

立法會
Legislative Council

LC Paper No. CB(2)2691/02-03
(These minutes have been seen
by the Administration)

Ref : CB2/BC/6/02

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

**Minutes of the fourth meeting
held on Thursday, 5 June 2003 at 4:30 pm
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
Ir Dr Hon Raymond HO Chung-tai, JP
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 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
- Member Absent** : Hon Margaret NG
- Public Officers Attending** : Mr Joseph LAI Yee-tak
Deputy Secretary for Constitutional Affairs

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

Mr Bassanio SO
Principal Assistant Secretary
(Constitutional Affairs)5

Mrs N D DISSANAYAKE
Senior Assistant Law Draftsman

Mr Vidy 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

Action

I. Meeting with the Administration
(LC Paper Nos. CB(2)2324/02-03(01) to (03))

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

Matters arising from the last meeting

Clause 11 - Tourism Functional Constituency (FC)
(LC Paper No. CB(2)2324/02-03(01))

2. The Bills Committee noted that having regard to Mr Howard YOUNG's suggestion made at the meeting on 29 May 2003, the Administration agreed to move a Committee Stage amendment to grandfather the status of all organizations which were travel industry members of the former Hong Kong Tourist Association (HKTA) entitled to vote at the general meetings of the Association immediately before the commencement of the HKTA (Amendment) Ordinance 2001. As a result of the legislative amendment, about 30 of the travel members of the former HKTA had lost their eligibility to register in the Tourism FC.

Action

Continuation of clause by clause examination of the Bill

3. The Bills Committee continued clause by clause examination of the Bill up to clause 39 on the proposed establishment of a scheme to provide financial assistance to candidates (proposed new Part VIA of the Legislative Council (LegCo) Ordinance).

Follow-up actions required of the Administration

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

Delineation of FC electorate

- (a) In relation to the increase in the electorate size of the Information Technology FC (from 6 900 to 7 341) as informed by the Administration, the Administration was requested to explain the criteria for accepting new applications for registration as an elector in the FC;
- (b) A comparison of the existing potential electorate of all FCs with their potential electorate size after adjustments, with a breakdown of the corporate and individual members;

Free mailing service for candidates

- (c) The number of candidates who used only one round of free mailing service in the 2000 LegCo elections;

Clause 39 - Proposed new Part VIA of the Legislative Council Ordinance on the financial assistance scheme for candidates

- (d) Explanation of -
 - (i) the rationale for the different methods of calculation of the amount payable as financial assistance in respect of contested and uncontested elections for a geographical constituency (proposed new section 60D);
 - (ii) the meaning of "failure of election" and whether the financial assistance received would be subject to estate duty (proposed section 60F); and
 - (iii) whether loans made to a candidate from a political party could be regarded as election donations made to the

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candidate, and whether political parties should be required to declare the sources of the donations they received.

(Post-meeting note : The written responses of the Administration were circulated vide LC Paper Nos. CB(2)2436/02-03(01) - (03) dated 12 June 2003.)

Other issues

By-election

5. Mr IP Kwok-him said that under section 36(2) of the LegCo Ordinance, a by-election would not be held to fill a vacancy occurring in the membership of LegCo within the four months preceding the end of that Council's current term of office. The same requirement was also provided for in respect of District Councils. He enquired whether the Administration would conduct a review on the propriety of extending the four-month period. The Chairman considered the period acceptable as it was undesirable for a vacancy to remain unfilled for a prolonged period. He said that the matter might be followed up by the Panel on Constitutional Affairs (CA Panel).

Mailing of election publications

Adm

6. Ms Audrey EU said that under existing practice, registered electors at the same registered address separately received election mail from candidates. She opined that these electors should be allowed the option to receive election mail addressed to them separately or collectively. In the case of the latter, the Administration should consider issuing one address label with the names of all such electors for the convenience of candidates in the constituency concerned. Members suggested that the Registration and Electoral Office (REO) should review the issue.

Updating of electoral register

Adm

7. The Chairman said that REO should brief the CA Panel on the arrangements to update the electoral register in due course.

II. Any other business

Resumption of Second Reading debate

8. Deputy Secretary for Constitutional Affairs said that the Administration intended to resume Second Reading debate on the Bill at the Council meeting on 2 July 2003. Ms Emily LAU said that the date of resumption might have to be deferred to 9 July 2003 in view of the time constraint for completing

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scrutiny of the Bill.

III. Dates of next meetings

9. The following meetings were scheduled -

- (a) 12 June 2003 at 4:30 pm;
- (b) 16 June 2003 at 10:45 pm; and
- (c) 17 June 2003 at 8:30 am.

(Post-meeting note : The meeting on 17 June 2003 was subsequently cancelled.)

10. The meeting ended at 6:30 pm.

Council Business Division 2
Legislative Council Secretariat
27 June 2003

**Proceedings of the meeting of the Bills Committee on
Legislative Council (Amendment) Bill 2003
on Thursday, 5 June 2003 at 4:30 pm
in Chamber of the Legislative Council Building**

Time marker	Speaker(s)	Subject(s)	Action Required
000000 - 000814	Chairman Administration	Delineation of functional constituency (FC) electorate (LC Paper No. CB(2)2324/02-03(01)).	
000815 - 002215	Dr Raymond HO Administration Chairman Dr Philip WONG	Increase in the potential electorate size of the Information Technology FC (ITFC)	
002216 - 002612	Mr SZETO Wah Administration Chairman	Changes to the potential electorate of the Education FC.	
002613 - 002712	Mr Howard YOUNG Administration	Changes to the potential electorate of the Tourism FC to reinstate the status of the travel industry members of the former Hong Kong Tourist Association which were previously eligible electors in the Tourism FC.	
002713 - 003033	Ms Emily LAU Administration Chairman Mr HUI Cheung-ching	Comparison of the existing potential electorate of all FCs with their potential electorate size after adjustment, with breakdown of the corporate and individual members.	Admin to provide the information in writing.
003034 - 003257	Mr Raymond HO Administration Chairman	The criteria for accepting new applications for registration as an elector in the ITFC.	Admin to explain in writing.
003258 - 004042	Chairman Administration Ms Cyd HO	Delineation of the Sports, Performing Arts, Culture and Publication FC (LC Paper No. CB(2)2324/02-03 (02)).	
004043 - 004419	Chairman Administration SALA2	Committee Stage amendments proposed by the Admin in relation to section 3 and 8 of the Legislative Council Ordinance (LC Paper No. CB(2)2324/02-03(03)).	

004420 - 005140	Mr IP Kwok-him Chairman Administration	Provisions in section 36(2) of the LegCo Ordinance on by-election to fill a vacancy occurring in the membership of LegCo.	Panel on Constitutional Affairs to consider whether a review of the provisions was necessary.
005141 - 005531	Chairman Administration	Continuation of clause-by-clause examination of the Bill, commencing from clause 14 (LC Paper No. CB(2)1954/02-03 - Chinese version of the marked-up copy of the Bill).	
005532 - 010118	Ms Emily LAU Administration Chairman	Section 37(4) of LegCo Ordinance.	
010119 - 001548	Chairman Administration Ms Emily LAU	Clauses 21 to 30. Free mailing service for candidates.	Admin to provide the number of candidates who used only one round of free mailing service in the 2000 LegCo elections.
011549 - 013241	Ms Audrey EU Administration Chairman Mr SZETO Wah Ms Cyd HO Dr LO Wing-lok Mr WONG Yung-kan Ms Emily LAU Ms Selina CHOW Ms Miriam LAU	Option for electors of the same registered address to receive election mail from candidates separately or collectively so as to reduce mailing of such publications. Updating of electoral register.	
013242 - 014232	Chairman Administration	Clauses 31 to 38. Clause 39 on proposed new Part VIA of LegCo Ordinance.	

014233 - 014843	Ms Cyd HO Chairman Administration Ms Emily LAU Mr HUI Cheung-ching	Different methods of calculation of financial assistance for candidates in respect of contested and uncontested elections (proposed section 60D). Meaning of "failure of election" and whether financial assistance was subject to estate duty. Clarification of whether loans made to a candidate from a political party could be regarded as election donation, and whether political parties should be required to declare sources of donations.	Admin to respond in writing.
014844 - 014944	Administration	Resumption of Second Reading debate on the Bill.	
014945 - 015615	Chairman Administration	Dates for next meetings.	

Council Business Division 2
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