

LEGISLATIVE COUNCIL BRIEF

Legislative Council (Amendment) Ordinance 1999 (48 of 1999)

LEGISLATIVE COUNCIL (AMENDMENT) ORDINANCE 1999 (AMENDMENT) BILL 2000

INTRODUCTION

At the meeting of the Executive Council on 18 January 2000, the Council ADVISED and the Chief Executive ORDERED that the Legislative Council (Amendment) Ordinance 1999 (Amendment) Bill 2000 (“the Bill”) should be introduced into the Legislative Council (“LegCo”).

BACKGROUND AND ARGUMENT

Social Welfare Functional Constituency (“FC”)

2. At present, the Social Welfare FC is composed of :-
 - (a) social workers registered under the Social Workers Registration Ordinance (Cap. 505);
 - (b) corporate members of the Hong Kong Council of Social Service entitled to vote at general meetings of the Council;
 - (c) exempted societies providing social services; and
 - (d) non-profit making companies providing social services.

3. In view of the very satisfactory progress in the implementation of the statutory registration scheme for social workers and the professionalism of practitioners in the field, we propose that the Social Welfare FC should be composed of registered social workers only.

4. In respect of the Social Welfare Subsector, we propose that its delineation should remain the same as the arrangements for the first LegCo election in 1998. This will enable corporate electors to continue to play a part in the subsector election of the Election Committee.

Medical FC

5. In July 1999, during the second reading debate on the Legislative Council (Amendment) Bill 1999, the Administration undertook to consider including Chinese medicine practitioners registered under the Chinese Medicine Ordinance (47 of 1999) in the Medical FC. To enable a sufficient number of Chinese medicine practitioners to be registered in the Medical FC, the statutory registration scheme for Chinese medicine practitioners must be put in place in time for qualified Chinese medicine practitioners to get registered.

6. We note that the Chinese Medicine Council, the statutory body responsible for the regulation of Chinese medicine practitioners, is still in the process of preparing the subsidiary legislation for the registration of such practitioners. Although the Council is currently finalizing the Code of Practice to lay down guidelines on professional conduct for registered Chinese medicine practitioners, it is expected that the relevant subsidiary legislation will not be ready for submission to LegCo for examination until late February or March 2000. Given this position, it would not be realistic to assume that the registration process could begin before April 2000.

7. In the light of actual progress in finalising the statutory registration scheme, as explained in paragraph 6 above, it is highly unlikely that any Chinese medicine practitioners will be able to get registered under the Chinese Medicine Ordinance before the voter registration deadline of 16 March 2000 for the 2000 LegCo election. It is, therefore, our view that it would not serve any useful purpose to include registered Chinese medicine practitioners in the Medical FC for the second term LegCo election in 2000 when there is no realistic prospect of getting any one to be so registered. We propose to implement the scheme for the third term LegCo election when the statutory registration scheme will be well established and a substantial

number of qualified Chinese medicine practitioners properly registered. Meanwhile, Chinese medicine practitioners can still participate in the LegCo election in 2000 through the Chinese medicine subsector in the Election Committee. The arrangement for the Chinese Medicine Subsector will remain unchanged.

THE BILL

8. The main provisions of the Bill are as follows:
- (a) clause 2 provides that the Social Welfare FC is to be composed of registered social workers only;
 - (b) clause 3 makes technical amendments consequential upon the proposed change in the delineation of the Social Welfare FC;
 - (c) clause 4 amends the provisions relating to the constitution of the Election Committee. These amendments are essentially technical changes which arise from the proposed change in the delineation of the Social Welfare FC;
 - (d) clause 5 contains consequential amendments to the subsidiary legislation made by the Electoral Affairs Commission on voter registration.

LEGISLATIVE TIMETABLE

9. The legislative timetable will be as follows -

Publication in the Gazette	28 January 2000
First Reading and commencement of Second Reading debate	16 February 2000
Resumption of Second Reading debate, committee stage and Third Reading	to be notified

10. If the Bill is passed by LegCo, the proposal to remove corporate electors from the Social Welfare FC can be implemented for the 2000 LegCo election. Corporate electors concerned will be disqualified from voting if they cease to be eligible to register in the Social Welfare FC. In order to ensure fairplay, we intend to notify such corporate electors as soon as possible of the impending changes so that they can be afforded the opportunity to apply for registration in some other FCs, if they are so eligible, before the voter registration deadline of 16 March 2000. It would be much more preferable if the Bill can be passed by the end of February or early March 2000 because we will then be able to write to them confirming their loss of eligibility to register in the Social Welfare FC and to invite them to complete the necessary procedures for registration in some other FCs if they are so eligible before the voter registration deadline. The number of such corporate electors is small and is estimated at 200. The logistical problems are therefore manageable even within the fairly tight time-scales.

BASIC LAW IMPLICATIONS

11. The Department of Justice advises that the Bill is consistent with those provisions of the Basic Law carrying no human rights implications.

HUMAN RIGHTS IMPLICATIONS

12. The Department of Justice advises that the Bill is consistent with the human rights provisions of the Basic Law.

FINANCIAL AND STAFFING IMPLICATIONS

13. The Bill if passed will result in some minor savings in financial and staffing resources.

PUBLIC CONSULTATION

14. We have informed the Hong Kong Council of Social Service of the proposals to adjust the delineation of the Social Welfare FC and to maintain the delineation of the Social Welfare Subsector. There is no objection from the Hong Kong Council of Social Service.

PUBLICITY

15. A press release will be issued on 27 January 2000. A spokesman will be available for answering media enquiries.

ENQUIRIES

16. For enquiries, please contact Mr Bassanio So, Principal Assistant Secretary (Constitutional Affairs) 5. His telephone and fax numbers are 2810 2852 and 2840 1976 respectively.

Constitutional Affairs Bureau
27 January 2000

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