

立法會
Legislative Council

LC Paper No. CB(2)534/02-03
(These minutes have been seen
by the Administration)

Ref : CB2/BC/2/02

**Bills Committee on
Electoral Provisions (Miscellaneous Amendments) Bill 2002**

**Minutes of first meeting
held on Thursday, 7 November 2002 at 10:45 am
in the Chamber of the Legislative Council Building**

- Members present** : Hon IP Kwok-him, JP (Chairman)
Hon Cyd HO Sau-lan
Hon Andrew WONG Wang-fat, JP
Hon Howard YOUNG, JP
Hon LAU Kong-wah
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Dr Hon TANG Siu-tong, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Albert CHAN Wai-yip
Hon LEUNG Fu-wah, MH, JP
Hon LAU Ping-cheung
- Member absent** : Hon Emily LAU Wai-hing, JP
- Public Officers attending** : Mr Stephen LAM
Secretary for Constitutional Affairs
- Mr Bassanio SO
Acting Deputy Secretary for Constitutional Affairs
- Ms Doris HO
Principal Assistant Secretary for Constitutional Affairs

Ms Phyllis KO
Senior Assistant Law Draftsman

Mr Alan CHONG
Government Counsel

Miss Katy FONG
Assistant Secretary for Constitutional Affairs

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

Staff in attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Mr Paul WOO
Senior Assistant Secretary (2)3

Action

I. Election of Chairman

Mr IP Kwok-him was elected Chairman of the Bills Committee.

II. Meeting with the Administration

(CAB C1/41 - Legislative Council Brief on the Bill; LC Paper Nos. CB(2)288/02-03(03) and (04))

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).

Public consultation on the Bill

3. The Bills Committee agreed to issue a press release to invite members of the public to make written submissions on the Bill and to attend the second meeting of the Bills Committee to give oral representations if they so wished. The invitation for submission would also be put on the website of the Legislative Council (LegCo).

(Post-meeting note : In accordance with the decision of the House Committee on 11 January 2002, the clerk has also written to the 18 District Councils to seek their views.)

Action

Meeting with the Administration

Changes of the number of elected seats of District Councils (DC)

4. Mr LAU Kong-wah requested the Administration to consider increasing one elected seat for the Sha Tin DC for the following reasons -

- (a) the population in Ma On Shan had also increased substantially; and
- (b) if the number of elected seats for Sha Tin DC remained unchanged, in view of the increase in population, the boundaries of the existing constituencies in Sha Tin would have to be changed. This would disrupt the community identity and cohesiveness of the areas concerned.

5. The Secretary for Constitutional Affairs (SCA) replied that the projected percentage increase of the population of Ma On Shan as of June 2003 was in the region of 15%. The increase was relatively mild as compared with Tung Chung, Tseung Kwan O and Tin Shui Wai, which had a population expansion ranging from 40% to 123%, and did not warrant increasing the number of elected seats for Sha Tin DC for the second term DCs. He further informed members that the Administration would conduct a comprehensive review on the composition of the subsequent terms of DCs after the 2003 DC elections.

Admin

6. SCA agreed to provide a written response to Mr LAU Kong-wah's proposal.

7. Mr LAU Kong-wah and Mr Albert CHAN pointed out that there were great variations in the population size of individual constituencies in a district, e.g. between the new town constituencies and rural constituencies in a New Territories district. Mr LAU requested the Administration -

- (a) in respect of individual constituencies in Islands, Sai Kung, Sha Tin and Wan Chai districts, to provide information on :
 - (i) population in March 1999; and
 - (ii) projected population as of June 2003; and
- (b) in respect of the population figures for the 18 DCs in March 1999, to provide information on constituencies where the population exceeded or fell short of the population quota by more than 25%.

Admin

8. Mr Andrew WONG Wang-fat said that he was in favour of increasing the number of elected seats to cater for population growth. Whether or not the

Action

number of seats should be reduced due to a fall in population could be subject to review after a period of time, say 10 years. He said that it was important to maintain stability in constituency boundaries as far as possible.

Proportional representation system

9. Ms Cyd HO and Mr Andrew WONG said that the Administration should consider the merits of adopting the proportional representation system used in LegCo elections for DC elections, pointing out that a proportional representation system had the advantage of minimizing the need for re-delineation of boundaries of a large number of constituencies.

10. SCA responded that the existing electoral system for DC elections had been working satisfactorily for many years. Members' views would be taken into account in the review to be conducted after the second term DC elections at the end of 2003.

Disqualification provision

11. Mr Albert CHAN pointed out that the number of bankruptcy cases in Hong Kong had been increasing rapidly in recent years. He asked whether the Administration would review the provisions in the District Councils Ordinance on disqualification of DC members due to bankruptcy.

12. SCA said that the point raised by Mr Albert CHAN was not a matter for the present Bill. The issue could be considered in the future review of DC elections.

Appointed seats

13. Mr LAU Ping-cheung asked whether the Administration would consider increasing the number of appointed seats for DCs.

14. SCA replied that the Administration's stand was that the number of appointed and ex-officio seats would remain unchanged for the second term DCs.

Amendments to the Bill

15. Mr Andrew CHENG asked whether, under the present scope of the Bill, LegCo Members could propose amendments to the Bill e.g. to change the number of appointed seats for DCs and the number of elected seats for DCs other than Islands DC, Sai Kung DC and Yuen Long DC. He also asked whether amendments could be made to the long title of the Bill which set out the objective of the Bill.

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16. SCA said that the Administration's stand was that any amendments to the Bill should be dealt with in accordance with the relevant requirements laid down in the Basic Law, the relevant provisions of the Rules of Procedure of LegCo, and the policy objective of the Administration to increase a limited number of elected seats for three districts which had a significant population growth in the new towns.

17. Senior Assistant Legal Adviser 2 said that there had been precedent cases of amendments made by the Administration to the long title of a bill. The amendments in those cases, however, were non-controversial.

Commencement of the Bill

18. SCA said that the Administration would propose an amendment to provide for the commencement of the relevant provisions of the Bill.

Legislative timetable

19. SCA said that based on the projection that the Bills Committee could complete scrutiny of the Bill by early December 2002 and the Bill could be passed by LegCo in mid-December 2002, the Electoral Affairs Commission (EAC) would proceed with demarcation of constituency boundaries and conduct a one-month public consultation on its recommendations in early January 2003. EAC would then finalize and submit its recommendations to the Chief Executive between mid-March and early April 2003. Details of the proposed timetable for the 2003 DC elections were set out in LC Paper No. CB(2)288/02-03(04)).

III. Date of next meeting

20. The second meeting of the Bills Committee was scheduled for 19 November 2002 at 4:30 pm to receive deputations and to study the Bill clause by clause.

21. The meeting ended at 12:40 pm.

Council Business Division 2
Legislative Council Secretariat
2 December 2002

Annex

**Proceedings of the first meeting of the Bills Committee on
Electoral Provisions (Miscellaneous Amendments) Bill 2002
on Thursday, 7 November 2002 at 10:45 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker(s)	Subject(s)	Action required
000000 - 000037	Ms Cyd HO Sau-lan Mr LAU Kong-wah	Election of Chairman of Bills Committee	
000038 - 001519	Chairman Mr Howard YOUNG Mr Albert CHAN Mr Andrew WONG Mr Tommy CHEUNG Mr LEUNG Fu-wah	Public consultation to be conducted by the Bills Committee on the Bill	The Clerk to arrange for issue of press release to invite written submissions and oral representation on the Bill
001520 - 001622	Administration	Legislative timetable for the Bill	
001623 - 001912	Chairman Mr Albert CHAN Mr Andrew WONG Mr Tommy CHEUNG Administration	Date of the second meeting of the Bills Committee	
001913 - 002614	Administration Chairman	Introduction on the content of the Bill	
002615 - 003229	Ms Cyd HO Administration	Time allowed for Bills Committee to complete scrutiny of the Bill Possibility to adopt the proportional representation system in DC elections	
003230 - 005125	Mr LAU Kong-wah Administration Mr Albert CHAN Chairman	Proposal to increase the number of directly elected seats for Sha Tin DC because of population increase, especially in Ma On Shan Population of individual constituencies in Islands DC, Sai Kung DC, Sha Tin DC and Wan Chai DC	Administration to provide, in respect of individual constituencies in the relevant districts, information on population in March 1999 and the projected population as of June 2003
005126 - 005425	Mr LAU Ping-cheung Administration	Possibility of increasing the number of appointed seats for DCs	
005426 - 005952	Mr Andrew WONG Administration	Proportional representation system adopted for LegCo elections	
005953 - 011049	Mr Andrew CHENG Administration SALA2	Whether amendments to the Bill could be proposed e.g. to amend the long title of the Bill, to change the number of	

Time marker	Speaker(s)	Subject(s)	Action required
	Chairman	appointed seats of DCs and the number of elected seats for DCs other than Islands DC, Sai Kung DC and Yuen Long DC	
011050 - 012046	Mr LAU Kong-wah Administration Chairman	Information on individual constituencies of DCs where the population exceeded or fell short of the population quota by more than 25% in March 1999	Administration to provide the information
012047 - 012508	Mr Andrew WONG Chairman Administration	The proposal to increase the number of elected seats by way of subsidiary legislation Principles to be applied in considering whether certain amendments could be proposed to the Bill	
012509 - 013246	Mr Andrew CHENG Administration	Delineation of constituency boundaries by the Electoral Affairs Commission having regard to the number of elected seats	
013247 - 013408	SALA2	Amendment to the long title of a bill	
013409 - 014152	Mr Andrew CHENG Administration Mr LAU Kong-wah Chairman	Impact of re-delineation of constituency boundaries on community identity and cohesiveness of the areas concerned	
014153 - 015202	Mr LAU Kong-wah Administration Mr Andrew WONG Mr Andrew CHENG	Proposal to increase the number of elected seats for Sha Tin DC to cater for the population increase in Ma On Shan	
015203 - 015309	Mr Andrew CHENG Administration	Administration's stance on whether the long title of the Bill could be amended	
015310 - 015451	Mr LAU Kong-wah Administration	Proposal to increase the number of elected seats for Sha Tin DC	Administration to respond in writing to Mr LAU's proposal
015452 - 015612	Mr Andrew WONG	The number of elected seats should be increased as far as possible to cater for population increase and stability in constituency boundaries should be maintained	
015613 - 015700	Chairman	Next meeting of the Bills Committee	

Note : The audio records of the above proceedings are kept at the LegCo Library