

C009-E

Amend the Legislative Council (Amendment) Ordinance 1999 to provide that only registered social workers are eligible to be registered as electors of the social welfare functional constituency.

Enacted by the Legislative Council.

1. Short title and commencement

(1) This Ordinance may be cited as the Legislative Council (Amendment) Ordinance 1999 (Amendment) Ordinance 2000.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Constitutional Affairs by notice in the Gazette.

2. Sections added

Section 13 of the Legislative Council (Amendment) Ordinance 1999 (48 of 1999) is amended, in the new section 20M---

(a) in subsection (1)---

(i) by repealing "(1)";

(ii) by repealing the dash after "composed of";

(iii) in paragraph (a)---

(A) by repealing "(a)";

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

(iv) by repealing paragraphs (b) to (d);

(b) by repealing subsection (2).

3. Who is eligible to be registered as an elector: functional constituencies

Section 16 is amended---

(a) in paragraph (c), by repealing "20M(1)(c) or (d),";

(b) in paragraph (d), by repealing "20M(1)(b),".

4. Constitution of Election Committee

Section 44 is amended---

(a) in paragraph (b)---

(i) by repealing subparagraph (i) and substituting---

"(i) in paragraph (a)---

(A) by adding ", the social welfare subsector" after "education subsectors";

(B) by repealing "Schedule 1" and substituting "section 20(1) of this Ordinance";";

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

"(ii) in paragraph (c)---

(A) by repealing "catering and";

(B) by adding "and social welfare" before "subsectors";";

(b) in paragraph (h), by adding---

"(12B) In item 9 of Table 5---

(a) "non-profit making company" (非牟利公司) means a company formed for the purpose of promoting the aims specified in paragraph (4)(a), (b) or (c) opposite that item in column 3 of that Table, that is required by its constitution to apply its profits, if any, or other income solely in promoting those aims and to prohibit the payment of any dividend to its members; and

(b) "social service" (社會服務) means the provision of any one or more of the following services for the benefit of the community---

(i) family and child welfare services;

(ii) services for young people;

(iii) services for the elderly;

(iv) services for offenders;

(v) rehabilitation services;

(vi) community development;

(vii) social security.";

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

"(k) in Table 5---

(i) by repealing item 7;

(ii) by adding---

"9. Social (1) Social workers registered

welfare under the Social Workers Registration Ordinance (Cap. 505).

(2) Corporate members of the Hong Kong Council of Social Service entitled to vote at general meetings of the Council.

(3) Exempted societies within the meaning of the Societies Ordinance (Cap. 151) that have been operating with paid employees to provide service on a regular basis in accordance with the following aims for a period of 12 months immediately before making the application for registration as a voter---

(a) to promote the co-

ordination and improvement of social service activities; or

(b) to develop resources, such as manpower, funds and data, for social service activities; or

(c) to promote public understanding of social service needs and the role of the voluntary agencies in meeting those needs,

and which publish their annual reports and audited accounts or certified accounts with regard to annual income and expenditure.

(4) Non-profit making companies registered under the Companies Ordinance (Cap. 32) that have been operating with paid employees to provide service on a regular basis

in accordance with the following aims for a period of 12 months immediately before making the application for registration as a voter---

(a) to promote the co-ordination and im-provement of social service activities; or
(b) to develop resources, such as manpower, funds and data, for social service activities; or

(c) to promote public understanding of social service needs and the role of the voluntary agencies in meeting those needs,
and which publish their annual reports and audited accounts or certified accounts with regard to annual income and expenditure.";

(d) in paragraph (o)(i), in the new section 8(1)(a), by adding "the social welfare subsector," after "education subsector,";

(e) in paragraph (o)(ii), by repealing everything before the new section 8(1)(c)(i) and substituting---

"(ii) in paragraph (c), by repealing everything after "education subsectors" and substituting---

", the social welfare subsector and the tourism and hotel subsectors) if---";";

(f) by adding---

"(ra) in section 8, by adding---

"(4A) A person is eligible to be registered as a voter for the social welfare subsector if---

(a) the person is a person described in section 20M of this Ordinance and has made an application to be registered in the social welfare functional constituency;

(b) the person is registered for the social welfare functional constituency in the existing functional constituencies final register, and is eligible to be registered as an elector for the social welfare functional constituency by virtue of being a person described in section 20M of this Ordinance;

(c) the person is a person described in paragraph (2), (3) or (4) of item 9 of Table 5 and has made an application to be registered for the social welfare subsector; or

(d) the person---

(i) is registered for the social welfare subsector in the existing subsector final register by virtue of being a person described in paragraph (2), (3) or (4) of item 9 of Table 5; and

(ii) is not disqualified from being registered as a voter for that subsector."";

(g) in paragraph (v)---

(i) by adding "or 8" after ", 7";

(ii) by adding ", 8 or 9 (by virtue of subsection (4A)(c) or (d))" after "1, 4";

(h) in paragraph (zc), by repealing "", 7";" and substituting ""7 or 8" and substituting "8 or 9";".

Consequential Amendments

Electoral Affairs Commission (Registration)

(Electors for Functional Constituencies)

(Voters for Subsectors) (Members of

Election Committee) (Legislative

Council) Regulation

5. Interpretation of Part IV

Section 11 of the Electoral Affairs Commission (Registration) (Electors for Functional Constituencies) (Voters for Subsectors) (Members of Election Committee) (Legislative Council) Regulation (Cap. 541 sub. leg.) is amended---

(a) in subsection (1)---

(i) in the definition of "corresponding subsector"---

(A) in paragraph (a), by adding "(ba)," after "paragraph (b),";

(B) by adding---

"(ba) in relation to the Social Welfare functional constituency, subject to subsection (6)(a), the Social Welfare subsector;"

(ii) in the definition of "optional subsector"---

(A) in paragraph (c), by repealing "and";

(B) in paragraph (g), by adding "and" at the end;

(C) by adding---

"(i) subject to subsection (6)(b), the Social Welfare subsector;"

(b) by adding---

"(6) For the purpose of this Part and section 19---

(a) a person is eligible to be registered as a voter for a corresponding subsector within the meaning of paragraph (ba) of the definition of "corresponding subsector" in subsection (1), if that person is eligible to be so registered by virtue of section 8(4A)(a) or (b) of Schedule 2 to the Legislative Council Ordinance (Cap. 542);

(b) a person is eligible to be registered as a voter for an optional subsector within the meaning of paragraph (i) of the definition of "optional subsector" in subsection (1), if that person is eligible to be so registered by virtue of section 8(4A)(c) or (d) of that Schedule."

Explanatory Memorandum

The object of this Bill is to amend the Legislative Council (Amendment) Ordinance 1999 (48 of 1999) to revise the delineation of the social welfare functional constituency so that only registered social workers are eligible to be registered as electors of that constituency, and to make consequential amendments.