

立法會

Legislative Council

LC Paper No. CB(2)614/02-03

(These minutes have been seen by
the Administration)

Ref : CB2/BC/2/02

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

**Minutes of the second meeting
held on Tuesday, 19 November 2002 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Hon IP Kwok-him, JP (Chairman)
Hon Cyd HO Sau-lan
Hon Howard YOUNG, JP
Hon LAU Kong-wah
Hon Emily LAU Wai-hing, JP
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

Members absent : Hon Andrew WONG Wang-fat, JP
Hon LAU Ping-cheung

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

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I. Meeting with the Administration

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

Proposed increase in the number of elected seats of District Councils (DC)
(LC Paper No. CB(2)391/02-03(01))

2. Secretary for Constitutional Affairs (SCA) explained the Administration's position that it was not justified to add one elected seat to Sha Tin DC.

3. Mr Albert CHAN said that having regard to the projected population figures of the new towns as at June 2003 and the population quota of DCs, he was of the opinion that the number of elected seats for Islands DC should be increased by two to cater for the population increase in Tung Chung New Town. The number of elected seats for Yuen Long DC should be increased by nine because of the population increase in Tin Shui Wai.

4. SCA said that with the increase of elected seats proposed by the Administration, the average population size per constituency in Tung Chung, Tin Shui Wai and Tseung Kwan O would be about 20 200, 21 000 and 20 600 respectively by June 2003, which was within the acceptable range of deviation

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from the population quota. He added that the Administration's proposals were accepted by the relevant DCs when they were consulted on the proposals.

5. The Administration was requested to provide -
- (a) the projected population of Tung Chung New Town by June 2003 with a breakdown on the number of households in each of the new housing developments such as Yat Tung Estate (逸東邨), Carribean Coast (映灣園), Coastal Skyline (藍天海岸) and Seaview Crescent (海堤灣畔); and
 - (b) information on the population and the percentage deviation from the population quota in respect of individual constituencies in Yuen Long DC as at March 1999.

Delineation of constituency boundaries

6. In response to Mr Albert CHAN's question on how to ensure the independence of EAC in delineating constituency boundaries, Senior Assistant Legal Adviser (SALA) said that Part V of the Electoral Affairs Commission Ordinance (EACO) provided for the power of the Electoral Affairs Commission (EAC) to make recommendations to the Chief Executive for the delineation of DC constituencies. Section 20 of EACO specified the criteria for making recommendations. Provisions on declaration of constituencies were set out in section 6 of the District Councils Ordinance.

7. SCA said that in making its recommendations on constituency boundaries, EAC was required to follow the number of elected seats specified in respect of each DC in the District Councils Ordinance. EAC would conduct public consultation on its draft proposals before finalizing its recommendations.

8. Mr LAU Kong-wah and Mr Andrew CHENG reiterated the concern that if the number of elected seats for DCs with population growth remained unchanged, the boundaries of the existing constituencies might have to be redrawn by EAC, thus affecting the established integrity of the community and the services provided by DC members to their constituents.

9. SCA said that the Administration was aware of members' concern about delineation of constituency boundaries in certain DCs. He said that the EAC should be aware that the proposed increase in the number of elected seats for the three districts had been made in response to public views about the need to address the growth in population of the respective new towns. It was up to the EAC to recommend delineation of boundaries for specific constituencies. He undertook to convey members' concern to EAC. In response to the request of the Chairman, SCA agreed to repeat his undertaking in his speech at the

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resumption of the Second Reading debate on the Bill.

Clause by clause examination of the Bill

(LC Paper No. CB)288/02-03(02))

Clause 4 - Electoral Registration Officer to compile and publish electoral registers

10. SALA pointed out that there were cross references in subsidiary legislation made by the EAC under the EACO to section 32(1) of the Legislative Council Ordinance (LCO). He asked whether consequential amendments should be introduced to subsidiary legislation to include references to both sections 32(1) and 32(1A), with the introduction of a new section 32(1A) to LCO. SCA said that the amendments were technical in nature. He added that after the enactment of the Bill, EAC would make an amendment regulation on voter registration for negative vetting of the Legislative Council in early 2003. This amendment regulation would cover the technical changes mentioned by SALA as well as other amendments consequential to the revision of the publication dates of electoral registers.

Admin

Section 14(1)(f) of the District Councils Ordinance

11. In response to Mr TAM Yiu-chung, SCA agreed to review the appropriateness of adopting "人民協商機構" in the Chinese translation of the above section of the District Councils Ordinance.

Admin

12. The Bills Committee completed scrutiny of the Bill clause by clause.

Committee Stage amendments (CSA)

(Annex 6 in LC Paper No. CB(2)391/02-03(01))

13. The Bills Committee considered the CSA proposed by the Administration. The CSA provided for a commencement clause to the Bill.

14. Having regard to the comment of SALA on the Chinese version of clause 1(3) in the proposed CSAs, SCA said that the Administration would provide a revised CSA for members' consideration.

Admin

15. Mr Albert CHAN said that he would move CSAs to increase the additional number of elected seats for Islands DC and Yuen Long DC to two and nine respectively.

Legislative timetable

16. The Chairman said that the Bills Committee would report its deliberations to the House Committee on 6 December 2002 and recommend

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that the Second Reading debate on the Bill be resumed at the Council meeting on 18 December 2002. The deadline for giving notice of CSAs was 9 December 2002.

17. There being no other business, the meeting ended at 6:00 pm.

Council Business Division 2
Legislative Council Secretariat
9 December 2002

**Proceedings of the second meeting Bills Committee on
Electoral Provisions (Miscellaneous Amendments) Bill 2002
Meeting on Tuesday, 19 November 2002 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000001-000847	Chairman Admin	Admin's response to the issues raised at the meeting on 7 November 2002 (LC Paper No CB(2)391/02-03(01))	
000848-002218	Mr Albert CHAN Admin Chairman	Mr Albert CHAN's proposal to increase the number of elected seats for Islands DC and Yuen Long DC by two and nine respectively to cater for the population growth in the new towns	
002219-003300	Mr Andrew CHENG Admin Chairman	Importance of preventing the established integrity of the community and the services provided to the constituents from being affected by redelineation of DC constituency boundaries	
003301-004257	Mr LAU Kong-wah Admin Chairman	Concern about possible redemarcation of constituency boundaries in Sha Tin, including constituencies other than the new towns, if the number of elected seats for Sha Tin DC was not increased	
004258-004544	Admin Dr TANG Siu-tong Chairman	The Electoral Affairs Commission (EAC) to be informed of the concern raised by members of the Bills Committee	
004545-004837	Mr Tommy CHEUNG Admin	Constituencies with population deviation from the population quota by more than 25%	
004838-005534	Mr Albert CHAN Admin	Information on the population and the percentage deviation from the population quota in respect of individual constituencies in Yuen Long DC as at March 1999	Admin to provide the information
005335-010323	Mr Albert CHAN SALA Chairman Admin	(a) Independence of EAC in delineating constituency boundaries (b) Relevant statutory provisions relating to the power of EAC to make recommendations to the Chief Executive on delineation of DC constituencies	
010324-010618	Mr LAU Kong-wah Admin	How to ensure consistency in policy in introducing changes to the number of elected seats for DCs	

Time marker	Speaker	Subject(s)	Action required
010619-010741	Chairman Mr Albert CHAN Admin	Committee Stage amendments (CSAs) to be moved by members	
010742-010930	Chairman	Legislative timetable	
010931-011028	Admin Chairman	CSA proposed by Admin (Annex 6 of LC Paper No. CB(2)391/02-03(01))	
011029-011224	SALA Admin Chairman	Review of the Chinese version of clause 1(3) of Admin's proposed CSA	Admin to provide a revised CSA
011225-011547	Chairman Admin	Clause by clause examination of the Bill	
011548-011933	SALA Admin Chairman	Clause 4 of the Bill - necessity for introducing consequential amendments to the subsidiary legislation made under the Electoral Affairs Commission Ordinance to include references to both section 32(1) and the new section 32(1A) of the Legislative Council Ordinance	
011934-012008	Admin	Subsidiary legislation made by EAC following enactment of the Bill	
012009-012103	Chairman Admin	Clause by clause examination of the Bill	
012104-012222	Mr TAM Yiu-chung Admin	Review of the appropriateness of adopting "人民協商機構" in the Chinese translation of section 14(1)(f) of the District Councils Ordinance	Admin to review the Chinese reference
012223-012743	Chairman Admin	Clause by clause examination of the Bill	
012744-012826	Mr Albert CHAN Admin	Information on the projected population of Tung Chung New Town by June 2003 with a breakdown on the number of households in each of the new housing developments	Admin to provide the information
012827-012952	Chairman Admin	Admin's undertaking to convey the Bills Committee's concern to EAC	Admin to repeat the undertaking at the resumption of the Second Reading debate on the Bill

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