

立法會
Legislative Council

LC Paper No. CB(2)2406/02-03
(These minutes have been seen
by the Administration)

Ref : CB2/BC/6/02

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

**Minutes of second meeting
held on Thursday, 15 May 2003 at 4:30 pm
in Conference Room A of the Legislative Council Building**

- Members Present** : Hon Andrew WONG Wang-fat, JP (Chairman)
Hon Cyd HO Sau-lan
Ir Dr Hon Raymond HO Chung-tai, JP
Hon Margaret NG
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 Emily LAU Wai-hing, JP
Hon SZETO WAH
Hon LEUNG Fu-wah, MH, JP
Dr Hon LO Wing-lok
Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members Absent** : Dr Hon David CHU Yu-lin, JP
Hon Henry WU King-cheong, BBS, 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 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**).

Amendment to constitution of organisations under functional constituencies (FCs)

(LC Paper No. CB(2)2075/02-03(01))

2. Mr Howard YOUNG pointed out that the electorate of certain FCs included members of "umbrella organisations". Some umbrella organisations had solely corporate members or individual members while some had both corporate and individual members. Under section 3(2A) of the Legislative Council (LegCo) Ordinance, amendments to the constitutions of umbrella organisations for the purpose of the LegCo Ordinance had to be approved by

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the Secretary for Constitutional Affairs (SCA). Mr YOUNG opined that SCA, in considering whether or not to approve an application, should examine carefully the effect of the amendments on the electorate of the relevant FC, for example, an application from an organisation with solely corporate members to amend its constitution to enable it to enfranchise individual members.

3. Members noted that any person (legal or natural) who became eligible for registration as an elector in a FC as a result of SCA's approval of amendments to the constitution of an umbrella organisation would be entitled to vote in a LegCo election only if he had been registered as an elector for the constituency, as required under section 48 of the LegCo Ordinance. For the LegCo election in 2004, any person who had become newly eligible for voting in a FC must submit his application for voter registration on or before 16 May 2004.

4. The Administration further advised that section 25 of the LegCo Ordinance provided, inter alia, that any person who was a member of the relevant body was eligible to be registered as an elector for the relevant FC only if the person had been a member of the body for the 12 months immediately before making an application for registration as an elector.

Withdrawal of candidature

(LC Paper No. CB(2)2075/02-03(02))

5. The Chairman, Mr SZETO Wah, Mr SIN Chung-kai, Ms Cyd HO, Mrs Selina CHOW and Ms Miriam LAU were of the view that candidates should not be allowed to withdraw their candidature after the close of nominations. They expressed concern that allowing withdrawal after the close of nominations might create more opportunities for corruption, manipulation and uncertainty.

6. Ms Audrey EU said that a candidate's decision not to stand in the election should be respected. She considered that under exceptional and justifiable circumstances, a candidate should be allowed to withdraw candidature even after the close of nominations.

Allocation of seats under the list voting system

(LC Paper No. CB(2)2075/02-03(03))

7. Mr SZETO Wah said that in considering the two methods for allocation of seats under the list voting system, i.e. allocation of seats according to the ranking shown on a candidate list predetermined by political parties (option A) and allocation of seats according to the "personal votes" cast for individual candidates (option B), he was of the view that option A was more conducive to internal harmony of political parties.

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8. Ms Cyd HO said that under the existing list voting system for GC elections, electors could only vote for a particular list of candidates, but not individual candidates on the list. The seats won by a list would be allocated to the candidates on the list in the order of the ranking of the candidates predetermined by the political parties or groups. However, an elector might wish to vote for a particular candidate who was not the first on the list. Ms HO opined that to enhance voter's choice, an elector should be allowed to choose the individual candidate of his preference on a list.

Follow-up actions required of the Administration

9. The Administration was requested to respond in writing to the following issues -

Delineation of FC electorate

- (a) Clarification of whether a federation of trade unions, which was registered under the Trade Union Ordinance with members made up of individual trade unions instead of individual employees, would be allowed to vote in the Labour FC;
- (b) Section 3(2A) of the LegCo Ordinance required a body to seek approval from the Secretary for Constitutional Affairs for amending its constitution for the purpose of the LegCo Ordinance. The Administration was requested to review the formulation of this section and other relevant provisions with a view to removing any misunderstanding that the Administration had the authority to interfere with the internal affairs of a body;

Allocation of seats under the list voting system

- (c) The Administration was requested to provide the following information (where applicable) :
 - (i) The electoral/voting system adopted in Germany, Italy, Portugal, Spain and Israel. A member had pointed out that in Germany, half of the members were elected under the "single seat, single vote" system, and the other half under the proportional representation system; and
 - (ii) The number of seats in the legislatures, the number and size of constituencies, and the number of candidates returned from constituencies in the above countries.

(Post-meeting note : The Administration's written responses were circulated vide LC Paper No. CB(2)2236/02-03(01) and (02) on 28 May

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2003.)

II. Dates of next meeting

10. The next meeting would be held on 29 May 2003 at 2:30 pm.
11. The meeting ended at 5:55 pm.

Council Business Division 2
Legislative Council Secretariat
10 June 2003

**Proceedings of the second meeting of the Bills Committee on
Legislative Council (Amendment) Bill 2003
on Thursday, 15 May 2003 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000722	Chairman/ Administration	Amendment to constitution of organisations under functional constituencies (FC) (LC Paper No. CB(2)2075/02-03(01)).	
000723 - 001526	Chairman/ Administration/ Mr Howard YOUNG	Time constraints for - (a) any person who had become newly eligible for voting in a FC to submit his application for voter registration for the Legislative Council (LegCo) elections in 2004; and (b) organisations under the relevant FCs to submit applications under section 3(2A) of the LegCo Ordinance for approval of the Secretary for Constitutional Affairs to amend their constitutions for the LegCo elections in 2004.	
001527 - 002834	Miss Margaret NG/ Administration/ Chairman/ Mrs Selina CHOW	Delineation of the electorate of the Legal FC. Review of the formulation of section 3(2A) of the LegCo Ordinance and other relevant provisions to remove misunderstanding that the statutory requirement allowed the Administration to interfere with the internal affairs of a body.	Admin to address the concern in writing.
002835 - 003547	Mr LEUNG Fu-wah/ Administration/ Chairman/ Mr SZETO Wah/ Mr SIN Chung-kai	Clarification of whether a federation of trade unions registered under the Trade Union Ordinance with members made up of individual trade unions would be allowed to vote in the Labour FC.	Admin to respond in writing.

003548 - 005834	Mr HUI Cheung-ching/ Chairman/ Administration/ Mr SZETO Wah/ Mr SIN Chung-kai/ Ms Audrey EU/ Ms Cyd HO/ Mrs Selina CHOW/ Ms Miriam LAU	Withdrawal of candidature. (LC Paper No. CB(2)2075/02-03(02)). Statutory arrangements in overseas jurisdictions concerning withdrawal of candidature.	
005835 - 010717	Mr LEUNG Fu-wah/ Chairman/ Administration	Election proceedings in the case of death or disqualification of a validly nominated candidate after the close of nomination but before the polling day.	
010718 - 011214	Administration	Allocation of seats under the list voting system. (LC Paper No. CB(2)2075/02-03(03))	
011215 - 011307	Mr SZETO Wah	Comments on the two systems of allocation of seats according to predetermined ranking on a candidate list, and personal votes cast for individual candidates on the list.	
011308 - 012403	Ms Cyd HO/ Administration/ Chairman/ Mr SZETO Wah/ Ms Emily LAU	Development of political parties and party politics under the electoral/voting systems in Germany, Italy, Portugal, Spain and Israel.	Admin to provide information on the number of seats in the legislatures, the number and size of constituencies, and the number of candidates returned from constituencies in the five countries.

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

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