

立法會
Legislative Council

LC Paper No. CB(2)2690/02-03
(These minutes have been seen
by the Administration)

Ref : CB2/BC/6/02

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

**Minutes of the third meeting
held on Thursday, 29 May 2003 at 2:30 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 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 Henry WU King-cheong, BBS, JP
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 Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon SZETO WAH
- Public Officers Attending** : Mr Joseph LAI Yee-tak
Acting Permanent 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

Attendance by Invitation : The University of Hong Kong

Mr WONG Wai-kwok
Senior Research Assistant
Department of Politics and Public Administration

Hong Kong University of Science and Technology

Mr MA Ngok
Assistant Professor
Division of Social Science

Kowloon City District Residents Association

Mr LO Man-sing

New Territories Association of Societies

Ms FUNG Choi-yuk

Mr YEH Pak-chung

The Hong Kong Island Federation

Mr CHUNG Yam-cheung
Secretary General

Joint Committee of Hong Kong Fishermen's
Organizations

Mr PANG Wah-kan
Vice Chairman

North District Residents Association

Mr WAN Wo-tat

Mr WONG Io-kei

East Kowloon District Residents' Committee

Mr LAM Man-fai

Federation of New Territories Youth

Ms Michelle LEUNG
Deputy Secretary General

Hong Kong Human Rights Monitor

Mr LAW Yuk-kai
Director

**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. Confirmation of minutes of meeting
(LC Paper No. CB(2)2189/02-03)

The minutes of the meeting on 5 May 2003 were confirmed.

II. Meeting with deputations
(LC Paper No. CB(2)2241/02-03)

2. Members noted that a total of 53 written submissions on the Bill from various organisations/individuals had been received by the Bills Committee. 12 representatives from 10 organisations attended the meeting to make oral representations on their written submissions.

3. The Bills Committee received views from the deputations attending the meeting.

Electoral Affairs Commission (EAC)

4. Members noted the concern expressed by some deputations that EAC had exercised excessive power in regulating election-related activities, such as in compelling compliance with the equal time principle in relation to media interviews of election candidates. Members agreed that the Panel on Constitutional Affairs might follow up the issue of the function and power of EAC. Ms Audrey EU also suggested that the Research and Library Services Division might be requested to conduct a research to compare the function and power of EAC with that of similar bodies in overseas jurisdictions.

CA Panel
RLSD

III. Meeting with the Administration
(LC Paper Nos. CB(2)1954/02-03; 2235/02-03; 2236/02-03 and 2256/02-03)

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

Clause by clause examination of the Bill

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

Clause 2

- (a) Review of the drafting of the Chinese version of the proposed new definition of "elector" in section 3(1) of the Legislative Council Ordinance (Cap. 542);

Clause 3(1) and (2)

- (b) Review of the drafting of the proposed amendment to section 8 of Cap. 542;

Action

Clause 11

- (c) Review of the composition of the Tourism Functional Constituency (FC). As pointed out by Mr Howard YOUNG, some travel industry members of the former Hong Kong Tourist Association (HKTA) might not be eligible to register as electors in the Tourism FC. The Administration was requested to respond to Mr YOUNG's proposal that the status of the travel industry members of the former HKTA which were previously eligible electors in the Tourism FC should be grandfathered;

Clause 12

- (d) Explanation of the criteria for accepting applications for registration as electors in the Sports, Performing Arts, Cultural and Publication FC; whether any applications for registration had been refused and if so, the reasons for rejection;
- (e) Review of the drafting of section 20V(1)(e) of Cap. 542 to clarify which Provisional Regional Council the section was referring to. As pointed out by Ms Miriam LAU, there were two Provisional Regional Councils, one existing between 1985 and 1986, and the other from 1 July 1997 to 31 December 1999;

Clause 13(4)

- (f) Verification of the names, in English and Chinese, of "Hong Kong Shippers' Council" and "Shippers' Association of Hong Kong" in section 20W(e)(xix) of Cap. 542;

Others

Electorates of FCs

- (g) The existing and revised electorate size of FCs whose composition would be adjusted for the 2004 Legislative Council elections; and

EAC

- (h) Explanation on how bodies similar to EAC in overseas jurisdictions exercised their powers and functions, if available.

(Post-meeting note : The Administration's written responses were circulated vide LC Paper Nos. CB(2)2324/02-03(01) to (03) on 5 June

Action

2003.)

IV. Date of next meeting

7. The next meeting of the Bills Committee was scheduled for 5 June 2003 at 4:30 pm.

8. The meeting ended at 6:20 pm.

Council Business Division 2
Legislative Council Secretariat
27 June 2003

Annex

Proceedings of the third meeting of the Bills Committee on Legislative Council (Amendment) Bill 2003 on Thursday, 29 May 2003 at 2:30 pm in Conference Room A of the Legislative Council Building

Time Marker	Speaker(s)	Subject(s)	Action required
0000 - 0347	Chairman	Introduction of deputations attending the meeting to give oral representations on their written submissions on the Bill.	
0348 - 0825	The University of Hong Kong - Mr WONG Wai- kwok	Representation on the Bill.	
0826 - 1608	Hong Kong University of Science and Technology - Mr MA Ngok	Representation on the Bill.	
1609 - 1837	Kowloon City District Residents Association - Mr LO Man-sing	Representation on the Bill.	
1838 - 2250	New Territories Association of Societies - Ms FUNG Choi-yuk	Representation on the Bill.	
2251 - 2531	The Hong Kong Island Federation - Mr CHUNG Yam-cheung	Representation on the Bill.	
2532 - 2738	Joint Committee of Hong Kong Fishermen's Organizations - Mr PANG Wah-kan	Representation on the Bill.	
2739 - 3204	North District Residents Association - Mr WAN Wo- tat	Representation on the Bill.	
3205 - 3512	East Kowloon District Residents' Committee - Mr LAM Man-fai	Representation on the Bill.	
3513 - 3834	Federation of New Territories Youth - Ms Michelle LEUNG	Representation on the Bill.	
3835- 4631	Hong Kong Human Rights Monitor - Mr LAW Yuk-kai	Representation on the Bill.	

Time Marker	Speaker(s)	Subject(s)	Action required
4632 - 5014	Mr MA Ngok Chairman	Proposed financial assistance scheme for election candidates.	
5015 - 010019	Ms Audrey EU Chairman Mr MA Ngok Mr WONG Wai-kwok	Power of Electoral Affairs Commission (EAC) to regulate election-related activities.	
010020 - 010949	Ms Emily LAU Mr WONG Wai-kwok Chairman Mr MA Ngok	Expansion of the electorates of functional constituencies (FCs); Proposal to dispense with corporate votes of FCs.	
010950 - 012141	Mr HUI Cheung-ching Mr WONG Wai-kwok Mr MA Ngok Chairman Ms Cyd HO	Government officials in support of election candidates.	
012142 - 012845	Mr SIN Chung-kai Chairman Ms Emily LAU Mr CHUNG Yam-cheung Mr LO Man-sing Mr MA Ngok	Free mailing service / financial assistance scheme for candidates.	
012846 - 013409	Ms Cyd HO Chairman Ms Audrey EU Mr MA Ngok Mr LAW Yuk-kai	Review of authority of EAC in regulating election-related activities; Panel on Constitutional Affairs to follow up the matter of authority of EAC in regulating election-related activities.	
013410 - 013822	Mr LO Man-sing Chairman Mr LEUNG Fu-wah Mr CHUNG Yam-cheung	Proposed financial assistance scheme for candidates.	
013823 - 015118	Admin	Authority of EAC in regulating election-related activities; Free mailing service / financial assistance scheme for candidates; Conduct of Government officials in election-related activities; Review of LegCo elections in the light of constitutional developments.	
015119 - 015617	Chairman Ms Cyd HO	Authority of EAC;	

Time Marker	Speaker(s)	Subject(s)	Action required
	Admin Mr MA Ngok Mr LAW Yuk kai	Information on how bodies similar to EAC in overseas jurisdictions exercised their powers and function.	Admin to respond in writing.
015618 - 015931	Ms FUNG Choi-yuk Mr LO Man-sing	Proposed financial assistance scheme for candidates.	
015932 - 020909		(Intermission after meeting with deputations)	
020910 - 021208	Chairman Admin	Further amendments relating to the composition of FCs (LC Paper No. CB(2)2256/02-03(01)).	
021209 - 022031	Chairman Ms Emily LAU Admin Mr IP Kwok-him	Clause by clause examination of the Bill. Clause 2 - Review of the drafting of the Chinese version of the proposed new definition of "elector" in section 3(1) of the LegCo Ordinance (Cap. 542).	Admin to review the drafting.
022032 - 022344	Chairman Ms Cyd HO Mr IP Kwok-him Admin	Clause 3(1) and (2) - Review of the drafting of the proposed amendment to section 8 of Cap. 542.	Admin to review the drafting
022345 - 023731	Chairman Admin Ms Emily LAU Ms Cyd HO	Clause 8 - Composition of the Education FC.	
023732 - 023744	Chairman	Clauses 9 to 11.	
023745 - 025721	Ms Cyd HO Admin Chairman Ms Audrey EU	Clause 12 - Proposed amendments to provisions relating to the composition of the Sports, Performing Arts, Culture and Publication FC (SPCP FC) (LC Paper No. CB(2)2256/02-03(01)). Criteria for accepting applications for registration as electors in the SPCP FC; whether any applications for registration had been refused and the reasons for rejection.	Admin to respond in writing.
025722 - 030846	Mr Howard YOUNG Admin Chairman	Proposal to review the composition of the Tourism FC to grandfather the status of the travel industry members of the former Hong Kong Tourist Association which were previously eligible electors in the Tourism FC.	Admin to respond in writing.

Time Marker	Speaker(s)	Subject(s)	Action required
030847 - 031929	Ms Audrey EU Admin Chairman Mr WONG Yung-kan	Criteria for maintaining the status of eligible electors in the various FCs.	
031930 - 032714	Chairman Admin Ms Miriam LAU SALA2 Mr Howard YOUNG	Clause 12(1) - Review of the drafting of section 20V(1)(e) of Cap. 542 to clarify which Provisional Regional Council the section was referring to.	Admin to clarify in writing.
032715 - 033002	Chairman Mr HUI Cheung-ching Admin	Clause 13(5) - Proposed new section 20W(e)(xx) of Cap. 542.	
033003 - 033351	SALA2 Admin Chairman	Order of the organisations listed under section 20W(e) of Cap. 542.	
033352 - 033612	Ms Miriam LAU Chairman Mr HUI Cheung-ching Admin	Clause 13(4) - Verification of the names, in English and Chinese, of "Hong Kong Shippers' Council" and "The Shippers' Association of Hong Kong" in section 20W(e)(xix) of Cap. 542.	Admin to confirm in writing.
033613 - 034529	Chairman Ms Emily LAU Admin	Clause 14 - Composition of the Information Technology FC	
034530- 034622	Mr WONG Yung-kan Ms Emily LAU Chairman Admin	Existing and revised electorate size of FCs whose composition would be adjusted for the 2004 LegCo elections.	Admin to respond in writing.