

**立法會**  
***Legislative Council***

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**Paper for the House Committee meeting  
on 2 July 1999**

**Report of the Bills Committee on  
Legislative Council (Amendment) Bill 1999**

**Purpose**

This paper reports on the deliberations of the Bills Committee on the Legislative Council (Amendment) Bill 1999.

**Background**

2. At present, arrangements for elections to the Legislative Council (LegCo) are set out in the Legislative Council Ordinance (LegCo Ordinance) (Cap. 542) and the Electoral Affairs Commission Ordinance (EAC Ordinance) (Cap. 541). However, most of the key provisions on the arrangements for the election of geographical constituencies (GCs), functional constituencies (FCs) and the Election Committee (EC) only apply to the first term LegCo election in 1998. In order to provide the electoral law for the second term LegCo, amendments to the LegCo Ordinance have been proposed.

**The Bill**

3. The major provisions in the Bill seek to amend the LegCo Ordinance and, where necessary, make consequential amendments to the EAC Ordinance and the Federation of Hong Kong Industries Ordinance.

**The Bills Committee**

4. At the House Committee meeting on 5 February 1999, Members agreed to form a Bills Committee to study the Bill. The Bills Committee comprises 32 Members and Hon Ronald ARCULLI was elected Chairman of the Bills Committee. The membership list of the Bills Committee is attached in **Appendix I**.

5. The Bills Committee held 23 meetings. It had also placed advertisements in two local newspapers to invite public views on the Bill and subsequently received submissions from a total of 69 individuals and organisations, the names of which are in **Appendix II**. A total of 38 organisations also appeared before the Bills Committee to make oral presentation.

### **Deliberations of the Bills Committee**

#### Election Committee (EC) provided for in Annexes I and II of the Basic Law (BL)

6. The Bills Committee has noted that the function of the EC provided for in Annex I of the BL is to elect the Chief Executive (CE). Its term of office is 5 years. However, the decision adopted by the National People's Congress (NPC) on 4 April 1990 was to establish a 400-member Selection Committee to elect the first CE. The function of the EC provided for in Annex II of the BL is to elect six Members of the second LegCo. Annex II of the BL states that except in the case of the first LegCo, the EC mentioned therein refers to the one provided for in Annex I of the BL.

7. Members express concern over whether the provisions relating to the composition of the EC in the Bill, if passed, would contravene the BL or would preempt a decision on the composition of the EC prescribed in Annex I. They also point out that the functions of the EC will affect a person's decision on whether or not to run the candidature for an EC member.

8. The Legal Adviser has advised that from the plain and literal meaning of Annex II, the EC which returns six Members for the second term LegCo is intended to be the same as the EC electing the CE. On this premise, there are at least two legal problems which have not yet been addressed by the Administration. Firstly, although paragraph 2 of Annex I of the BL states that the term of office of the EC to return six Members of the second LegCo is 5 years, there is no provision in the Bill providing for this. Assuming that the term of office of the EC established as at September 2000 for the second LegCo is 5 years, membership of the EC may change resulting from events such as Members of the third LegCo taking office following a general election. Secondly, the membership of Members elected by the EC, as well as, the membership of the EC may change. At present, there is no legal mechanism for by-election of members of the EC. In the interest of certainty in the law, the issue of whether the EC proposed in the Bill is the same EC for electing the CE should be resolved before the Bill is enacted.

9. The Administration has advised that Annex I and Annex II of the BL deal with different issues. The Bill provides that an EC be established for the purpose of returning six Members in the 2000 LegCo election. The EC as proposed in the Bill is formed in accordance with Annex II of the BL. Annex I prescribes the method of selection of the CE. The Administration will introduce a separate bill on the CE election later. As the present Bill provides for the formation of the second term

LegCo only, the Administration does not consider that the Bill would pre-empt the deliberation of the eventual bill for the CE election.

10. Members are dissatisfied with the reply. Notwithstanding Members' repeated requests, the Administration has not provided a definite reply on whether the EC proposed in the Bill will be the same EC responsible for the election of the second term CE, but has merely assured Members that the bill providing for the election of the CE will not contravene the provisions of the BL. Members have noted that matters relating to the EC provided in Annex I falls outside the scope of the Bill.

11. Members have also noted the Legal Adviser's advice that in the event that the office of CE becomes vacant, the EC provided for in Annex I of the BL would have to be constituted and put into action. Under BL 53(2), the new CE must be selected within six months. The person selected as the new CE will be appointed by the Central People's Government.

#### Ex-officio membership of the EC - New clauses 18A and B, clauses 31, 36 and 43

12. Under the Bill, Hong Kong Deputies to the NPC and LegCo Members holding office on 30 June 2000 are to become ex-officio members of the EC established for returning six Members to the second-term LegCo. Members have noted that following the practice in the first LegCo election in 1998, if these persons are also registered electors in FCs, they are allowed to decline registration as ex-officio members of the EC if they wish to cast their votes in the FCs. To protect the electorate size of the EC, any unused quota of the EC seats for these persons will be transferred to the Chinese People's Political Consultative Conference (CPPCC) subsector. In the event that there still exists an unused quota, the seats concerned will be transferred to the Provisional District Boards (to be amended as District Councils) subsectors.

13. The Bills Committee has raised concern over this issue. It is of the view that if the registered ex-officio members of the EC are not elected to the second-term LegCo or the next term of office of the NPC, they should cease to be ex-officio members of the EC.

14. After consideration, the Administration agrees to move CSAs to provide for a mechanism for updating the ex-officio membership of the EC. Under the arrangement, all LegCo Members and the Hong Kong Deputies to the NPC holding office on 30 June 2000 should be registered as ex-officio members of the EC. Those ex-officio members who are also registered FC electors will be allowed to choose to vote either in the FC or the EC. Once they have made their choice, they will vote in the EC or FC according to their choice if there are any by-elections in the future. When there are subsequent changes to the membership of the LegCo or the Hong Kong Deputies to the NPC, the names of those who no longer hold either of those offices should be removed from the final register of the EC. The names of those newly elected to the new term of the LegCo or the NPC will be added in the register.

If there is any overlapping between the membership of the LegCo and the Hong Kong Deputies to the NPC, the ex-officio seats falling "vacant" will not be transferred to the CPPCC subsector.

#### Voting system of the EC

15. Some Members query the requirement for an EC member to cast all six votes under his entitlement. They point out that based on the experience of the 1998 LegCo election, some EC members were forced to cast all 10 votes when in fact they only wanted to cast a few votes for candidates whom they supported. They criticise the voting system being unfair.

16. The Administration has advised that the proposed voting system for the election by the EC as set out in clause 35 of the Bill is the same as that in section 52 of the existing LegCo Ordinance. When the Provisional LegCo examined the then LegCo Bill, a Member introduced a Committee Stage amendment (CSA) requiring that the EC members must cast all votes under their entitlement for their ballots to be valid. The amendment was passed by the Provisional LegCo. The Bills Committee has noted that the mandatory requirement was introduced so as to reduce the possibility of the election being dominated by a particular group under the Block Vote system proposed by the Administration.

17. A Member is of the view that the list system of proportional representation should be adopted for the EC election as in the GC election. He has indicated that he will move CSAs in this respect.

#### Religious subsector of the EC - Clause 43

18. Members have noted that the religious subsector is composed of six designated religious bodies. These designated bodies return a total of 40 members to the EC by way of nomination. The number of EC members to be returned by each of the bodies is determined by the Chief Executive in Council. Each designated body may nominate a number of persons selected by it as members representing the religious subsector. In the 1998 LegCo election, the Hong Kong Christian Council selected its nominees by way of "one-person-one-vote" election. The nominees of the Catholic Diocese of Hong Kong were elected by the body's faithful divided into various groups. The remaining four designated bodies selected their nominees by internal consultation.

19. The Administration has pointed out that section 3(3) of Schedule 2 to the LegCo Ordinance provides that if a designated body nominates a number of persons which is greater than the number of seats assigned to it, it has to assign preference to the nominees. However, the provision is silent on how to deal with the situation where a designated body fails to assign preference to its nominees. As the Catholic Diocese of Hong Kong has indicated that it will not assign preference to its nominees in the 2000 LegCo election, the Administration proposes to move CSAs to provide that if a designated body nominates more persons than the assigned number but fails to assign preference to its nominees, the Returning Officer should determine, by drawing lots, who among the nominees should become members of the EC. All the designated bodies have been consulted and have agreed to this proposed amendment.

#### Reform of FCs

20. The Bills Committee has noted a Member's intention to move CSAs to group the 30 FC seats into five constituencies, each having six seats. The Administration opposes the proposal as a matter of principle and is of the view that the proposed CSA would have a charging effect.

#### Delineation of FC electorates

21. The Bills Committee has considered various proposals relating to delineation of FC electorates made by individual Members and deputations. These are summarised in paragraphs 22 - 28.

#### *Establishment of new FCs*

22. The Bills Committee has noted that a number of catering associations are in support of the establishment of a new FC for the Catering sector. The Bills Committee has reached no consensus view on the following proposals -

- (a) to split the Education FC into an Education FC and a Higher Education FC, and to replace the proposed Catering FC;
- (b) to split the Architectural, Surveying and Planning FC into an Architectural, Planning and Landscape FC and a Surveying FC;
- (c) to split the Tourism FC into a Tourism FC and a Hotel FC (A Member will move CSAs in this respect);
- (d) to split the Real Estate and Construction FC into a Real Estate FC and a Construction FC;
- (e) to replace the proposed Catering FC with a Traditional Chinese Medicine FC, failing which, to include Chinese medicine practitioners in the Medical FC; and

- (f) to establish a Psychology FC, or to include members of the Hong Kong Psychological Society in FCs.

23. The Administration opposes these proposals. On item 22(e), the Administration considers that it would be premature to establish a Chinese Medicine FC or to include Chinese medicine practitioners into the Medicine FC, given that the Bill to establish a statutory registration scheme is still being scrutinised by LegCo. On item 22(f), the Administration does not support the establishment of a new FC as educational psychologists and clinical psychologists are included in the Health Services FC, and the majority of the Society's practising members are specialised in these two fields. On items 22(a) - (d), the Administration considers the present delineation appropriate.

*Addition/removal of constituents in existing FCs*

24. The Administration will move CSAs to adjust the electorates of individual FCs and to amend the names of some existing eligible electors. In response to some Members, the Administration has agreed to add constituents to the Transport FC and the Wholesale and Retail FC. Some individual Members may move CSAs to expand the electorates of the Transport FC, Wholesale and Retail FC, Textile and Garment FC and Information Technology FC to allow for wider representation and participation.

*Social Welfare FC*

25. The Bills Committee has noted that a Member has given notice to move amendments to remove corporate members of the Hong Kong Council of Social Service and exempted societies and non-profit making companies providing social services from the Social Welfare FC. Members note that the Administration has consulted those exempted societies and non-profit making companies which have been registered as electors in the FC. Those which have responded indicate objection. The Administration is of the view that the present delineation is appropriate and opposes the proposal.

*Veterinary surgeons*

26. The Administration has considered including veterinary surgeons as FC electors in the Medical, Health Services or Agriculture and Fisheries FCs. In view of the nature of the services provided by veterinary surgeons, the Administration has come to a view that it would not be appropriate to include veterinary surgeons in these or other FCs. A Member may move CSAs in this respect.

*Judicial officers*

27. The Bills Committee has noted the Administration's advice that it has consulted the Judiciary Administrator who is of the view that judges and judicial officers should not be included as eligible electors for the Legal FC. As judges are tasked to interpret and apply the law, they should not be involved in selecting a person to represent their views and interests in the law making body. Such a process might be seen as undermining the principle of the separation of powers between the judiciary and the legislature.

*Foreign lawyers*

28. The Bills Committee has noted the Administration's advice that foreign lawyers are not entitled to practise Hong Kong law in Hong Kong under the law, and that they are not directly related to the Legal FC.

LegCo seats for Urban Council (UC) and Regional Council (RC) FCs

29. The Bill proposes that the UC and RC FCs are to be replaced by two new FCs, one for the proposed District Councils and the other for the Catering sector. Clause 45(1) seeks to make it clear that notwithstanding the proposed dissolution of the Provisional Municipal Councils (PMCs), the two incumbent Members returned by the UC and RC FCs in the 1998 LegCo election are to remain in office after 31 December 1999 until the end of the first-term LegCo, i.e. 30 June 2000. Clause 45 (2) provides that no by-election will be held to fill their vacancies if such vacancies arise after 31 December 1999 when the term of office of the PMCs expires.

30. A Member has expressed concern over the constitutionality of removing the constituents of the UC and RC FCs during the term of office of their respective returned Members, while retaining their LegCo membership during the remaining term of the first LegCo. He has suggested that the term of office of the PMCs be extended to tie in with that of the present LegCo.

31. The Legal Adviser has advised that it is legally in order to leave the vacancies in the constituents of the UC and RC FCs unfilled during the term of office of their respective returned Members and to leave the two incumbent Members' term of office undisturbed when there are no persons specified as constituents of the two FCs. On the question of substantial connection with FCs, the Legal Adviser has pointed out that the Members concerned will still be subject to the existing provisions which govern when a Member ceases to hold office, for example, death, resignation and disqualification. But the Members may not be considered to have positively done anything under the circumstances to breach their respective promissory oaths to cease to have a substantial connection with their respective FCs.

32. The Administration shares the Legal Adviser's view and supplements that following the dissolution of the PMCs on 31 December 1999, the two Members can

continue to perform the duties of LegCo Members, such as scrutinizing bills, monitoring the work of the Government and debating on matters of general public interest, including matters relating to environmental and food hygiene and recreational services. The Administration does not consider it necessary to extend the term of office of the PMCs.

#### 12 specified FCs in section 37 of the LegCo Ordinance

33. The Bills Committee has discussed a Member's proposal that the 12 specified FCs in section 37 of the LegCo Ordinance should be determined by drawing lots. The Administration has advised that persons who are not of Chinese nationality or who have the right of abode in other places may contest in the 12 specified FCs. The reason for proposing these 12 FCs is that these FCs should have a higher chance of returning persons who are not of Chinese nationality. The proposal was passed by the Provisional LegCo. The relevant arrangement worked well in the 1998 LegCo election, and no requests have been received from other FCs for inclusion into these 12 specified FCs. The Bill proposes that the same arrangement be adopted for the 2000 LegCo election.

#### Lists of FC electorates

34. The Bills Committee has asked the Administration to consider re-organizing the items in the lists of electorates for FCs so as to make them easier to read. The Administration has agreed to move CSAs to clause 42 to the effect that the items in new Schedules 1 to 1E are re-organised according to alphabetical order. Consequential amendments to clause 43 (m) are also required.

#### Direct election of all LegCo seats

35. Some deputations have proposed that all LegCo seats should be directly elected. The Administration has advised that the BL has set out the blueprint of democratic development for Hong Kong. The number of GC seats will increase gradually : from 20 to 24 in 2000, and to 30 in 2004. The ultimate aim is the election of all LegCo Members by universal suffrage. The Bill is drafted to reflect the above provisions.

36. Members of the Democratic Party have indicated that CSAs will be introduced to provide for a fully directly-elected LegCo. Under the proposal, all seats returned by FCs and the EC will be abolished.



"Single-seat, single-vote" system for GC elections

37. Some deputations have proposed that the "single-seat, single-vote" system should be adopted for GC elections. The Administration has advised that the proportional representation system adopted in the 1998 LegCo GC elections can more accurately reflect voter preference in terms of allocation of seats than the "single-seat-single-vote" system which works on a "winner-take-all" principle. The system is also widely accepted as open and fair and adopted by many countries. It also obviates the need for major amendment to the constituency boundaries before every election. The Administration proposes to adopt the same system for the 2000 LegCo election.

38. Members of the Democratic Party have indicated that CSAs will be introduced to replace the proportional representation system for GC elections with the "single-seat, single-vote" system.

Termination of election proceedings

*Nomination lists for GCs - Clauses 22 and 25*

39. Under the existing LegCo Ordinance, if a validly nominated candidate in the GC election dies or becomes disqualified after the close of nomination but before close of polling, the Returning Officer must terminate the election proceedings. If the candidate dies after the close of polling but before the declaration of result, the Clerk to LegCo will declare a vacancy in LegCo if the candidate is successful. To minimize the risk of disruption to the electoral process, the Bill provides that if the Returning Officer of a GC becomes aware of the death or disqualification of a validly nominated candidate before the polling day, he may strike out the name of the candidate from the list and add the name(s) of the surplus nominee(s) to the list to make up the difference, and allow the election proceedings to continue.

40. A few Members have asked the Administration to reconsider the proposal which is unfair to a person who contests the election as a single candidate. Having considered the views of Members, the Administration agrees to introduce CSAs to delete the provision which allows the Returning Officer to revise the list of validly nominated candidates and to make other consequential amendments.

*Validly nominated candidates - Clauses 20, 25 and 30*

41. The Bill proposes that the election proceedings should continue if a candidate is disqualified or died before the polling day. Some Members have suggested that as far as FC election is concerned, if the Returning Officer becomes aware of the death or disqualification of a validly nominated candidate after the close of nomination and before the polling day, he should terminate the election proceedings and a by-election should be arranged. This is because many FC elections have only two nominated candidates. In the event that one of the candidates has become disqualified or died,

the remaining one will be automatically elected, hence depriving electors from having a choice.

42. Having regard to Members' views, the Administration proposes to introduce CSAs to require the Returning Officer of a FC to terminate the election proceedings if he becomes aware of the death or disqualification of a validly nominated candidate after the close of nomination but before the polling day. The Electoral Affairs Commission should then arrange for a by-election.

#### Advance polling

43. The Bill proposes to allow electors to apply to vote before the general polling day, in order to facilitate some electors who may not be able to cast their votes on the general polling day due to various reasons such as work commitment, departing Hong Kong on vacation or business trips on the polling day. While Members are in general supportive of the proposal, they have asked the Administration to consider the following suggestions to improve the arrangement -

- (a) Members note that electors in Canada and Japan do not have to make prior applications for advance polling, and that electors in Australia have only to explain at the advance polling stations the reasons why they cannot vote on the polling day. In order not to cause undue inconvenience to electors, some Members have asked the Administration to reconsider the requirement for electors to make prior applications for advance polling;
- (b) Some Members have expressed concern that if the results of exit polls conducted on advance polling day are released before polling on the general election day, it may undermine the fairness and impartiality of the election;
- (c) Members have requested the Administration to consider whether it is necessary to designate more than one day for holding advance polling, given that the general election is held on only one day and the number of electors involved in advance polling is much smaller; and
- (d) On the Administration's preliminary thinking that there will only be one polling station at a central location for advance polling, a few Members have suggested that the number should be increased.

44. The Administration has advised that in Canada, Japan and Australia, there is no legislation prohibiting the conduct of exit polls, or the announcement of the results of exit polls before the close of polls. The electoral laws of Canada had once stipulated that no announcement of the results of exit polls could be made before the close of polls but the provision was found to be in contravention of the freedom of speech by the court and no longer applies now.

45. After consideration of Members' views and having regard to the court ruling made in Canada last year, the Administration believes that legislating against the release of exit poll results by the media before the close of all polls may run the risk of contravening Article 27 of the BL which provides that Hong Kong residents shall have freedom of speech, of the press and of publication. Taking into consideration the paramount importance of fair and impartial elections, the Administration has come to the view that advance polling should not be introduced in the 2000 LegCo election before the problem is resolved. It will introduce amendments to clauses 2, 6, 25, 27, 30, 31 and 47 concerning the advance polling arrangements.

46. Some Members have expressed great disappointment over the Administration's change of stance on the matter and do not agree with the CSAs proposed by the Administration. They consider that the Administration should take a more proactive approach in dealing with the matter and that its argument for not implementing the proposal is a flimsy one. As the EAC has already required the media not to announce the results of the exit polls before the close of polls under the existing guidelines on election activities, they opine that the Administration should discuss with the media with a view to expanding the EAC guidelines to require the media not to announce the results of exit polls for advance polling until all the polling (including the polling on the general day) closes.

"Advance postal voting" and "overseas polling arrangement"

47. Members have also considered whether "advance postal voting" and "overseas polling arrangement" should be implemented for LegCo election. Members have noted that electors of Canada and Australia who are unable to attend polling stations on polling day may vote by post. In addition, electors of Australia staying overseas on polling day may choose to vote at about 100 Australian embassies, consulates or trade offices which provide voting facilities. The Administration has advised that it is not aware of any special measures adopted by these countries to prevent vote buying, or to ensure the timeliness and secrecy of the mail. The Administration does not support implementing these arrangements.

Polling in public hospitals

48. A Member has proposed that polling stations should be set up in public hospitals to allow eligible electors to vote.

49. The Administration has considered the proposal and concludes that there are a lot of implementation problems. These include difficulty in compiling the relevant extracts of voter register for the mobile polling stations and in safeguarding the secrecy of votes if votes are collected directly from electors in bed. If electors are asked to vote at specific mobile polling stations, bedridden electors will not benefit from the arrangement. In addition, the Administration is of the view that it is unreasonable to provide the mobile polling facility only to electors in the 42 public hospitals, and not those in private hospitals and institutions for the aged. However, to extend the arrangement to all electors in these institutions would involve significant financial and staffing resources. In the circumstances, the Administration will not consider the suggestion at the present stage.

#### Canvassing activities on polling day

50. In response to some Members' proposal that the polling day should be specified as "no canvassing day", the Administration is of the view that candidates should be allowed to choose, according to their own need, whether and if so, when and how to carry out canvassing activities, provided such activities would not undermine the fairness of the election and cause undue disturbance to the electors. Experience of past elections shows that canvassing activities are generally carried out in an orderly and controlled manner. Prohibiting candidates and their supporters will also have an adverse effect on both the election atmosphere on polling day and the voter turnout.

51. The Bills Committee has divided views on the matter. Members who prefer the status quo consider the existing arrangement has worked well and that there are no strong justifications to ban all canvassing activities on the polling day. Those Members who are in support of the proposal point out that the arrangement should be reviewed having regard to the high turnout rate in the 1998 LegCo election, the fact that electioneering activities will not affect electors' choice, and the significant resources involved in launching electioneering campaigns on the election day. Noting that Japan, France and Singapore adopt the "no canvassing day" arrangement, these Members have requested the Administration to reconsider the proposal.

52. After considering Members' views, the Administration's position has remained unchanged. Apart from the reasons earlier mentioned, the Administration is also worried that such a ban may affect the freedom of expression which is a fundamental right guaranteed in the International Covenant of Civil and Political Rights. The Administration has advised that any restriction imposed on the protected freedom must be necessary and proportionate to the harm which it purportedly addresses.

53. Members of the Democratic Party do not agree with the Administration's argument as Japan and France, being signatories to the ICCPR, also adopt the "no canvassing day" arrangement. A Member of the Democratic Party will move CSAs to introduce a "cooling-off period" in the election, prohibiting canvassing activities on polling day.

### Reimbursement of election expenses

54. According to the Administration, there is a system of reimbursement of election expenses in Canada, Australia and France. Pointing out that similar practices are also adopted by some other countries, Members of the Democratic Party have proposed that the Government should subsidise part of the election expenses incurred by candidates who have secured votes up to a prescribed threshold in order to provide a level-playing field for all candidates, including those who are financially less well-off. Some Members have reservation about the proposal.

55. The Administration advises that the Government has provided considerable subsidies in kind to candidates running in the LegCo elections, such as two rounds of free mailing service, publicity programmes on TV and radio, forums for debate on topical issues and leaflets introducing candidates. The Administration does not consider that there is a need to further subsidise candidates in their campaigning activities with additional public funds.

56. A Member of the Democratic Party will move CSAs to the Bill to stipulate that the Government should reimburse election expenses to a candidate or a list of candidates if the candidate or the list of candidates obtains a prescribed proportion of the votes cast at the election. Implementation details of the proposal could be considered by the Administration after passage of the Bill.

### Disqualification of LegCo Members from holding office

57. Section 40(1)(b)(iii) of the LegCo Ordinance provides that a LegCo candidate must give a promissory oath to the effect that, if elected, he will not do anything during his term of office that "would result" in the circumstances specified in that section. Section 15(3) of the Ordinance further provides that a breach of such oath could constitute a kind of "misbehaviour" which a LegCo Member may be censured under Article 79(7) of the BL. The Bill proposes to replace the words "would result" with "results" to make it clear that it could only constitute a breach of the promissory oath if the disqualifying circumstances have actually arisen.

58. Members note that under the previous electoral laws, the same set of disqualification conditions applied to a LegCo candidate or a serving Member. As some of the provisions were not provided in BL 79, amendments were made to the then LegCo Bill to ensure their continued application. Some Members have queried why the circumstances under which a Member will be disqualified from holding office as set out in section 40(1)(b)(iii) could not be incorporated into section 15(3) of the LegCo Ordinance.

59. The Administration has advised that the two sections were added to the Ordinance by way of CSAs to the LegCo Bill put forward by the Administration in response to the request made by the relevant Bills Committee of the Provisional LegCo. The rationale for the amendments is that, within the parameters of the BL, disqualification conditions which apply to LegCo candidates and to serving Members should be the same as far as possible. Article 79 of the BL lists out the circumstances under which the President of the Legislative Council shall declare that a Member of the Council is no longer qualified for the office. The list of circumstances is exhaustive and the Article cannot be added to or amended by local legislation although there is scope to elaborate on the implementation aspects of the Article.

### **Committee Stage amendments (CSAs)**

60. Apart from the CSAs mentioned above, the Administration will also introduce other consequential and technical amendments to the Bill. A full set of the CSAs to be moved by the Administration is in **Appendix III**.

### **Recommendation**

61. The Bills Committee recommends that the Second Reading debate on the Bill be resumed at the Council meeting on 14 July 1999.

### **Advice sought**

62. Members are invited to support the recommendation of the Bills Committee in paragraph 61 above.

Legislative Council Secretariat  
29 June 1999

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

**Membership List**

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

Total : 32 Members

**Legislative Council (Amendment) Bill 1999**

**List of individuals/organizations submitted views on the Bill**

**Name of Individual/Organisation**

- \* Hsin Kuang Restaurant (Holdings) Ltd
- \* Federation of Hong Kong Restaurant Owners Limited  
潮僑食品業商會  
九龍飲食業總商會(酒樓茶室總工會)  
港九新界屋村酒樓業商會  
港九粉麵製造業總商會  
現代管理(飲食)專業協會  
香港餐務管理協會
- \* Fresh Fruit Transportation Association
- \* Hong Kong (Cross Border) Transportation Drivers' Association  
Hong Kong Mid-Stream Operators Association  
Mr TANG Kwan-chi / Mr WONG Man-chong  
Mr WONG Kam-cheung
- \* The Cross-Harbour Tunnel Co. Ltd.
- \* Rights of Taxi Owners and Drivers Association Ltd.  
Mr LAI Chi-keong
- \* Mr TSANG Kin-shing
- \* Mr WAI Hing-cheung
- \* 香港耳針學會
- \* 榮民中西醫藥研究會
- \* 中醫學術促進會
- \* 九龍中醫師公會
- \* 香港中醫學會
- \* 中國中醫藥學會福建旅港分會
- \* 世界中醫藥學會
- \* 香港中醫師公會
- \* 香港國際林如高骨傷研究學會
- \* 國際中醫風溼與骨病研究學會
- \* 全港中醫師公會聯合會
- \* 新華中醫中藥促進會
- \* 香港針灸醫師學會
- \* 亞太傳統醫藥交流協會
- \* 香港中醫骨傷學會
- \* 中華中醫師公會
- \* 香港國際傳統醫學會
- \* 香港中國針灸學會



- \* 香港中國中醫師聯誼會
- \* 香港經絡醫學研究會
- \* 港九中醫師公會
- \* 香港國醫藥研究會
- \* 僑港中醫公會
- \* International Association (H.K.) For Chinese Manipulative Medicine
- \* Hong Kong Container Freight Station Association
- \* Tin Shiu Wai Community Service Centre
- \* The Frontier
- \* Democracy 2000
- \* Hong Kong Professional Teachers' Union
- \* Hong Kong and Kowloon Poultry Dealers and Workers Association
- \* The Hong Kong Council of Social Services
- \* Mr LEUNG Kwok-hung
- \* Hong Kong Institute of Real Estate Administration
- \* Hong Kong Kowloon New Territories & Overseas Fish Wholesalers Association Ltd
- \* Estate Doctors Association Ltd
- \* Federation of Hong Kong Higher Education Staff Association
- \* Hong Kong Institute of Housing
- \* Hong Kong Air Cargo Terminals Ltd
- \* The Hong Kong Psychological Society
- \* Mr Stephen J. Williams
- \* The Hong Kong Veterinary Association Ltd
- \* The Institution of Electrical Engineers
- \* The Hong Kong Taxi & Public Light Bus Association Limited
- \* The British Computer Society (Hong Kong Section)
- \* Hong Kong Sea Transport Association Ltd
- \* Golden Link Taxi Owners and Drivers Association Ltd
- \* The Hong Kong Institute of Surveyors
- \* Textile Council of Hong Kong Ltd
- \* The Stanley Commerce Association
- \* 港九糖菓餅乾果品批發商會
- \* Association of Owner and Driver Concerned in the Parking Spaces in Hong Kong Island

Total : 69

- \* These individuals/organizations have appeared before the Bills Committee.

**DRAFT**

LEGISLATIVE COUNCIL (AMENDMENT) BILL 1999

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for Constitutional Affairs

Clause

Amendment Proposed

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 -

**"5. Chief Executive to specify dates for holding general elections**

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 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".
- (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 (b) -  
        (A) in subparagraph (xi), by deleting "and";

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

NewBy adding -

**"18A. Electoral Registration Officer to compile and publish electoral registers**

Section 32(2) is amended 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.

**18B. When final register is to take effect**

Section 33 is amended -

- (a) by renumbering it as section 33(1);
- (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) By adding -

"(ab) by adding -

- "(ba) 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 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, 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)".

25 (a) In the heading, by deleting "**Section**" and substituting "**Sections**".

(b) By deleting "is added" and substituting "are added".

- (c) By deleting everything after the proposed section 42A(1) and substituting -  
"(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.

**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 or by the Election Committee, but before the date of the election, it comes to the knowledge of the Returning Officer that the candidate has died, that Officer must, 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, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541) -

- (a) publicly declare that the candidate has died; and
- (b) further declare which candidate or candidates are validly nominated for election for the constituency or by the Election Committee.

(3) Subsections (1) and (2) do not apply if the Returning Officer has publicly declared under section 46(1) that the candidate was duly elected as a Member.

(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 or by the Election Committee, but before the date of the election, it comes to the knowledge of the Returning Officer that the candidate is disqualified from being nominated as a candidate, that Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541) vary the decision to the effect that the candidate is not validly nominated. If the Returning Officer so varies the decision, that Officer must, 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 Electoral Affairs Commission Ordinance (Cap. 541) -

- (a) publicly declare that the decision has been varied; and
- (b) further declare which candidate or candidates are validly nominated for election for the

constituency or by the Election Committee.

(6) Subsections (4) and (5) do not apply if the Returning Officer has publicly declared under section 46(1) that the candidate was duly elected as a Member.

**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."."

27 By deleting the clause.

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) -
  - (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 By deleting the clause and substituting -

**"31. Who is entitled to vote at an election**

Section 48 is amended -

- (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 -

(a) to return a Member by the constituency; or

(b) by the Election 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 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."

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;
- (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.
  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 Grazer 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.
  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.
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.
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.
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 Association.
  74. Yung Shue Au Marine Fish Culture Business Association.
  75. 大嶼山水陸居民聯誼會 .
  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. 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.
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.
  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 Guangdong Transportation Association Ltd.
48. The Hong Kong Institute of Marine Technology.
49. The Hong Kong Liner Shipping Association.
50. Hong Kong, Kowloon & NT Public & Maxicab Light Bus Merchants' United Association.
51. Hong Kong Kowloon Taxi & Lorry Owners Association Ltd.
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 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.
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 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.

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 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.
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.
  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.
4. Islands District Sports Association Limited.
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.
  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.
  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.
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 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.
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 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.
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 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 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, 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.
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.
  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 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.
  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.
  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 -
- "(ab) in section 1(6), by repealing ", (8), (10) and (11)" and substituting "to (11A)";".
- (b) 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

- (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.";

- (c) 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 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."

(d) By adding -

"(ca) by deleting 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
- (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 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)."

- (e) By deleting paragraph (d) and substituting -
  - "(d) in section 1(12), by repealing the definition of "relevant date";".
- (f) In paragraph (g)(ii), in the proposed item 6, by

deleting "the of".

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

"(i) 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 "Members," and substituting "members";".

(h) In paragraph (j) -

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

(ii) by adding -

"(i) in paragraph (a), by deleting "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";".

(i) 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, 32, 36 or 51".
- (j) In paragraph (t), in the proposed section 8(7A)(a), by deleting "Urban" and substituting "Hong Kong and Kowloon".
  - (k) 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.";
- (1) 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;"
- (m) 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";".

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

New By adding after "**Consequential Amendments**" -  
**"Societies Ordinance**

**45A. 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 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 before clause 47 -

**"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) In paragraph (d)(iii), by deleting the semicolon and substituting a full stop.
- (c) By deleting paragraphs (e) and (f).

48(b)(i) By deleting "and" and substituting "or".

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 "repealed 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 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)."

### **Post Office Regulations**

#### **50. Regulation 6 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 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 "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" (選舉委員會) means the Election Committee established under the Legislative Council Ordinance (Cap. 542);
  - "Election Committee subsector election" (選舉委員會小組選舉) 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).".