposed

32, 36 or 51".

(k) In paragraph (t), in the proposed section 8(7A)(a), by deleting "Urban" and substituting "Hong Kong and Kowloon".

(l) By adding -

"(zca) in section 12(1), by repealing "by notice published in the Gazette." and substituting ". The Chief Executive must give notice of that date in the Gazette.";".

(m) By deleting paragraph (zd)(ii) and substituting -

"(ii) in paragraph (b) -

(A) by repealing "a person referred to in section 1(7)(c)(i) or (ii)" and substituting "a Hong Kong deputy to the National People's Congress or a Member of the Legislative Council";

(B) by repealing "; or" and substituting a full stop;".

(n) By adding -

"(zda) in section 18(4) -

(i) by repealing ", by notice published in the Gazette,";

(ii) by adding "The Chief Executive must give notice of that date in the Gazette." before "That date";".

ClauseAmendment Proposed

45(1) By deleting "The" and substituting "For the avoidance of doubt, it is declared that the".

New By adding after the heading "**Consequential Amendments**" -

**"Post Office Regulations**

**45A. Regulation amended**

Regulation 6 of the Post Office Regulations (Cap. 98 sub. leg.) is amended -

(a) in subregulation (1)(d) -

(i) in subparagraph (i), by repealing everything after "nominated" and substituting ", which complies with the requirements in regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); and";

(ii) by adding -

"(ia) one letter posted in Hong Kong from each candidate at any Election Committee subsector election addressed to each voter registered in the subsector final register in respect of the subsector for which the



ClauseAmendment Proposed

candidate is nominated, which complies with the requirements in regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); and";

(iii) in subparagraph (ii) -

(A) by repealing "at any election" and substituting "(or, in the case of a geographical constituency, from each list of candidates) at any election (other than an Election Committee subsector election)";

(B) by repealing everything after "of the constituency" and substituting "or the Election Committee for which the candidate (or the list of candidates) is nominated, which comply with the requirements in regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).";

(b) in subregulation (2)(b), by adding -

"Election Committee" (選舉委員

ClauseAmendment Proposed

會 ) means the Election Committee established under the Legislative Council Ordinance (Cap. 542);

"Election Committee subsector election" (選舉委員會界別分組選舉) has the meaning assigned to it by the Legislative Council Ordinance (Cap. 542);

"subsector" (界別分組) means a subsector within the meaning of the Legislative Council Ordinance (Cap. 542);

"subsector final register" (界別分組正式投票人登記冊) means a final register compiled for subsectors under the Legislative Council Ordinance (Cap. 542);

"voter" (投票人) means a voter within the meaning of the Legislative Council Ordinance (Cap. 542).".

**Societies Ordinance****45B. Interpretation**

Section 2(1) of the Societies Ordinance (Cap. 151) is amended, in the definition of "election", by repealing "means an ordinary election or a by-election of persons to act as

ClauseAmendment Proposed

members of the Legislative Council," and substituting -

"means -

- (a) a general election or a by-election to elect members of the Legislative Council; or
- (b) an ordinary election or a by-election to elect members of". "

New By adding after the heading "**Electoral Affairs Commission Ordinance**" -

**"46A. Interpretation**

Section 2(1) of the Electoral Affairs Commission Ordinance (Cap. 541) is amended by repealing the definition of "Selection Committee". "

- 47
- (a) By deleting "of the Electoral Affairs Commission Ordinance (Cap. 541)".
  - (b) By deleting paragraph (a)(i).
  - (c) In paragraph (d)(iii), by deleting the semicolon and substituting a full stop.
  - (d) By deleting paragraphs (e) and (f).
- 48(b)(i) By deleting "and" where it secondly appears and substituting "or".

ClauseAmendment Proposed

New By adding -

**"49. Schedule 1 amended**

Schedule 1 is amended -

(a) in Part I -

- (i) in the definition of "former Ordinance", by repealing the semicolon and substituting a full stop;
- (ii) by repealing the definition of "repealing Ordinance";

(b) in Part II -

- (i) in paragraph (a)(i), by repealing "the Provisional Legislative Council or";
- (ii) in paragraph (b), by repealing everything after "within the meaning of the" and substituting -

"Legislative Council Ordinance (Cap. 542) under the following sections of that Ordinance -

- (i) section 39(1)(a)(ii) (except persons specified in

ClauseAmendment Proposed

paragraph (d) of the definition of "prescribed public officer" in section 39(5) of that Ordinance);

- (ii) section 39(1)(a)(iii);
- (iii) section 39(1)(b);
- (iv) section 39(1)(c);
- (v) section 39(1)(d);
- (vi) section 39(1)(e);
- (vii) section 39(1)(g);
- (viii) section 39(1)(i);
- (ix) section 39(2);
- (x) section 39(3).".".

## LEGISLATIVE COUNCIL (AMENDMENT) BILL 1999

**COMMITTEE STAGE**Amendments to be moved by Dr the Honourable YEUNG Sum

<u>Clause</u>	<u>Amendment Proposed</u>
2	In paragraph (a), by adding -  "(iia) by repealing the definition of "nomination list";".
10	By deleting the clause and substituting -  <b>"10. Establishment of geographical constituencies</b>  Section 18(1) is amended -  (a) by repealing "first" and substituting "second";  (b) by repealing "5 geographical constituencies" and substituting "24 geographical constituencies".
11	In the proposed section 19(2), by deleting "a number, not less than 4 nor greater than 6, specified in the order declaring the area of constituency in accordance with section 18(2)" and substituting "1".
22	By deleting the clause and substituting -  <b>"22. Nomination lists for geographical constituencies</b>  Section 38 is repealed."

ClauseAmendment Proposed

26 By deleting the clause and substituting -

**"26. Candidates entitled to send letters to electors free of postage**

Section 43 is amended -

- (a) in subsection (1), by repealing "list of candidates" where it twice appears and substituting "candidate";
- (b) in subsection (5), by repealing "or a list of candidates".

30 In the proposed section 46A, by deleting subsection (4).

32 By deleting the clause and substituting -

**"32. System of voting and counting of votes: geographical constituencies**

Section 49 is amended -

- (a) in subsection (1), by repealing the definitions of "list" and "specified number";
- (b) in subsection (2), by repealing "the voting system known as the list system of proportional representation" and substituting "the simple or relative majority system of election (otherwise known as the "first past the post" voting system)";

ClauseAmendment Proposed

- (c) by repealing subsection (3) and substituting -

"(3) The election for a geographical constituency is a single-member constituency whereby an elector may vote for 1 candidate and no more.";

- (d) by repealing subsection (5) and substituting -

"(5) In the election for a geographical constituency, the candidate to be returned as a Member is the candidate who obtains the greater or greatest number of votes.";

- (e) by repealing subsection (6) and substituting -

"(6) If, after the counting is finished at an election for a geographical constituency, more than one successful candidates have an equal number of votes, the Returning Officer must determine the result of the election by drawing lots. The candidate on whom the lot falls is to be returned at the election.";

- (f) by repealing subsections (7) to (12)."



## LEGISLATIVE COUNCIL (AMENDMENT) BILL 1999

**COMMITTEE STAGE**

Amendments to be moved by Dr the Honourable LEONG Che-hung, J.P.

- | <u>Clause</u> | <u>Amendment Proposed</u>   |
|---------------|---|
| 12            | <p>In the proposed section 20(1), by deleting paragraph (za) and substituting -</p> <p>"(za) the Chinese medicine functional constituency;"</p>   |
| 13            | <p>By deleting the proposed section 20ZA and substituting -</p> <p><b>"20ZA. Composition of the Chinese medicine functional constituency</b></p> <p>The Chinese medicine functional constituency is composed of Chinese medicine practitioners registered or listed under the Chinese Medicine Ordinance ( of 1999)."</p> |
| 16            | <p>(a) In paragraph (a), in the proposed section 25(1)(a), by deleting subparagraph (xxvii) and substituting -</p> <p>"(xxvii) for the Chinese medicine functional constituency, in section 20ZA; or"</p> <p>(b) In paragraph (c), by deleting ", 20Z(l) or 20ZA(a)" and substituting "or 20Z(l)".</p>                    |

ClauseAmendment Proposed

21 By deleting the clause and substituting -

**"21. Who is eligible to be nominated as a candidate**

Section 37 is amended -

(a) by repealing subsection (2)(b) and substituting -

"(b) either -

(i) is both registered and eligible to be registered as an elector for the constituency; or

(ii) satisfies the Returning Officer for the constituency that the person has a substantial connection with the constituency; and";

(b) in subsection (2)(f), by repealing "specified in subsection (3)" and substituting "specified by a notice in the Gazette given by the Chief Executive under subsection (3)";

(c) by repealing subsection (3) and substituting -

ClauseAmendment Proposed

"(3) The Chief Executive must, as soon as practicable, but not later than 14 days after the publication of this Ordinance in the Gazette, determine by the drawing of lots which 12 of the functional constituencies are to be specified for the purpose of subsection (2)(f). The Chief Executive must give notice in the Gazette to specify -

(a) the time and place for the drawing of lots not less than 7 days before it is to take place; and

(b) the results of his determination as soon as practicable after the drawing of lots."."

42 By deleting the proposed Schedule 1E.

43 (a) In paragraph (a)(ii), by deleting ", catering" and substituting ", Chinese medicine".

(b) By deleting paragraph (h) and substituting -

"(h) in Table 5, by repealing item 4; "

(c) In paragraph (J)(i), in the proposed paragraph (a), by deleting ", the tourism subsector and the catering subsector" and substituting "and the tourism subsector".

ClauseAmendment Proposed

- (d) In paragraph (r), by deleting the proposed subsection (6A).
- (e) By deleting paragraph (s) and substituting -
  - "(s) in section 8(7)(c), by repealing ", 5 or 6 of Table 4 or item 1, 3, 4" and substituting "of Table 4 or item 1";".
- (f) In paragraph (t), in the proposed subsection (7A)(e), by deleting "or 4" and substituting "or 7".
- (g) In paragraph (z), by deleting ", 7".

44 By deleting the clause and substituting -

**"44. Schedule repealed**

Schedule 3 is repealed."

## LEGISLATIVE COUNCIL (AMENDMENT) BILL 1999

**COMMITTEE STAGE**

Amendments to be moved by  
the Honourable Ambrose CHEUNG Wing-sum, J.P.

<u>Clause</u>	<u>Amendment Proposed</u>
1	(a) In subclause (2), by deleting "This" and substituting "Subject to subsection (3), this".  (b) By adding -  " (3) Section 45(1) and (2) shall come into operation on the day of publication of this Ordinance in the Gazette. " .
45(2)	By deleting "31 December 1999" and substituting "the publication of this Ordinance in the Gazette".

## LEGISLATIVE COUNCIL (AMENDMENT) BILL 1999

**COMMITTEE STAGE**Amendments to be moved by the Honourable Christine LOHClauseAmendment Proposed

13

In the proposed section 20H -

(a) in paragraph (b), by deleting the full stop at the end and substituting "; and";

(b) by adding -

"(c) veterinary surgeons registered under the Veterinary Surgeons Registration Ordinance (Cap. 529).".

## LEGISLATIVE COUNCIL (AMENDMENT) BILL 1999

**COMMITTEE STAGE**

Amendments to be moved by the Honourable Howard YOUNG, J.P.

ClauseAmendment Proposed

12 By deleting the proposed section 20(1)(zb) and substituting -  
"(zb) the hotel functional constituency."

13 (a) By deleting the proposed section 20O and substituting -

**"20O. Composition of the tourism  
functional constituency**

The tourism functional constituency is  
composed of the following bodies -

- (a) travel industry members of the Hong Kong Tourist Association entitled to vote at general meetings of the Association;
- (b) members of the Travel Industry Council of Hong Kong entitled to vote at general meetings of the Council;
- (c) members of the Board of Airline Representatives in Hong Kong."

(b) By deleting the proposed section 20ZB and substituting -

ClauseAmendment Proposed**"20ZB. Composition of the hotel functional constituency**

The hotel functional constituency is composed of the following bodies -

- (a) members of the Hong Kong Hotels Association entitled to vote at general meetings of the Association;
- (b) members of the Federation of Hong Kong Hotel Owners entitled to vote at general meetings of the Federation."

16 (a) In paragraph (a), by deleting the proposed section 25(1)(a)(xxviii) and substituting -

"(xxviii) for the hotel functional constituency, in section 20ZB; and";".

(b) In paragraph (d), by deleting "or 20Z(k)" and substituting ", 20Z(k), 20ZB".

43 (a) By deleting paragraph (a) and substituting -

"(a) in section 1(5) -

- (i) by repealing paragraph (a) and substituting -



ClauseAmendment Proposed

"(a) except in the case of the higher education and education subsectors, the composition of a subsector specified in Table 1, 2 or 3 which has the same name as that of a functional constituency specified in section 20(1) of this Ordinance is to be the same as that of the functional constituency;"

(ii) by repealing paragraph (c) and substituting -

"(c) the Hong Kong Chinese Enterprises Association, Chinese medicine, higher education, education and Employers' Federation of Hong Kong subsectors are to be composed as shown in Table 5; and";

(b) By deleting paragraph (h) and substituting -

"(h) in Table 5, by repealing items 2, 3 and 7;"

(c) In paragraph (l) -

(i) in subparagraph (i), in the proposed paragraph (a), by deleting ", the tourism subsector";

ClauseAmendment Proposed

(ii) by deleting subparagraph (ii) and substituting -

"(ii) by repealing paragraph (c) and substituting -

"(c) a person is eligible to be registered as a voter for a subsector specified in Table 5 (other than the higher education and education subsectors), if -

(i) the person -

(A) is a person specified opposite that subsector in column 3 of Table 5; and

(B) where the person is a natural person, is eligible to be registered as an elector under Part V of this Ordinance for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency; or

ClauseAmendment Proposed

- (ii) the person -
  - (A) is registered for that subsector in the existing subsector final register; and
  - (B) is eligible to be, and is not disqualified from being, registered as a voter for that subsector.";"
- (d) By deleting paragraph (p) and substituting -
  - "(p) by repealing section 8(5);".
- (e) By deleting paragraph (q) and substituting -
  - "(q) by repealing section 8(6);".
- (f) In paragraph (r), by deleting the proposed subsections (6B) and (6C).
- (g) By deleting paragraph (s) and substituting -
  - "(s) in section 8(7)(c), by repealing "item 1, 3, 4, 7" and substituting "item 1, 4";".
- (h) By deleting paragraph (t).
- (i) By deleting paragraph (w) and substituting -
  - "(w) by repealing section 8(12);".

ClauseAmendment Proposed

- (j) By deleting paragraph (x) and substituting -  
" (x) by repealing section 8(13);".
- (k) By adding -  
" (xa) by repealing section 8(14);".
- (l) In paragraph (y) -  
" (i) by deleting subparagraph (i) and substituting -  
" (i) by repealing "4, ";";  
" (ii) by deleting subparagraph (iii).
- (m) By deleting paragraph (z) and substituting -  
" (z) in section 8(16), by repealing ", 2, 3, 7";".

44 In the proposed Schedule 3 -

- (a) by adding -

**"1A. Basis for the first provisional register for the tourism functional constituency**

(1) The existing subsector final register as defined in section 7(1) of Schedule 2, in so far as it relates to the tourism subsector, forms the basis of the first provisional register for the tourism functional constituency.

ClauseAmendment Proposed

(2) In this Schedule, "the first provisional register for the tourism functional constituency" (旅遊界功能界別首份臨時選民登記冊) means the part in the provisional register of functional constituencies to be compiled not later than 15 April 2000 under section 32(1) of this Ordinance that relates to the tourism functional constituency.

**"1B. Basis for the first provisional register for the hotel functional constituency**

(1) The existing subsector final register as defined in section 7(1) of Schedule 2, in so far as it relates to the hotel subsector, forms the basis of the first provisional register for the hotel functional constituency.

(2) In this Schedule, "the first provisional register for the hotel functional constituency" (酒店界功能界別首份臨時選民登記冊) means the part in the provisional register of functional constituencies to be compiled not later than 15 April 2000 under section 32(1) of this Ordinance that relates to the hotel functional constituency.";

(b) in section 2 -

ClauseAmendment Proposed

- (i) by adding "the first provisional register for the tourism functional constituency or the first provisional register for the hotel functional constituency," after "the first provisional register for the catering functional constituency,";
- (ii) in paragraph (a) -
  - (A) by adding "1A or 1B" after "section 1,";
  - (B) by adding ", the tourism functional constituency or the hotel functional constituency" after "constituency"
- (c) in section 3(1), by adding ", the tourism functional constituency or the hotel functional constituency" after "constituency".

## LEGISLATIVE COUNCIL (AMENDMENT) BILL 1999

**COMMITTEE STAGE**

Amendments to be moved by the Honourable Eric LI Ka-cheung, J.P.

ClauseAmendment Proposed

13 By deleting the proposed section 20M and substituting -

**"20M. Composition of the social welfare functional constituency**

The social welfare functional constituency is composed of social workers registered under the Social Workers Registration Ordinance (Cap. 505)."

16 (a) In paragraph (c), by deleting "20M(1)(c) or (d),".

(b) In paragraph (d), by deleting "20M(1)(b),".

## LEGISLATIVE COUNCIL (AMENDMENT) BILL 1999

**COMMITTEE STAGE**Amendments to be moved by the Honourable SIN Chung-kaiClauseAmendment Proposed

13

In the proposed section 20Z -

(a) by renumbering it as section 20Z(1);

(b) in subsection (1)(k) -

(i) in subparagraph (iv) by deleting "and";

(ii) by adding -

"(v) Information and Software  
Industry Association Ltd.;  
and";

(c) in subsection (1) by adding -

"(la) holders of Information Technology Bachelor Degree or Master Degree or Doctoral Degree awarded by a tertiary institution or equivalent qualification, who possess 4 years or more full-time professional information technology working experience in sole proprietorships, partnerships, associations of persons or companies which are registered or licensed, or exempted from registration or licensing under the laws of Hong Kong or a place outside Hong Kong and such working experience is to be proven by those sole proprietorships, partnerships, associations of persons or companies; and



ClauseAmendment Proposed

- (*lb*) holders of Information Technology Higher Certificate or Professional Certificate awarded by an Approved Post Secondary College registered under the Post Secondary Colleges Ordinance (Cap. 320) or the Vocational Training Council or equivalent qualification, who possess 6 years or more full-time professional information technology working experience in sole proprietorships, partnerships, associations of persons or companies which are registered or licensed, or exempted from registration or licensing under the laws of Hong Kong or a place outside Hong Kong and such working experience is to be proven by those sole proprietorships, partnerships, associations of persons or companies; and
- (*lc*) holders of Information Technology Ordinary Certificate awarded by an Approved Post Secondary College registered under the Post Secondary Colleges Ordinance (Cap. 320) or the Vocational Training Council or equivalent qualification, who possess 8 years or more full-time professional information technology working experience in sole proprietorships, partnerships, associations of persons or companies which are registered or licensed, or exempted from registration or licensing under the laws of Hong Kong or a place outside Hong Kong and such working experience is to be proven by those sole proprietorships, partnerships, associations of persons or companies; and".

ClauseAmendment Proposed

(d) by adding -

"(2) The Information Technology Bachelor Degree, Master Degree, Doctoral Degree, Higher Certificate, Professional Certificate and Ordinary Certificate mentioned in subsection (1)(*la*) to (*lc*) include but not limited to a degree and a certificate in the following subjects -

- (a) Applied Computing;
- (b) Computing;
- (c) Computer Engineering;
- (d) Computer Science;
- (e) Electrical and Communications Engineering;
- (f) Electronic Engineering;
- (g) Electrical and Electronic Engineering;
- (h) Information Engineering;
- (i) Information Management and Systems;
- (j) Software and Information Engineering;
- (k) Systems Engineering and Engineering Management.

ClauseAmendment Proposed

- (3) The professional information technology working experience mentioned in subsection (1)(*la*) to (*lc*) includes but not limited to working experience in the following -
- (a) Information Technology Education and Training;
  - (b) Information Systems Hardware Development and Support;
  - (c) Information Technology Management Consultancy Service;
  - (d) Information Technology Research and Development;
  - (e) Information Technology Software Development and Support;
  - (f) Information Systems Analysis;
  - (g) Information Systems Operations;
  - (h) Information Systems Technical Support."

## LEGISLATIVE COUNCIL (AMENDMENT) BILL 1999

**COMMITTEE STAGE**

Amendments to be moved by the Honourable Mrs Miriam LAU Kin-ye, J.P.

<u>Clause</u>	<u>Amendment Proposed</u>
42	In the proposed Schedule 1A -
	(a) by adding -
	"5A. The Association of Owner & Driver Concerned in the Parking Spaces in H.K. Island.";
	(b) by adding -
	"26A. Golden Link Taxi Owners and Drivers Association.";
	(c) by adding -
	"45A. Hong Kong (Cross Border) Transportation Drivers' Association.";
	(d) by adding -
	"46A. Hong Kong Fresh Fruit Transportation Association.";
	(e) by adding -
	"52A. Hong Kong Mid-stream Operators Association.";

ClauseAmendment Proposed

(f) by adding -

"65A. Hong Kong Taxi and Public Light Bus Association Limited.";

(g) by adding -

"122A. The Rights of Taxi Owners and Drivers Association Limited.".

## LEGISLATIVE COUNCIL (AMENDMENT) BILL 1999

**COMMITTEE STAGE**

Amendments to be moved by  
the Honourable Mrs Selina CHOW LIANG Shuk-yea, J.P.

ClauseAmendment Proposed

42

In the proposed Schedule 1C -

(a) by adding -

"12A. Hong Kong & Kowloon Confectionery,  
Biscuit and Preserved Fruit Wholesalers  
Association Limited.";

(b) by adding -

"23A. Hong Kong and Kowloon Poultry Dealers  
and Workers Association.";

(c) by adding -

"87A. The Stanley Commerce Association  
Limited.".

## LEGISLATIVE COUNCIL (AMENDMENT) BILL 1999

**COMMITTEE STAGE**

Amendments to be moved by the Honourable CHEUNG Man-kwong

Clause

Amendment Proposed

New           By adding -

**"40B. Chief Executive in Council may make regulations**

Section 82(2) is amended, by adding -

"(ca) the reimbursement of prescribed amount to the candidate or list of candidates to subsidize their election expenses within the meaning of the Corrupt and Illegal Practices Ordinance (Cap. 288) if the candidate or list of candidates obtain a prescribed proportion of the votes cast at the election, and for the subsidized amount to be met from the general revenue; and".