

**Bills Committee on the
Legislative Council (Amendment) Bill 2007**

**Five Submissions relating to
Information Technology Functional Constituency**

Introduction

This paper sets out the Administration's views on the submissions from the following five organizations to the Chairman of the Bills Committee regarding the Information Technology functional constituency ("ITFC"):

- (a) Information Systems Audit and Control Association (Hong Kong Chapter) Limited ("ISACA");
- (b) Professional Information Security Association ("PISA");
- (c) The Professional Commons ("PC");
- (d) Internet Society Hong Kong ("ISHK"); and
- (e) IT Voice.

**Proposal to Relax the Voter Eligibility Criteria in respect of
ISACA and PISA**

2. ISACA and PISA are umbrella organizations in the ITFC. Under section 20Z(1)(ja)(ii) and item 2 of Part 2 of Schedule 1D of the Legislative Council Ordinance (Cap. 542) ("LCO"), the ITFC is composed of, inter alia, Ordinary Members of the **ISACA** who are:

(a) confirmed by the Association to have been holders of the Certified Information Systems Auditor Certification (“CISA”) during a period of four years immediately preceding the date on which that person applies for registration as an elector of the ITFC (i.e. the “relevant period”); and

(b) are entitled to vote at general meetings of the Association.

3. ISACA proposed in its submission to remove the “relevant period” requirement. As a result of the proposed amendment, Ordinary Members of ISACA who are entitled to vote at its general meeting and who hold the CISA for a period shorter than four years would become eligible to register as voters in the ITFC.

4. According to section 20Z(1)(ja)(iv) and item 4 of Part 2 of Schedule 1D of the LCO, the ITFC is also composed of Full Members of **PISA** who are:

(a) confirmed by the Association to have been holders of the Certified Information Systems Security Professional Certification (“CISSP”) during the “relevant period”; and

(b) entitled to vote at general meetings of the Association.

5. PISA proposed in its submission to remove the requirement of holding the CISSP during the “relevant period”. After the proposed amendment, all Full Members of PISA who are

entitled to vote at general meetings of the Association, irrespective of whether they hold the CISSP and, if so, the period for which they have held the CISSP, would be eligible to register as voters of the ITFC.

6. ISHK and IT Voice supported the amendments proposed by ISACA and PISA. ISACA and PISA were included into the ITFC as umbrella organizations in the ITFC through the Legislative Council (Amendment) Bill 2003. In June 2003, we explained to the relevant Bills Committee that, given the specialist nature of the two organizations, we considered it appropriate that eligibility for their members to register as electors in the ITFC be given to experienced members who were holders of the recognized certification. Thus, to be eligible as an ITFC elector, an ISACA member must have attained the CISA for at least five years and a PISA member must have attained the CISSP for at least five year.

7. Following the discussions by the Bills Committee, the Administration lowered the proposed requirement to “four years”. This “relevant period” was finally agreed by the Legislative Council (“LegCo”).

8. As we have explained earlier, the number and composition of the existing functional constituencies (“FCs”) should remain unchanged for the 2008 LegCo election. The amendments proposed by these two organisations would broaden the electorate of the ITFC. As such, they cannot be processed in the current legislative exercise. In the course of examining the method of forming the LegCo in 2012, we could consider these ideas

(together with other views put forth) at a later stage.

Other Proposals

9. PC, ISHK and IT Voice suggested that every IT professional should be eligible for registration as voter in the ITFC. As explained above, as the number and composition of the existing FCs should remain unchanged for the 2008 LegCo Election, the proposal to broaden the electorate of the ITFC cannot be processed in the current legislative exercise. In the course of examining the method of forming the LegCo in 2012, we could consider these ideas (together with other views put forth) at a later stage.

10. Separately, the IT Voice proposed that the functional constituencies should be abolished for the 2008 LegCo Election. In accordance with the Decision adopted by the Standing Committee of the National People's Congress on 26 April 2004, the election of the LegCo in the fourth term in the year 2008 shall not be by means of an election of all the members by universal suffrage. The ratio between members returned by FCs and members returned by geographical constituencies through direct elections, who shall respectively occupy half of the seats, is to remain unchanged. The proposal of the IT Voice is, therefore, not acceptable.

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