

立法會
Legislative Council

LC Paper No. CB(2)2189/02-03
(These minutes have been seen
by the Administration)

Ref : CB2/BC/6/02

**Bills Committee on
Legislative Council (Amendment) Bill 2003**

**Minutes of first meeting
held on Monday, 5 May 2003 at 8:30 am
in the Chamber of the Legislative Council Building**

- Members Present** : Hon Andrew WONG Wang-fat, JP (Chairman)
Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching, JP
Hon SIN Chung-kai
Dr Hon Philip WONG Yu-hong
Hon WONG Yung-kan
Hon Howard YOUNG, JP
Hon Miriam LAU Kin-ye, JP
Hon Henry WU King-cheong, BBS, JP
Hon LEUNG Fu-wah, MH, JP
Dr Hon LO Wing-lok
Hon IP Kwok-him, JP
- Members Absent** : Ir Dr Hon Raymond HO Chung-tai, JP
Hon Margaret NG
Hon Emily LAU Wai-hing, JP
Hon SZETO WAH
Hon Audrey EU Yuet-mee, SC, JP
- Public Officers Attending** : Mr Stephen LAM Sui-lung
Secretary for Constitutional Affairs

Mr Joseph LAI Yee-tak
Deputy Secretary for Constitutional Affairs

Ms Eva YAM Ya-ling
Principal Assistant Secretary for
Constitutional Affairs (4)

Mr Bassanio SO
Principal Assistant Secretary for
Constitutional Affairs (5)

Mrs N D Dissanayake
Senior Assistant Law Draftsman

Mr V CHEUNG
Senior Government Counsel

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

Staff in attendance : Mr Jimmy MA, JP
Legal Adviser

Mr Paul WOO
Senior Assistant Secretary (2)3

Action

I. Election of Chairman

Mr Andrew WONG Wang-fat was elected Chairman of the Bills Committee.

II. Meeting with the Administration

(The Bill circulated vide LC Paper No. CB(3)405/02-03; the Legislative Council Brief issued by the Constitutional Affairs Bureau (File Ref : CAB C1/30/5); the Legal Service Division Report on the Bill (LC Paper No. LS63/02-03 circulated vide LC Paper No. CB(2)1316/02-03); the Background Brief prepared by the Legislative Council Secretariat (LC Paper No. CB(2)1922/02-03(02))

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

Action

- Adm 3. Secretary for Constitutional Affairs said that the Administration was considering a number of applications for inclusion as electors of certain functional constituencies (FCs). The Administration would revert to the Bills Committee with its recommendations and proposed Committee Stage amendments, if any, in due course.

Follow-up actions required of the Administration

4. The Bills Committee requested the Administration to provide written response to the following issues -

Composition of FCs

- (a) The criteria for approving an application for amendment to the constitution of a body under section 3(2A) of the Legislative Council (LegCo) Ordinance for the purpose of changing the delineation of FC electorate, and the time constraints, if any, for such applications to be made for the 2004 LegCo elections;

Withdrawal of candidature

- (b) The Administration's stance on whether there should be a mechanism for a candidate to withdraw from an election after the close of nomination, in the light of the case of Mr CHENG Kai-nam; and

List voting system for geographical constituency elections

- (c) Some members considered that the existing list voting system could be modified to allow voters to rank individual candidates on the list in order of preference, and candidates who had the highest number of votes within the same list would get the seats. The Administration was requested -
- (i) to provide a paper on how seats would be allocated under the different list voting systems which it had studied; and
- (ii) having regard to the findings of (i) above, to provide justifications for its recommendation that the same voting system would be adopted for the 2004 LegCo elections.

(Post-meeting note: The Administration's written responses were circulated vide LC Paper Nos. CB(2)2075/02-03(01) to (03)).

Action

Public consultation

5. Members agreed to invite interested parties and members of the public to submit written views on the Bill and to make oral representations to the Bills Committee at a meeting on 29 May 2003 from 2:30 pm to 6:30 pm.

III. Dates of next meetings

6. The second to fourth meetings of the Bills Committee were scheduled for 13 May 2003 at 8:30 am, 29 May 2003 at 2:30 pm and 5 June 2003 at 4:30 pm respectively.

(Post-meeting note : On the instruction of the Chairman, the second meeting was re-scheduled for 15 May 2003 at 4:30 pm.)

7. The meeting ended at 9:30 am.

Council Business Division 2
Legislative Council Secretariat
23 May 2003

Annex

Proceedings of the first meeting of the Bills Committee on Legislative Council (Amendment) Bill 2003 on Monday, 5 May 2003 at 8:30 am in the Chamber of the Legislative Council Building

Time Marker	Speaker	Subject(s)	Action required
000000 - 003959	Dr David CHU Dr Philip WONG Mr IP Kwok-him	Election of the Chairman of the Bills Committee.	
004000 - 000940	Chairman Administration Chairman	Briefing by Admin on the Bill.	
000941 - 001821	Mr Howard YOUNG Administration Chairman Legal Adviser	Criteria for approving an application for amendment to the constitution of a body under section 3(2A) of the Legislative Council (LegCo) Ordinance to change the delineation of the electorate of the functional constituency (FC) concerned. Time constraints for such applications to be made for the 2004 LegCo elections.	Admin to respond in writing
001822 - 002944	Ms Cyd HO Administration Chairman	Consultation exercise on the proposal to include Chinese medical practitioners in the Medical FC in the 2004 LegCo elections; and Criteria for future review of the representation of Chinese medical practitioners in FC.	
002945 - 003125	Mr IP Kwok-him Chairman	Withdrawal of candidature	
003126 - 003458	Mrs Selina CHOW Administration Chairman	Proposed technical changes to the Wholesale and Retail FC (Annex B of the LegCo Brief on the Bill prepared by CAB), in which "HK & Kln Trade Association" should read "HK & Kln Electric Trade Association".	
003459 - 004037	Mr IP Kwok-him Administration Mr IP Kwok-him Chairman Mr CHEUNG Man-kwong	Possibility of introducing a mechanism for a candidate to withdraw from an election after the close of nomination.	Admin to explain its stance on the issue.

Time Marker	Speaker	Subject(s)	Action required
004038 - 004859	Ms Cyd HO Chairman Administration Mr SIN Chung-kai	Modification of the existing list voting system for geographical constituency elections to allow voters to rank individual candidates on the list, so that candidates who got the highest number of votes would get the seats.	Admin to explain how seats would be allocated under different list voting systems and the justifications for maintaining the existing list voting system for the 2004 LegCo elections.
004900 - 004907	Chairman	Provision of financial assistance to candidates.	
004908 - 005133	Mr HUI Cheung-ching Chairman Administration	Free mailing service provided to candidates.	
005134 - 005345	Chairman Ms Cyd HO Mr CHEUNG Man-kwong Mrs Selina CHOW	Public consultation on the Bill conducted by the Bills Committee.	
005346 - 005957	Chairman Mr SIN Chung-kai Mr CHEUNG Man-kwong Mrs Selina CHOW Ms Cyd HO Administration Chairman	Scheduling of the second to fourth meetings of the Bills Committee.	

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