

立法會
Legislative Council

LC Paper No. CB(3) 524/10-11

Ref : CB(3)/B/CMA/1 (10-11)

Tel : 2869 9206

Date : 25 February 2011

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 2 March 2011

Chief Executive Election (Amendment) Bill 2010

Committee stage amendments

Members were informed vide LC Paper No. CB(3) 511/10-11 issued on 24 February 2011 that the President had given permission for the Secretary for Constitutional and Mainland Affairs to move his proposed amendments to the above Bill at the Council meeting of 2 March 2011. Members are invited to note that the President has also given permission for Dr Hon Margaret NG, subject to the Bill receiving a Second Reading, to move her proposed amendments to the Bill.

2. As directed by the President, the amendments are attached for Members' consideration.



(Desmond LAM)
for Clerk to the Legislative Council

Encl.

Chief Executive Election (Amendment) Bill 2010

Committee Stage

Amendments to be moved by Dr. the Honourable Margaret NG

<u>Clause</u>	<u>Amendment Proposed</u>
3	By adding “and not more than 165 members” after “150 members”.
New	By adding— “3A. Section 31 repealed (Winning candidate to declare he is not a member of political party) Section 31— Repeal the section.”.
5(3)	By deleting “17” and substituting “41”.
5(4)	By deleting “18” and substituting “16”.
5(6)	By deleting “16” and substituting “12”.
5	By deleting subclause (7).
5(8)	By deleting “18” and substituting “14”.
5(9)	By deleting “16” and substituting “12”.
5	By deleting subclause (10).
5(11)	By deleting “18” and substituting “17”.
5(12)	By deleting “18” and substituting “15”.
5(13)	By deleting “18” and substituting “15”.
5(14)	By deleting “18” and substituting “13”.

- 5(15) By deleting “18” and substituting “15”.
- 5(16) By deleting “18” and substituting “26”.
- 5(17) By deleting “18” and substituting “16”.
- 5(18) By deleting “ “18” ” and substituting “ “13” ”.
- 5(19) By deleting “18” and substituting “34”.
- 5(20) By deleting “30” and substituting “32”.
- 5(21) By deleting “30” and substituting “23”.
- 5(22) By deleting “30” and substituting “22”.
- 5(23) By deleting “30” and substituting “63”.
- 5(24) By deleting “30” and substituting “24”.
- 5(25) By deleting “30” and substituting “40”.
- 5(26) By deleting “30” and substituting “24”.
- 5(27) By deleting “30” and substituting “23”.
- 5(28) By deleting “30” and substituting “23”.
- 5(29) By deleting “30” and substituting “26”.
- 5(30) By deleting “60” and substituting “41”.
- 5(31) By deleting “60” and substituting “43”.
- 5 By deleting subclause (32).
- 5(33) By deleting “60” and substituting “122”.

- 5(34) By deleting “60” and substituting “54”.
- 5 By deleting subclause (36).
- 5 By deleting subclause (37).
- 5(39) By deleting “57” and substituting “66”.
- 5(41) By deleting “60” and substituting “66”.
- 6 By deleting the proposed section 2A and substituting—
“2A. Special membership arrangement for 2012
(1) Despite section 2, this section has effect.
(2) In the subsector ordinary election to elect the members of the Election Committee assigned to the Hong Kong and Kowloon District Councils subsector for the term of office of the Election Committee commencing on 1 February 2012—
(a) if the number of validly nominated candidates exceeds 66 but does not exceed 71, subsection (6) applies to all those candidates who are not returned at the election because—
(i) they do not obtain as many votes as the elected candidates; or
(ii) lots are drawn under section 29(6) and the lot does not fall on them;
(b) if the number of validly nominated candidates exceeds 71, subsection (6) applies, subject to subsection (4), to the 2 candidates who—
(i) are not returned at the election because of the reasons specified in paragraph (a)(i) or (ii); and
(ii) obtain the greatest number of votes among the candidates who are not so returned.
(3) In the subsector ordinary election to elect the members of the Election Committee assigned to the New Territories District Councils subsector for the term of

office of the Election Committee commencing on 1 February 2012—

- (a) if the number of validly nominated candidates exceeds 66 but does not exceed 71, subsection (6) applies to all those candidates who are not returned at the election because—
 - (i) they do not obtain as many votes as the elected candidates; or
 - (ii) lots are drawn under section 29(6) and the lot does not fall on them;
 - (b) if the number of validly nominated candidates exceeds 71, subsection (6) applies, subject to subsection (4), to the 2 candidates who—
 - (i) are not returned at the election because of the reasons specified in paragraph (a)(i) or (ii); and
 - (ii) obtain the greatest number of votes among the candidates who are not so returned.
- (4) If due to equality of votes it is impracticable to determine under subsection (2)(b)(ii) or (3)(b)(ii) any one or more candidates to whom subsection (6) applies, the Returning Officer must determine the result by drawing lots and subsection (6) applies to the candidate on whom the lot falls.
- (5) Subsection (6) does not apply unless at the time of the subsector ordinary election the Legislative Council Ordinance (Cap. 542) provides that the fifth term of the Legislative Council constituted in 2012 is to have 70 members, whether or not the provision has come into operation.
- (6) During the period in which this subsection applies to a person, the person is for all purposes a member of the Election Committee.
- (7) If subsection (6) applies to a person—
 - (a) the person is deemed, for the purposes of sections 35 and 39, to be duly elected as a member of the Election Committee at a subsector election; and
 - (b) the application of subsection (6) to the person is

deemed, for the purposes of section 39, to be the result of a subsector election.

- (8) To avoid doubt, a person to whom subsection (6) applies is regarded as an unsuccessful candidate for the purposes of section 5 of the Election Committee (Subscribers and Election Deposit for Nomination) Regulation (Cap. 569 sub. leg. C).
- (9) Subsection (6) ceases to apply to a person on the date on which the term of office of the fifth term of the Legislative Council commences under the Legislative Council Ordinance (Cap. 542) in 2012.
- (10) Despite subsection (13), on subsection (6) ceasing to apply to a person under subsection (9), the Electoral Registration Officer must—
 - (a) strike out the name and other relevant particulars of the person from the final register of members of the Election Committee that is in effect under section 43 on the date referred to in subsection (9); and
 - (b) publish in accordance with the EAC Regulations a notice that the name and particulars have been so removed.
- (11) During the period in which subsection (6) applies to any persons under subsection (2), item 5 of Table 4 in section 2 has effect as if the number “66” in column 4 is substituted by the number “71”.
- (12) During the period in which subsection (6) applies to any persons under subsection (3), item 6 of Table 4 in section 2 has effect as if the number “66” in column 4 is substituted by the number “71”.
- (13) This section expires on the date referred to in subsection (9).
- (14) Despite subsection (13), if—
 - (a) an appeal is lodged under section 39 to question the deemed election of a person under subsection (7); and
 - (b) when this section expires under subsection (13), the appeal is pending,

subsection (7) continues to have effect until the withdrawal or final disposal of the appeal as if it had not expired.”.

New

By adding—

“10A. Schedule, section 29 amended (System of voting and counting of votes)

The Schedule, section 29(2)—

Repeal

everything after “At a subsector ordinary election”

Substitute

“(except for the Hong Kong and Kowloon District Councils and New Territories District Councils subsectors), a voter may vote for as many candidates as, but not more than the number of members allocated to the subsector concerned. As for the Hong Kong and Kowloon District Councils and New Territories District Councils subsectors, a voter is entitled to cast a single vote for one candidate.”.”.