

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

**Further Amendments relating to
the Composition of Functional Constituencies**

Introduction

This note sets out further amendments we propose to make to provisions relating to the composition of certain functional constituencies (FC).

**The Sports, Performing Arts, Culture and Publication FC:
Amendment to Clauses 12(1) and 12(3)**

2. Under section 20V(1)(e) of the Legislative Council (LegCo) Ordinance, Cap. 542, arts bodies which received funding support from specified authorities^{Note} during a relevant period are eligible to be registered as electors in the Sports, Performing Arts, Culture and Publication FC. The “relevant period” is defined in section 20V(2)(b) of the Ordinance as the period from 1 April 1994 to the date on which a body applies for registration as an elector. The rationale of this provision is to ensure that the body is a bona fide and active arts body at the time it applies for registration as an elector. In practice, this means that for the 2000 LegCo elections, a body which received funding support once from one of the specified authorities six years ago was eligible to be registered. If the 1 April 1994 cut-off date remained unchanged, it would mean that for the 2004 LegCo elections, a body which received funding support once ten years ago would be eligible for registration as an elector. A ten year qualifying period is a very long time and departs from the original intention of ensuring that the electors are bona fide arts bodies. Clause 12(3) of the LegCo (Amendment) Bill 2003 proposes to change the cut-off date of the relevant period to 1 April 1998. The

^{Note} The Hong Kong Arts Development Council, the Urban Council, the Regional Council, the Provisional Urban Council, the Provisional Regional Council, the Leisure and Cultural Services Department or the Home Affairs Bureau.

intention is to maintain the six year qualifying period for the 2004 LegCo elections.

3. On further reflection, it is apparent that prescribing a specific date as the cut-off date for determining the eligibility for voter registration would require legislative amendment from time to time. Otherwise, over time the qualifying period would become longer and longer. A better formulation to reflect our policy intention would be to state up front that, from the 2004 LegCo elections onwards, an arts body may be registered as an elector if it has received funding support **within the six-year period immediately preceding the date of the body's application for registration as an elector**. To ensure that none of the electors already registered in accordance with the existing provision would be affected, their status will be grandfathered by law. Marked-up versions of the relevant provisions, showing the original amendments and the latest proposed amendments, are at **Annex A**.

Further Amendments to the FC electorate

4. Since the introduction of the LegCo (Amendment) Bill 2003, we have received further requests from a number of organisations for inclusion in the electorate of certain FCs. In addition, we have reviewed a number of requests received earlier. After careful consideration, we propose to make further changes to the electorate of the Agriculture and Fisheries FC, the Transport FC, the Import and Export FC, the Wholesale and Retail FC and the Information Technology FC. Detailed proposals are set out at **Annex B**.

5. As explained in the LegCo Brief issued to Members in February 2003 (Ref. CAB C1/30/5), our policy intention is that the number and composition of the existing FCs should remain unchanged for the 2004 LegCo elections, except for minor adjustments to the electorate of certain FCs. Such adjustments are to ensure that the composition of the FCs reflects the latest developments in the relevant sectors. The latest set of amendments we are proposing is in line with this spirit. The proposed new bodies are representative bodies in the relevant trade, with a status comparable to that of existing electors.

Next Step

6. Subject to Members' views, we will move committee stage amendments (CSAs) to give effect to the amendments outlined above.

7. Just before the issue of this note, we have received two more requests for inclusion in the Agriculture and Fisheries FC and the Transport FC. We are also reviewing another request for inclusion in the Information Technology FC. We will include relevant CSAs should we decide to accede to these requests. We will report our recommendations to this Committee in due course. Because of time constraint, no further requests received after today will be considered for inclusion in the Bill.

Constitutional Affairs Bureau
28 May 2003

MC0351

Original Proposed Amendments

20V. Composition of the sports, performing arts, culture and publication function constituency

(1) The sports, performing arts, culture and publication functional constituency is composed of—

(e) statutory bodies and registered bodies, the primary goal of which is the promotion of arts, and to which grants, sponsorship or performance fees have been approved by the Hong Kong Arts Development Council, ~~the Urban Council, the Regional Council, the Provisional Urban Council, the Provisional Regional Council,~~ the Leisure and Cultural Services Department or the Home Affairs Bureau during the relevant period; and

(2) For the purposes of this section —

(b) “relevant period” (有關期間), in relation to a statutory body or registered body, means the period from + ~~April 1994~~ April 1998 to the date on which the statutory body or registered body applies for registration as an elector of the sports, performing arts, culture and publication functional constituency; and

Latest Proposed Amendments

20V. Composition of the sports, performing arts, culture and publication function constituency

(1) The sports, performing arts, culture and publication functional constituency is composed of –

(e) statutory bodies and registered bodies, the primary goal of which is the promotion of arts, and to which grants, sponsorship or performance fees have been approved by the Hong Kong Arts Development Council, the Urban Council, the Regional Council, the Provisional Urban Council, the Provisional Regional Council, the Leisure and Cultural Services Department or the Home Affairs Bureau during the relevant period; and (amended 78 of 1999 s. 7)

(2) For the purposes of this section –

(b) ~~“relevant period” (有關期間), in relation to a statutory body or registered body, means the period from 1 April 1994 to the date on which the statutory body or registered body applies for registration as an elector of the sports, performing arts, culture and publication functional constituency; and~~ “relevant period” (有關期間), in relation to a statutory body or registered body, means –

(i) subject to subparagraph (ii), the period from 1 April 1994 to the date on which the statutory body or registered body applies for registration as an elector of the sports, performing arts, culture and publication functional constituency;
or

(ii) if the statutory body or registered body applies for registration as such an elector on or after [2003], the period of 6 years preceding the date on which it so applies; and

Commencement date of the provision

Further Adjustments to the Electorate of Functional Constituencies (FC)

Agriculture and Fisheries FC (Section 20B of the Legislative Council Ordinance (LCO) and Schedule 1 to LCO)

Addition	Remarks
N.T. North District Fishermen's Association 新界北區漁民協會	The Association is actively involved in the promotion of fisheries industry. It is a body of a nature similar to the Sai Kung Tai Wu Kok Fishermen's Association(西貢大湖角漁民協會), which has already been included in the FC. The body will have one vote in the FC.
Tai Po Off Shore Fishermen's Association 大埔漁民近岸作業協會	The Association is actively involved in the promotion of fisheries industry. It is a body of a nature similar to the Hong Kong Off-shore Fishermen's Association (香港漁民近岸作業協會) which has already been included in the FC. The body will have one vote in the FC.

Inclusion of the two bodies above in the FC will increase the electorate size by 1.19%.

Transport FC (Section 20D of LCO and Schedule 1A to LCO)

Addition	Remarks
New World Parking Management Limited 新世界停車系統管理有限公司	<p>The company is responsible for the management, operation and maintenance of on-street parking meter system and the distribution and sale of “e-park” cards. Other similar transport service providers, like Autotoll Limited (快易通有限公司) and a number of carpark management companies, for example, Wilson Parking (Hong Kong) Limited (威信(香港)停車場管理有限公司), have already been included in the FC.</p> <p>The body will have one vote in the FC.</p>
The Hong Kong Union of Light Van Employees 香港客貨車從業員職工會	<p>The Union is a representative body in the transport sector which attends regular meetings between Transport Department and goods vehicles drivers associations. Other similar organizations, for example, the Taxi Drivers & Operators Association (的士司機從業員總會有限公司), have already been included in the FC.</p> <p>The body will have one vote in the FC.</p>

Addition	Remarks
The Nautical Institute – Hong Kong Branch 航海學會(香港分會)	The Institute is a well-established professional body which has made considerable contributions to nautical matters. Other similar institutes, for example, The Institute of Seatransport (海運學會), have already been included in the FC. The body will have one vote in the FC.

Inclusion of the three bodies above in the FC will increase the electorate size by 1.86%.

Import and Export FC (Section 20W of LCO)

Deletion	Remarks
<p>Diamond Federation of Hong Kong, China Limited 香港鑽石總會有限公司</p> <p>(Clause 13(5) of the LegCo (Amendment) Bill 2003)</p>	<p>The Federation was established by the merger of the Hongkong Diamond Bourse Limited (香港鑽石會有限公司) which is now in the Wholesale and Retail FC and the Diamond Importers Association (香港鑽石入口商會) which is now in the Import and Export FC.</p> <p>At the Federation's request, we have proposed in the Bill to include the Federation in the Import and Export FC. We have also proposed to remove the Hongkong Diamond Bourse Limited and the Diamond Importers Association from the Wholesale and Retail FC and the Import and Export FC respectively.</p> <p>The Federation has subsequently clarified that the majority of its voting members are members of the Hongkong Diamond Bourse Limited who are currently eligible to be registered in the Wholesale and Retail FC. Further, a great majority of its non-voting members are either wholesalers or retailers. In the light of this supplementary information, it would be appropriate to include the Federation to the Wholesale and Retail FC, rather than the Import and Export FC.</p>

Wholesale and Retail FC (Section 20Y of LCO and Schedule 1C to LCO)

Addition	Remarks
Diamond Federation of Hong Kong, China Limited 香港鑽石總會有限公司 (Clause 13(5) of the LegCo (Amendment) Bill 2003)	We propose to transfer the Federation from the Import and Export FC to the Wholesale and Retail FC. (Please see the “remarks” column under Import and Export FC on P.4)
Hong Kong Poultry Wholesalers Association 香港活家禽批發商商會	The Association is a representative body in the poultry wholesale sector. About 85% of poultry wholesalers in Hong Kong are members of the Association and about the same proportion of live poultry consumed in Hong Kong are wholesaled through its members. Other similar organizations, for example, the Cheung Sha Wan Poultry United Wholesalers Association (長沙灣家禽聯合批發商有限公司), have already been included in the FC.

Inclusion of the two bodies above in the FC will increase the electorate size by 0.79%.

Information Technology FC (Section 20Z of LCO)

Addition	Remarks
Hong Kong & Mainland Software Industry Cooperation Association Limited (HMSICA): 香港軟件行業內地合作協會有限公司 Council Members and Full Members which have been in possession of a valid business registration certificate issued under the Business Registration Ordinance for at least 5 years at the time of applying for registration as an elector in the FC.	The Association is mainly composed of companies engaged in software products.
Information Systems Audit and Control Association Limited (ISACA) (HK Chapter): 國際資訊系統審計協會(香港分會)有限公司 Directors and Members who have been holders of the Certified Information Systems Auditor (CISA) Certification for at least 5 years at the time of applying for registration as an elector	The Association is a well established body aiming at enhancing recognition of information system audit and control profession.
Internet Professionals Association Limited (iProA): 互聯網專業人員協會有限公司 Council Members and Fellow Members	The Association has been actively promoting the use of internet actively over the past years.

Inclusion of the three bodies as proposed above in the FC will increase the electorate size by 3.52%.