

立法會
Legislative Council

LC Paper No. LS63/02-03

**Paper for the House Committee Meeting
on 28 February 2003**

**Legal Service Division Report on
Legislative Council (Amendment) Bill 2003**

I. SUMMARY

1. **Objects of the Bill**
 - (a) To make the necessary provisions for elections to LegCo from the 3rd term onwards; and
 - (b) To provide financial assistance to candidates.
2. **Comments**
 - (a) The number of geographical constituency seats will be increased from 24 to 30, with the corresponding removal of all provisions relating to seats returned by the Election Committee, so as to conform with Annex II to the Basic Law;
 - (b) As a new policy, financial assistance will be provided to any geographical or functional constituency candidate who is elected or is on a list with an elected candidate, or who gets or whose list gets at least 5% of the valid votes cast in the relevant constituency;
 - (c) The electorate of functional constituencies has to be updated.
3. **Public Consultation**

Proposals relating to the electorate of functional constituencies have taken into account submissions from the respective organisations. Relevant parties have been consulted on a proposal to include Chinese medicine practitioners in the Medical FC.
4. **Consultation with LegCo Panel**

The Panel on Constitutional Affairs was consulted on a number of proposals contained in the Bill at its meetings on 10.12.2002, 20.1.2003 and 17.2.2003.
5. **Conclusion**
 - (a) A Bills Committee should be formed to study the details of the Bill.
 - (b) Scrutiny of the legal and drafting aspects of the Bill is in progress.

II. REPORT

Objects of the Bill

- (a) To make the necessary provisions for elections to the Legislative Council from the third term onwards;
- (b) To provide financial assistance to candidates meeting certain criteria.

LegCo Brief Reference

- 2. CAB C1/30/5 dated 20 February 2003 issued by the Constitutional Affairs Bureau.

Date of First Reading

- 3. 26 February 2003.

Comments

4. At present, provisions in the principal ordinance relating to the composition of LegCo apply expressly to the second term. The Bill will make amendments to provide for its composition from the third term onwards. The proposal is to maintain five geographical constituencies (GC) but a total of 30 Members (compared with 24 for the last election) will be returned. The increase is consequent upon the transfer of the six seats which have hitherto been returned by the Election Committee (EC), so as to conform with Annex II to the Basic Law. All provisions relating to the election of Members by EC will be repealed accordingly.

5. The Bill further provides that each GC shall return four to eight Members (compared with four to six for the last election). The number of Members to be returned for each GC will be specified in the order to be made by the Chief Executive in Council declaring the area of each GC, having regard to the recommendations made by the Electoral Affairs Commission.

6. A new policy will be made in the Bill to provide financial assistance to candidates meeting certain criteria. A list of candidates or a single candidate, provided respectively that a candidate on the list or the single candidate himself is elected, or that the list or the single candidate receives 5% or more of the valid votes cast, is eligible for financial assistance at the rate of \$10 per vote, subject to a maximum of 50% of the declared expenses of the list or single candidate, or the difference between the declared expenses and the declared donations, whichever is lower.

7. The Bill will also make some necessary amendments to the electorate of certain functional constituencies (FC) on account of changes in names, eligibility criteria and status as well as some additions and deletions. A proposal that has been considered but after much consultation will not be made in the Bill is the expansion of the Medical FC to include Chinese medicine practitioners.

Public Consultation

8. According to the LegCo Brief, proposals relating to the electorate of functional constituencies have taken into account submissions from the respective organisations and LegCo Members concerned. Relevant parties have also been consulted on a proposal to include Chinese medicine practitioners in the Medical FC.

Consultation with LegCo Panel

9. The Panel on Constitutional Affairs was consulted on the following proposals contained in the Bill at its meetings on 10 December 2002, 20 January and 17 February 2003. Members' views and concerns are summarized as follows.

10. Regarding the proposal to maintain five GC with four to eight seats each, some Members have expressed concern that for a GC with, say, eight seats, a candidate who has secured a small number of votes could get elected.

11. A Member has requested the removal of the election expense limits so as not to place unnecessary restrictions on election activities. Some Members, however, consider that removing the election expense limits would deter less well-off candidates from standing in the elections.

12. Members in general welcome the Administration's proposal to introduce a scheme to provide partial financial support to candidates standing in the 2004 LegCo elections. A Member considers that the scheme should be carefully worked out. Some Members consider that for the sake of equity, the Administration should provide similar financial assistance to candidates of the 2003 District Council elections.

13. Members note that doctors and dentists have raised objection to the proposal to include Chinese medicine practitioners in the Medical FC, and there are mixed views among the Chinese medicine practitioners on this proposal. Most of the Members suggest that the proposal should be considered in the context of the review of future constitutional arrangements.

14. The Panel was also briefed on the adjustments to the electorate of 11 FCs. A Member has requested the Administration to reconsider whether certain new corporate bodies with a status comparable to or higher than that of existing corporate electors should be added to the Information Technology FC.

Conclusion

15. It is recommended that a Bills Committee be formed in view of the importance of some of the Bill's proposals.

16. Scrutiny of the legal and drafting aspects of the Bill is still continuing.

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