

立法會
Legislative Council

LC Paper No. LS1/02-03

**Paper for the House Committee Meeting
on 11 October 2002**

**Legal Service Division Report on
Electoral Provisions (Miscellaneous Amendments) Bill 2002**

I. SUMMARY

1. **Objects of the Bill**
 - (a) To increase the number of elected members of the Islands, Sai Kung & Yuen Long District Councils (DC);
 - (b) To adjust the cycle for compiling and publishing electoral registers.

2. **Comments**
 - (a) The number of elected members will be increased from 7 to 8, 17 to 20 and 23 to 29 for Islands, Sai Kung and Yuen Long DCs respectively as from the 2nd term;
 - (b) The composition of other DCs and the appointed and ex officio membership will not be affected;
 - (c) The compilation/publication deadlines for provisional and final registers of geographical and functional constituency voters and those of voters for Election Committee subsectors will be deferred to reduce the time gap between these deadlines and the polling day to ensure the data on the registers would be more up-to-date.

3. **Public Consultation**

The 18 DCs have been informed of the proposals on the composition of second term DCs.

4. **Consultation with LegCo Panel(s)/ Committee(s)**

The legislative proposals were discussed at a joint meeting of the Panels on Constitutional Affairs and Home Affairs on 27.9.2002. Members were generally supportive but some questions were also raised.

5. **Conclusion**
 - (a) A Bills Committee should be considered to discuss the Bill in greater detail;
 - (b) Scrutiny of its provisions is still in progress.

II. REPORT

Objects of the Bill

- (a) To increase the number of elected members of the Islands, Sai Kung and Yuen Long District Councils; and
- (b) To adjust the cycle for compiling and publishing electoral registers.

LegCo Brief Reference

- 2. CAB C1/41 dated 3 October 2002 issued by the Constitutional Affairs Bureau.

Date of First Reading

- 3. 9 October 2002.

Comments

- 4. This is a Bill dealing principally with two quite separate aspects of electoral provisions and proposing amendments to three ordinances.
- 5. First, it proposes to amend the District Councils Ordinance (Cap. 547) to increase the number of elected members of three out of the 18 District Councils (DC), namely, the Islands, Sai Kung and Yuen Long District Councils as follows -

<u>DC</u>	<u>No. of elected members to be increased from</u>	<u>to</u>
(a) Islands	7	8
(b) Sai Kung	17	20
(c) Yuen Long	23	29

- 6. No change is proposed to the composition of other DCs nor the appointed and ex officio membership of all the DCs.
- 7. As explained in the LegCo Brief, the chief reason for the proposed increases is to cater to population growth, but other considerations are taken into account in determining the number and location of the increases.

8. As there is no commencement provision, the Bill will come into operation upon its gazettal after passage through LegCo. However, as the current term (the first term) of the DCs does not expire until the end of 2003, the changes are intended to take place only as from the second term. The Administration will be asked to clarify the proposed commencement date of the relevant provisions.

9. Second, the Bill proposes to adjust the compilation and publication of the provisional registers (PR) and final registers (FR) of geographical constituency (GC) and functional constituency (FC) voters and those of voters for Election Committee (EC) subsectors. The intention is to reduce "the time gap between the publication of electoral registers and the polling day as far as practicable, so as to ensure the data on electors contained therein would be more up-to-date".

10. The Bill will amend the Legislative Council Ordinance (Cap. 542) and Chief Executive Election Ordinance (Cap. 569) to defer the deadlines for -

	<u>in a DC election year</u>		<u>in a LegCo election or other year</u>	
	<u>from</u>	<u>to</u>	<u>from</u>	<u>to</u>
(a) publication of PRs for GC, FC and EC subsectors	15 April	15 August	15 April	15 June
(b) publication of FRs for GC, FC and EC subsectors	25 May	25 September	25 May	25 July

11. The Bill also includes some minor technical and consequential amendments.

Public Consultation

12. The 18 DCs have been informed of the Administration's latest proposals on the composition of second term DCs.

Consultation with LegCo Panel(s)/Committee(s)

13. The legislative proposals were discussed at the joint meeting of the Panels on Constitutional Affairs and Home Affairs on 27 September 2002. Members were generally supportive but the following views were also expressed -

- (a) the proposed increases were illogical and lacked scientific basis;

- (b) the opportunity should be taken to abolish all appointed seats;
- (c) the proposal to increase elected DC members should be introduced by way of subsidiary legislation and the other provisions could be dealt with by an amending bill.

Conclusion

14. In view of the interest expressed by some Panel members in the Bill, especially the changes to the DC composition, Members may wish to form a Bills Committee to discuss the Bill in greater detail.

15. Scrutiny of the legal and drafting aspects of the Bill has not been completed and will continue.

Prepared by

CHEUNG Ping-kam, Arthur
Senior Assistant Legal Adviser
Legislative Council Secretariat
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