

**立法會**  
**Legislative Council**

LC Paper No. CB(3) 528/10-11

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Tel : 2869 9550

Date : 28 February 2011

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting of 2 March 2011**

**Legislative Council (Amendment) Bill 2010**

**Committee stage amendments**

Members were informed vide LC Paper No. CB(3) 510/10-11 issued on 23 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 the following Members, subject to the Bill receiving a Second Reading, to move their proposed amendments to the Bill, as set out in **Appendices I to IV**:

<u>Mover</u>	<u>Appendix</u>
Hon Emily LAU Wai-hing	I
Hon WONG Kwok-kin	II
Dr Hon Margaret NG	III
Hon Paul TSE Wai-chun	IV

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

  
(Ms Jessica CHAN)  
for Clerk to the Legislative Council

Encl.

Legislative Council (Amendment) Bill 2010

**Committee Stage**

Amendment to be moved by the Honourable LAU Wai-hing

Clause

Amendment Proposed

43(1) In the proposed section 7(1A)(a), by deleting “15” and substituting “10”.

Legislative Council (Amendment) Bill 2010

**Committee Stage**

Amendments to be moved by the Honourable WONG Kwok-kin

<u>Clause</u>	<u>Amendment Proposed</u>
15(3)	<p>In the proposed section 37(2)(g) –</p> <ul style="list-style-type: none"><li>(a) by deleting “and the District Council (second) functional constituency”;</li><li>(b) by deleting “that Ordinance.” and substituting “that Ordinance; and ”.</li></ul>
15(3)	<p>By adding –</p> <p>“(h) in the case of the District Council (second) functional constituency, is or was a member of any District Council established under the District Councils Ordinance (Cap. 547) who is or was elected under Part V of that Ordinance, or was a member before 1 July 1997 of any District Board established under the District Boards Ordinance (Cap. 366) who was elected under Part II of that Ordinance.”.</p>

## Legislative Council (Amendment) Bill 2010

## Committee Stage

Amendments to be moved by Dr. the Honourable Margaret NG

<u>Clause</u>	<u>Amendment Proposed</u>
3	By renumbering the clause as clause 3(1).
3	By adding— <ul style="list-style-type: none"> <li>“(2) Section 3(1), English text, definition of <i>term of office</i>—  <b>Repeal the full stop</b>  <b>Substitute a semicolon.</b></li> <li>(3) Section 3(1)—  <b>Add in alphabetical order</b>  <i>“relevant persons</i> (有關人士) means in relation to a functional constituency specified in sections 20P, 20Q, 20R and 20S—               <ul style="list-style-type: none"> <li>(a) in the case where the member is a limited company, up to 6 members of the board of directors of that company (and no more than 6 such members of the board of directors of that company shall be registered as electors in the relevant functional constituency in respect of the aforementioned member);</li> <li>(b) in the case where the member is a partnership, up to 6 partners of that partnership (and no more than 6 such partners of that partnership shall be registered as electors in the relevant functional constituency in respect of the aforementioned member);</li> <li>(c) in the case where the member is a sole proprietorship, the sole proprietor of that proprietorship;</li> <li>(d) in the case where the member is an organization or body (other than a limited company, partnership or sole proprietorship), the members of the management or executive committee (however described) of that organization or body;</li> <li>(e) in the case where none of the persons referred to in paragraph (a), (b), (c) or (d) is entitled to be registered as an elector, or in the case where the member is an</li> </ul> </li> </ul>

organization or body referred to in paragraph (d) but there is no management or executive committee (however described) of that organization or body, the chief executive (however described) of that company, partnership, sole proprietorship or other organization or body, as the case may be;

(f) in the case where the chief executive (however described) referred to in paragraph (e) is not entitled to be registered as an elector, a member of the senior management of that company, partnership, sole proprietorship or other organization or body, as the case may be; or

(g) where any member of the board of directors referred to in paragraph (a) is a limited company or a partnership, a relevant person shall be, in respect of the aforementioned member—

(i) any 1 of the individual members of the board of directors or any 1 of the partners, as the case may be, of the aforementioned member;

(ii) in the case where there is no such individual member of the board of directors of the aforementioned member which is a limited company, or in the case where none of the individual members or partners, as the case may be, referred to in subparagraph (i) is entitled to be registered as an elector, the chief executive (however described) of the aforementioned member; or

(iii) in the case where the chief executive (however described) referred to in subparagraph (ii) is not entitled to be registered as an elector, a member of the senior management of the aforementioned member, and no more than 1 such individual member, partner, chief executive (however described) or member of the senior management, as the case may be, shall be registered as an elector in the relevant functional constituency in respect of the aforementioned member;

**working persons** (在職人士) in relation to a functional constituency specified in sections 20B, 20C, 20D, 20N, 20O, 20T, 20U, 20V, 20W, 20X,

20Y, 20Z and 20ZA, means persons engaged in economic activities in Hong Kong for remuneration (including employees, employers, partners, sole proprietors, directors of companies and self-employed persons), and for the purpose of this definition—

- (a) *economic activities* (經濟活動) includes activities in connection with trades or professions or the provision of services undertaken by establishments classified under different Major Industry Groups in accordance with the classification scheme known as the “Hong Kong Standard Industrial Classification Version 2.0” (being an adapted version of the United Nations’ International Standard Industrial Classification) which are identified by the 3-digit codes and their titles and descriptions, as contained in the July 2009 edition of the Hong Kong Standard Industrial Classification issued by the Census and Statistics Department;
- (b) *remuneration* (薪酬) includes salaries, wages, allowances, fees or charges, but excludes benefits in kind.”.”.

New

By adding—

**“3A. Section 18 heading amended**

Section 18, heading, after “constituencies”—

**Add**

**“and District Council (second) functional constituency”.”.**

New

By adding—

**“5A. Section 20B substituted**

Section 20B—

**Repeal the section**

**Substitute**

**“20B. Composition of the agriculture and fisheries functional constituency**

The agriculture and fisheries functional constituency is composed of the working persons of the major industry groups below—

- (a) 011 (Growing of vegetables, melons, flowers and other non-perennial crops);
- (b) 012 (Growing of fruits, drug and beverage crops and other perennial crops);

- (c) 013 (Plant propagation);
- (d) 014 (Animal production);
- (e) 015 (Mixed farming);
- (f) 016 (Support activities to agriculture and post-harvest crop activities);
- (g) 017 (Hunting, trapping and related service activities);
- (h) 020 (Forestry activities);
- (i) 031 (Fishing);
- (j) 032 (Aquaculture);
- (k) 813 (Landscape care and greenery services).”.

**5B. Section 20C substituted**

Section 20C —

**Repeal the section**

**Substitute**

**“20C. Composition of the insurance functional constituency**

The insurance functional constituency is composed of the working persons of the major industry groups below —

- (a) 651 (Insurance underwriting);
- (b) 652 (Pension funding);
- (c) 662 (Activities auxiliary to insurance and pension).”.

**5C. Section 20D substituted**

Section 20D —

**Repeal the section**

**Substitute**

**“20D. Composition of the transport functional constituency**

The transport functional constituency is composed of the working persons of the major industry groups below —

- (a) 491 (Railway and cable transport);
- (b) 492 (Land transport by road);
- (c) 499 (Other land transport services);
- (d) 501 (Cross-border water transport);
- (e) 502 (Inland water transport);
- (f) 510 (Air transport);
- (g) 521 (Warehousing and storage);
- (h) 522 (Support activities for transportation);
- (i) 531 (Postal activities);
- (j) 532 (Courier activities).”.

New

By adding—

**“6A. Section 20L substituted**

Section 20L—

**Repeal the section**

**Substitute**

**“20L. Composition of the labour functional constituency**

The labour functional constituency is composed of officers or members of trade unions registered under section 17 of the Trade Unions Ordinance (Cap. 332) who are the voting members of the trade unions.”.

**6B. Section 20N substituted**

Section 20N—

**Repeal the section**

**Substitute**

**“20N. Composition of the real estate and construction functional constituency**

The real estate and construction functional constituency is composed of the working persons of the major industry groups below—

- (a) 411 (Erection of architectural superstructures);
- (b) 412 (Structural steel framework erection);
- (c) 419 (Other new building construction works);
- (d) 421 (Construction of civil engineering projects);
- (e) 422 (Miscellaneous civil engineering works);
- (f) 431 (Demolition and site preparation);
- (g) 432 (Building services installation and maintenance activities);
- (h) 439 (Building finishing and other specialized construction activities);
- (i) 681 (Real estate activities);
- (j) 682 (Real estate activities on a fee or contract basis).”.

**6C. Section 20O substituted**

Section 20O—

**Repeal the section**

**Substitute**

**“20O. Composition of the tourism functional constituency**

The tourism functional constituency is composed of the working persons of the major



industry groups below—

- (a) 550 (Short term accommodation activities);
- (b) 791 (Travel agency activities);
- (c) 799 (Other reservation service and tourist- related activities);
- (d) 920 (Activities of amusement parks and theme parks).”.

**6D. Section 20P substituted**

Section 20P—

**Repeal the section**

**Substitute**

**“20P. Composition of the commercial (first) functional constituency**

The commercial (first) functional constituency is composed of the relevant persons in respect of members of The Hong Kong General Chamber of Commerce entitled to vote at general meetings of the Chamber.”.

**6E. Section 20Q substituted**

Section 20Q—

**Repeal the section**

**Substitute**

**“20Q. Composition of the commercial (second) functional constituency**

The commercial (second) functional constituency is composed of the persons below—

- (a) Individual members of The Chinese General Chamber of Commerce entitled to vote at general meetings of the Chamber;
- (b) Relevant persons in respect of members (other than individual members) of The Chinese General Chamber of Commerce entitled to vote at general meetings of the Chamber.”.

**6F. Section 20R substituted**

Section 20R—

**Repeal the section**

**Substitute**

**“20R. Composition of the industrial (first) functional constituency**

The industrial (first) functional constituency is composed of the persons below—

- (a) Individual members of the Federation of Hong Kong Industries entitled to vote at

- general meetings of the Federation;
- (b) Relevant persons in respect of members (other than individual members) of the Federation of Hong Kong Industries entitled to vote at general meetings of the Federation.”.

**6G. Section 20S substituted**

Section 20S—

**Repeal the section**

**Substitute**

**“20S. Composition of the industrial (second) functional constituency**

The industrial (second) functional constituency is composed of the relevant persons in respect of members of The Chinese Manufacturers’ Association of Hong Kong entitled to vote at general meetings of the Association.”.

**6H. Section 20T substituted**

Section 20T—

**Repeal the section**

**Substitute**

**“20T. Composition of the finance functional constituency**

The finance functional constituency is composed of the working persons of the major industry group below—

- (a) 641 (Monetary intermediation).”.

**6I. Section 20U substituted**

Section 20U—

**Repeal the section**

**Substitute**

**“20U. Composition of the financial services functional constituency**

The finance services functional constituency is composed of the working persons of the major industry groups below—

- (a) 642 (Investment and holding companies);
- (b) 644 (Trust, funds and similar financial entities);
- (c) 649 (Other financial service activities);
- (d) 661 (Activities auxiliary to financial service activities (except insurance and pension funding)) ;
- (e) 663 (Fund management).”.

By deleting the clause and substituting —

**“7. Section 20V substituted**

Section 20V —

**Repeal the section**

**Substitute**

**“20V. Composition of the sports, performing arts, culture and publications functional constituency**

The sports, performing arts, culture and publication functional constituency is composed of the working persons of the major industry groups below —

- (a) 181 (Printing and service activities related to printing);
- (b) 581 (Publishing of books, periodicals and other publishing activities);
- (c) 591 (Motion picture, video and television programme activities);
- (d) 592 (Sound recording and music publishing activities);
- (e) 601 (Radio broadcasting);
- (f) 602 (Television programme and broadcasting activities);
- (g) 901 (Performing arts activities);
- (h) 902 (Creative artists, musicians and writers);
- (i) 903 (Performing arts venue operation);
- (j) 910 (Libraries, archives, museums and other culture activities);
- (k) 931 (Sports activities);
- (l) 939 (Other entertainment activities).”. ”.

By deleting the clause and substituting —

**“8. Section 20W substituted**

Section 20W —

**Repeal the section**

**Substitute**

**“20W. Composition of the import and export functional constituency**

The import and export functional constituency is composed of the working persons of the major industry groups below —

- (a) 451 (Export trade);
- (b) 452 (Import for wholesale).”. ”.

New

By adding —

**“8A. Section 20X substituted**

Section 20X —

**Repeal the section**

**Substitute**

**“20X. Composition of the textiles and garment functional constituency**

The textiles and garment functional constituency is composed of the working persons of the major industry groups below —

- (a) 131 (Spinning, weaving and finishing of textiles);
- (b) 139 (Manufacture of other textiles);
- (c) 141 (Manufacture of wearing apparel (except fur, knitted and crocheted apparel));
- (d) 142 (Manufacture of articles of fur);
- (e) 143 (Manufacture of knitted and crocheted apparel).”.

**8B. Section 20Y substituted**

Section 20Y —

**Repeal the section**

**Substitute —**

**“20Y. Composition of the wholesale and retail functional constituency**

The wholesale and retail functional constituency is composed of the working persons of the major industry groups below —

- (a) 460 (Wholesale);
- (b) 471 (Retail sale in non-specialized stores);
- (c) 472 (Retail sale of food, beverages and tobacco in specialized stores);
- (d) 473 (Retail sale of fuel);
- (e) 474 (Retail sale of information and communications equipment in specialized stores);
- (f) 475 (Retail sale of other household equipment in specialized stores);
- (g) 476 (Retail sale of culture and recreation goods in specialized stores);
- (h) 477 (Retail sale of other goods in specialized stores);
- (i) 478 (Non-store retailing).”.

By deleting the clause and substituting—

**“9. Section 20Z substituted**

Section 20Z—

**Repeal the section**

**Substitute**

**“20Z. Composition of the information technology functional constituency**

The information technology functional constituency is composed of the working persons of the major industry groups below—

- (a) 582 (Software publishing);
- (b) 611 (Telecommunications network operation);
- (c) 619 (Other telecommunications activities);
- (d) 620 (Information technology service activities);
- (e) 631 (Web portals, data processing, hosting and related activities);
- (f) 639 (Other information service activities);
- (g) 822 (Activities of call centres);
- (h) 952 (Repair of computers and communications equipment).”. ”.

New

By adding—

**“9A. Section 20ZA substituted**

Section 20ZA—

**Repeal the section**

**Substitute—**

**“20ZA. Composition of the catering functional constituency**

The catering functional constituency is composed of the working persons of the major industry groups below—

- (a) 561 (Restaurants and other meal service activities);
- (b) 562 (Event catering and other food service activities);
- (c) 563 (Beverage serving places).”. ”.

12(3)

In the proposed section 21(c), by adding “, 1 each from the area of a geographical constituency established in accordance with Part III” after “constituency”.

15(1)

By deleting “and the District Council (second) functional constituency”.

- 15(3) In the proposed section 37(2)(g) —  
(a) by deleting “and the District Council (second) functional constituency”;  
(b) by deleting “that Ordinance.” and substituting “that Ordinance and”.
- 15(3) By adding —  
“(h) in the case of the District Council (second) functional constituency, is a person who is specified under section 20 of the District Councils Ordinance (Cap. 547).”.
- 17 By deleting the clause.
- 18 By deleting the clause.
- 32 By deleting the clause and substituting —  
“**32. Schedule 1 repealed (Composition of the agriculture and fisheries functional constituency)**  
Schedule 1 —  
**Repeal the Schedule.”.**
- 33 By deleting the clause and substituting —  
“**33. Schedule 1A repealed (Composition of the transport functional constituency)**  
Schedule 1A —  
**Repeal the Schedule.”.**
- 34 By deleting the clause and substituting —  
“**34. Schedule 1B repealed (Composition of the sports, performing arts, culture and publication functional constituency)**  
Schedule 1B —  
**Repeal the Schedule.”.**
- 35 By deleting the clause and substituting —  
“**35. Schedule 1C repealed (Composition of the wholesale and retail functional constituency)**  
Schedule 1C —  
**Repeal the Schedule.”.**
- 36 By deleting the clause and substituting —  
“**36. Schedule 1D repealed (Composition of the information technology functional constituency)**  
Schedule 1D —  
**Repeal the Schedule.”.**

New

By adding—

**“36A. Schedule 1E repealed (Composition of the catering functional constituency)**

**Schedule 1E—**

**Repeal the Schedule.”.**

43(1)

In the proposed section 7 (1A)(a), by deleting “an elector registered in respect of the District Council (first) functional constituency” and substituting “specified under section 29 of the District Councils Ordinance (Cap. 547)”.

Legislative Council (Amendment) Bill 2010

**Committee Stage**

Amendments to be moved by the Honourable Paul TSE Wai-chun

<u>Clause</u>	<u>Amendment Proposed</u>
15(3)	In the proposed section 37(2)(g), by deleting “that Ordinance.” and substituting- “that Ordinance and who shall satisfy the following- (i) of a height not exceeding 5’4”; (ii) with an academic qualification not higher than matriculation level; and (iii) currently earning a monthly salary of not more than \$10,000.”.
46	In the proposed section 3A, by deleting “\$6,000,000.” and substituting “unlimited.”.