

立法會
Legislative Council

Ref : CB2/BC/1/07

LC Paper No. CB(2)1136/07-08
(These minutes have been seen
by the Administration)

Bills Committee on Legislative Council (Amendment) Bill 2007

**Minutes of the third meeting
held on Monday, 4 February 2008, at 5:00 pm
in the Chamber of the Legislative Council Building**

Members present : Hon Howard YOUNG, SBS, JP (Chairman)
Hon WONG Ting-kwong, BBS (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Dr Hon LUI Ming-wah, SBS, JP
Hon Margaret NG
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon SIN Chung-kai, SBS, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon LAU Kong-wah, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Mrs Anson CHAN, GBM, JP

Members absent Hon CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Vincent FANG Kang, JP
Hon Daniel LAM Wai-keung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon Ronny TONG Ka-wah, SC
Hon KWONG Chi-kin
Hon TAM Heung-man

Public Officers attending : Item I

The Administration

Mr Arthur HO Kin-wah
Deputy Secretary for Constitutional and Mainland Affairs

Mr Ivanhoe CHANG Chi-ho
Principal Assistant Secretary for Constitutional and Mainland
Affairs

Ms Rayne CHAI Chih-hui
Senior Government Counsel

Mr Eddie NG Sik-hay
Deputy Chief Electoral Officer for Registration and Electoral
Office

Miss Rebecca LEE On-nai
Senior Electoral Officer for Registration and Electoral Office

Clerk in attendance : Mrs Percy MA
Chief Council Secretary (2)3

Staff in attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Mrs Eleanor CHOW
Senior Council Secretary (2)4

Action

I. Meeting with the Administration

(LC Paper No. CB(2)1022/07-08(01) - Administration's paper on "Information requested at the second meeting on 1 February 2008"

LC Paper No. CB(2)1022/07-08(02) - Administration's paper on "Proposals on further amendments to the Legislative Council Ordinance"

LC Paper No. CB(2)983/07-08(02) - Administration's paper on "Outline on the Content of the Bill"

LC Paper No. CB(3)215/07-08 - The Bill

LC Paper No. CB(2)892/07-08(01) - Marked-up copy of the Bill

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

Action

- Adm 2. The Administration was requested to -
- (a) explain the process to verify and update the electorate of functional constituencies (FCs) and provide samples of relevant letters sent to corporate electors;
 - (b) confirm that the applications from the 75 organizations for inclusion in the electorate of FCs since the enactment of the Legislative Council (Amendment) Ordinance 2003 (Annex B to LC Paper No. CB(2)983/07-08(01) refers) did not fall within the scope of the Bill as prescribed in the Long Title;
 - (c) provide copies of correspondence between the Hong Kong Sports Institute Limited and the Government concerning its application for inclusion in the electorate of FCs; and
 - (d) provide copies of correspondence between the Tobacco Association of Hong Kong Limited and the Government concerning its application for inclusion in the electorate of FCs.

(Post-meeting note : The Administration's response was issued to members vide LC Paper No. CB(2)1085/07-08(01) on 14 February 2008.)

3. On broadening the electorate of FCs, the Administration explained, as in paragraph 7 of its paper (LC Paper No. CB(2)1022/07-08(01)), why the number and composition of existing FCs should remain unchanged for the 2008 LegCo election, and only minor technical updates would be made. Ms Margaret NG queried whether, as a matter of law or otherwise, the Interpretation made by the Standing Committee of the National People's Congress on 6 April 2004 prohibited changes to be made to the electorate of FCs in the 2008 LegCo election, such as inclusion of new corporate bodies with a status comparable to that of existing corporate electors in certain FCs. She requested that the two legal professional bodies and the legal adviser should be invited to give views on the effect of the Interpretation.

Clerk/
SALA

4. The Bills Committee agreed that the issue of broadening the electorate base of FCs and the 75 organizations which had applied for inclusion in the electorate of FCs should be referred to the Panel on Constitutional Affairs for follow up, as they were outside the scope of the Bill.

Clerk

(Post-meeting note : The comments of the Hong Kong Bar Association, the Law Society of Hong Kong and the Legal Service Division on the broadening of the electorate base of FCs were issued to members vide LC Paper Nos. CB(2)1109/07-08(01), (05) and LS49/07-08 on 19 February 2008 respectively.)

Action

II. Any other business

5. The Bills Committee agreed that the next meeting would be held on 18 February 2008 at 8:30 am.
6. The meeting ended at 7:00 pm.

Council Business Division 2
Legislative Council Secretariat
20 February 2008

**Proceedings of the third meeting of the
Bills Committee on Legislative Council (Amendment) Bill 2007
on Monday, 4 February 2008, at 5:00 pm
in the Chamber of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000039-000323	Chairman Ms Margaret NG	Opening Remarks	
000324-000543	Administration	Briefing by the Administration on its paper on "Information requested at the second meeting on 1 February 2008" (LC Paper No. CB(2)1022/07-08(01))	
000544-001746	Chairman Ms Margaret NG Mrs Anson CHAN Administration	Criteria and composition of electorate of functional constituencies (FCs) (paras 2-6 of LC Paper No. CB(2)1022/07-08(01)) Explanation by the Administration on paragraph 3 of the paper concerning factors to be considered for inclusion of organizations in the electorate of FCs Parties to decide whether an organization should be included in the electorate of a FC and the appeal mechanism	
001747-003028	Chairman Ms Margaret NG Mr WONG Ting-kwong Administration	Reasons for not broadening the electorate of FCs and the 75 applications for inclusion into FCs in the 2008 LegCo election (paras 7 and 8 of LC Paper No. CB(2)1022/07-08(01)) Confirmation by the Administration that - (a) the 75 applications were not accepted in the amendment of the electorate for the 2008 LegCo election because of policy consideration rather than a matter of law, as explained in paragraph 7 of the paper; and (b) the Administration had not examined the 75 applications based on the requirements set out in paragraph 3 of the paper Process to verify and update the electorate of FCs	Admin to follow up (para 2(a) of minutes)
003029-003711	Chairman Mrs Anson CHAN Mr SIN Chung-kai Administration	Broadening the electorate base of FCs in the 2008 LegCo election Views of members -	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>(a) it was unacceptable that the electorate of FCs remained unchanged since the last LegCo election in 2004;</p> <p>(b) new corporate bodies with a status comparable to that of existing corporate electors were added to some FCs in the 2004 LegCo election; and</p> <p>(c) the Administration would manipulate the result of 2008 LegCo election by rejecting applications for inclusion in the FCs arbitrarily</p> <p>Administration's explanation that there was no manipulation and all the 75 applications were treated on the same basis</p>	
003712-005108	Chairman Ms Margaret NG Ms Emily LAU Administration	<p>Room for broadening the electorate of FCs in the 2008 LegCo election as a matter of law, having regard to the Interpretation made by the Standing Committee of the National People's Congress on 6 April 2004</p> <p>Members' view that the policy not to broaden the electorate of FCs in the 2008 LegCo election was inconsistent with the principle of gradual and orderly progress stipulated in Article 68 of the Basic Law</p>	Clerk and legal adviser to follow up (para 3 of minutes)
005109-005756	Chairman Mrs Sophie LEUNG Administration	Basis for adjustments to the delineation of the electorate of FCs in the past and in the 2008 LegCo election	
005757-011139	Chairman Ms Margaret NG Mrs Sophie LEUNG Mrs Anson CHAN Administration	Broadening of the electorate base of FCs in the 2008 LegCo election	
011140-011210	Chairman	The electorate of the Engineering FC (paras 9-10 of LC Paper No. CB(2)1022/07-08(01))	
011211-014039	Chairman Ms Margaret NG Mr TAM Yiu-chung Mrs Sophie LEUNG Mrs Anson CHAN Mr Wong Ting-kwong Ms Emily LAU Ms Audrey EU SALA2 Administration	<p>Discussion on whether the issue of broadening the electorate base of FCs should be discussed by the Bills Committee or referred to the Panel on Constitutional Affairs for follow up</p> <p>Scope of the Bill</p>	Clerk to follow up (para 4 of minutes)

Time Marker	Speaker(s)	Subject(s)	Action required
014040-014235	Chairman	Clause by Clause examination of the Bill with reference to the marked-up copy of the Bill (LC Paper No. CB(2)892/07-08(01))	
014236-015439	Ms Margaret NG Mrs Anson CHAN Chairman Administration	Long Title	Admin to follow up (para 2(b)-(d) of minutes)
015440-015601	Chairman Administration Ms Margaret NG	Short Title	
015602-015700	Ms Emily LAU Chairman Administration	Clause 2 - Commencement	
015701-015741	Chairman	Clause 3 - Composition of the Education FC	
015742-015829	Chairman	Clause 4 - Composition of the Financial Services FC Clause 5 - Composition of the Import and Export FC	
015830-020057	Ms Emily LAU Chairman Ms Margaret NG	Date of next meeting	