

**Bills Committee on Chief Executive Election (Amendment) Bill 2010
and Legislative Council (Amendment) Bill 2010**

Follow up on the issues raised at the meeting on 18 January 2011

**Commencement dates of the Chief Executive
Election (Amendment) Bill 2010 (“the Bill”)
as stipulated in Clause 1 of the Bill**

As requested by Members at the meeting on 18 January 2011, this paper provides information concerning the commencement date of the Chief Executive Election (Amendment) Bill 2010 as stipulated in Clause 1 of the Bill.

2. Clause 1(2) to (4) provides for the commencement date of the Bill so as to enable the sections under the Bill to come into operation in three phrases:

Provision(s) of the Bill	Commencement Date	Remarks
4, 5(38), 5(40), 7, 8, 9, 10	25 September 2011	These provisions relate to District Councils (“DC”) subsectors election. Under clause 1(3) of the Bill, these provisions should come into operation on 25 September 2011. The Administration proposes that only the DC members newly elected in November 2011 are eligible for participating in the new DC subsectors election to be held in December 2011 and the proposed Legislative Council (“LegCo”) DC (First) Functional Constituency (“FC”) to be held in 2012. Other DC members do not have this right. However, where by-election(s) for the existing DC FC of the current term LegCo is/are needed, ex-officio and appointed DC members are still eligible for

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		<p>participating in such by-election(s). To safeguard the rights of ex-officio and appointed DC members to participate in the by-election(s) for the current-term LegCo, we propose that the provisions which stipulate that only elected DC members are eligible to participate in the new DC subsectors election will come into operation only after the publication of the 2011 final register of electors on 25 September 2011 by the Electoral Registration Officer.</p>
5(35)	The day on which the term of office of the fifth term LegCo starts	This provision increases the number of seats for LegCo subsector from 60 to 70. Section 1(4) of the Bill stipulates that this provision will come into operation in 2012 when the term of office of the fifth term LegCo starts.
Remaining provisions (i.e. 3, 5(1) to (34), 5(36), 5(37), 5(39), 5(41) to (43), 6, 11, 12, 13 and 14)	For the purpose only of enabling arrangements to be made for the subsectors election (other than DC subsectors election) in 2011, these provisions will come into operation upon the gazettal of the Ordinance.	<p>Section 1(2)(a) stipulates that these remaining provisions will come into operation on the day on which the Ordinance is published in the Gazette for the purpose only of enabling arrangements to be made for holding subsectors election (other than DC subsectors election) in 2011.</p> <p>The aim of these provisions is to introduce changes to the number of seats in the subsectors, the eligibility of electors and electoral arrangements. These provisions should formally come into operation on 1 February 2012 when the new EC is formed. To cater</p>

Provision(s) of the Bill	Commencement Date	Remarks
	<p>Insofar as these provisions have not come into operation on the date mentioned above, the full implementation date is on 1 February 2012.</p>	<p>for the subsectors election in 2011 (e.g. to enable the election of the number of members required for the new term although the number of seats has yet to be formally increased during the election period), these provisions should come into operation only for this purpose on the day on which the Ordinance is gazetted.</p> <p>In accordance with section 1(2)(b) of the Bill, insofar as the provisions have not come into operation as mentioned above (such as the increase in the number of seats), these provisions will come into operation on 1 February 2012.</p>

**Constitutional and Mainland Affairs
January 2011**