

# **立法會**

## ***Legislative Council***

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### **Paper for the House Committee meeting on 18 February 2011**

#### **Report of the Bills Committee on Chief Executive Election (Amendment) Bill 2010 and Legislative Council (Amendment) Bill 2010**

#### **PURPOSE**

This paper reports on the deliberations of the Bills Committee on Chief Executive Election (Amendment) Bill 2010 and the Legislative Council (Amendment) Bill 2010 ("the Bills Committee").

#### **BACKGROUND**

##### **Existing methods for selecting the Chief Executive and for forming the Legislative Council**

2. In accordance with the provisions of Annex I to the Basic Law ("BL"), the Chief Executive ("CE") is elected by a broadly representative Election Committee ("EC") and appointed by the Central People's Government ("CPG"). EC is composed of 800 members from four sectors made up of 38 subsectors. The term of office of EC is five years and will commence on 1 February in the year during which the term of office of the CE is to expire. The bloc vote system is adopted for the EC subsectors election and the majority runoff system is adopted for the CE election.

3. Currently, there are 60 seats in the Legislative Council ("LegCo"), half of them returned by geographical constituencies ("GCs") through direct elections, and the other half by functional constituencies ("FCs"). For direct elections in GCs, the 30 seats are returned from the following five GCs: Hong Kong Island to return six Members; Kowloon East to return four Members; Kowloon West to return five Members; New Territories East to return seven Members; and New Territories West ("NTW") to return eight Members. The list system operating under the largest remainder formula, which is a form of proportional representation voting system, is adopted.

4. For FC elections, 30 seats are returned from 28 FCs. Of these 28 FCs, the Labour FC is to return three Members and the remaining 27 FCs are to return one Member each. The preferential elimination system of voting is adopted for the election for the four FCs which have a relatively small electorate base, i.e. the Heung Yee Kuk ("HYK") FC, the agriculture and fisheries FC, the insurance FC and the transport FC. The first past the post voting system is adopted for the election of the other 24 FCs.

### **The two electoral methods for 2012**

5. The specific methods for selecting CE and for forming LegCo (the "two electoral methods") are specified in Annex I and Annex II to BL respectively. In accordance with BL and the "Interpretation of Article 7 of Annex I and Article III of Annex II to BL" adopted by the Standing Committee of the National People's Congress ("NPCSC") on 6 April 2004, it is necessary to go through a "five-step mechanism" for amending the two electoral methods -

Step One: CE shall make a report to NPCSC as to whether there is a need to amend the two electoral methods;

Step Two: A determination shall be made by NPCSC that the two electoral methods may be amended;

Step Three: The motions on the amendments to the two electoral methods shall be introduced by the Hong Kong Special Administrative Region ("HKSAR") Government to LegCo, and be endorsed by a two-thirds majority of all the Members of LegCo;

Step Four: Consent shall be given by CE to the motions endorsed by LegCo; and

Step Five: The relevant amendments to Annex I and Annex II to BL shall be reported by CE to NPCSC for approval or for the record respectively.

6. After consideration of the "Report on the Public Consultation on Constitutional Development and on whether there is a need to amend the methods for selecting CE of HKSAR and for forming LegCo of HKSAR in 2012" submitted by CE on 12 December 2007, NPCSC made a decision on 29 December 2007 on issues relating to the methods for selecting CE and for forming LegCo in the year 2012 and on issues relating to universal suffrage ("the 2007 NPCSC Decision"). The 2007 NPCSC Decision is summarized below -

- (a) universal suffrage for electing CE and for election of all the Members of LegCo by universal suffrage may respectively take place in 2017 and thereafter;
- (b) the election of the fourth term CE in 2012 and the fifth LegCo in 2012 shall not be by means of universal suffrage;
- (c) the half-and-half ratio between Members returned by FCs and Members returned by GCs through direct elections shall remain unchanged for the fifth LegCo;
- (d) the procedures for voting on bills and motions in LegCo shall remain unchanged; and
- (e) subject to the above not being contravened and consistent with BL 45 and BL 68, and the provisions of Annex I and Annex II to BL, the two electoral methods for 2012 may be appropriately amended.

7. At the Council meeting on 14 April 2010, the Chief Secretary for Administration made a statement on a package of proposals for the methods for selecting CE and for forming LegCo in 2012 published on the same day. According to the Administration's original proposal for forming LegCo, all the five new FC seats and the existing District Council ("DC") FC seat shall be returned through election from among elected DC members, and these six DC FC seats shall be returned under the proportional representation system.

8. On 21 June 2010, CE announced at a press conference on constitutional reform package that the Executive Council had given its approval-in-principle to the "one-person-two-votes" proposal for returning the five new FC seats in 2012. According to the Government's announcement, the proposal would be implemented by the following electoral arrangements under local legislation -

- (a) candidates for the five new FC seats must themselves be elected DC members who must be nominated by elected DC members and would be elected, through one-person-one-vote, by all registered voters who currently do not have a vote in FCs; the electorate base would be about 3.2 million; and
- (b) the original DC FC seat would be returned through election from among elected DC members, i.e. appointed DC members would not take part in the election.

9. On 24 and 25 June 2010, LegCo passed by a two-thirds majority the motions put forth by the Government concerning the draft amendments to the two electoral methods for 2012. According to the draft amendments to the method for the selection of CE in 2012, the number of members of EC will be increased from the current 800 to 1 200. The number of seats for each of the four sectors of EC will be increased by 100. According to the draft amendment to the method for the election of LegCo in 2012, the number of members returned in GC and FC elections will each be increased from 30 to 35.

10. CE gave consent to the draft amendments on 29 June 2010 and reported to NPCSC on 28 July 2010. On 28 August 2010, NPCSC approved the amendment to Annex I to BL and recorded the amendment to Annex II to BL respectively.

## **OBJECTS OF THE BILLS**

11. The objects of the Chief Executive Election (Amendment) Bill 2010 ("CEEB") are to increase the number of seats for each EC sector to 300, allocate the additional seats among the EC subsectors and make changes in relation to DCs and Chinese medicine subsectors and other related matters. The objects of the Legislative Council (Amendment) Bill 2010 ("LCB") are to enlarge LegCo by adding five GC seats and creating a new DC FC ("DC (second) FC") of five seats and to make other changes related to LegCo elections.

## **THE BILLS COMMITTEE**

12. At the House Committee meeting on 17 December 2010, members formed a bills committee to study CEEB and LCB. Mr TAM Yiu-chung and Mr Jeffrey LAM were elected as Chairman and Deputy Chairman of the Bills Committee respectively. The membership list of the Bills Committee is in **Appendix I**.

13. The Bills Committee has held a total of 11 meetings (comprising 16 two-hour sessions) to study the two Bills. The Bills Committee has also received views from 78 organizations and individuals at one of these meetings. The names of organizations and individuals that/who have submitted views to the Bills Committee are in **Appendix II**.

## **DELIBERATIONS OF THE BILLS COMMITTEE**

### **The Chief Executive Election (Amendment) Bill 2010**

#### Nomination threshold for the Chief Executive election (Clause 3)

14. The number of members of EC is to be increased from 800 to 1 200 (clause 5(1)). With the current nomination threshold maintained at the ratio of one-eighth of the total membership of EC, a candidate for a CE election has to be nominated by 150 members of EC. The Administration has not proposed to set any upper limit of the number of subscribers to be obtained by a candidate.

15. Members note that Dr Margaret NG will move a Committee Stage amendment ("CSA") to set the upper limit of nomination at 165 subscribers i.e. 110% of the proposed nomination threshold. The Administration, however, believes that it is feasible for more than one candidate to secure the support of 150 EC members and the CE election in 2012 will be a contested one. The Administration does not consider it necessary to cap the number of subscribers to be obtained by a candidate.

#### The four sectors of the Election Committee and the allocation of seats among the subsectors (Clauses 5 and 14)

16. In accordance with the amendment to Annex I to BL, the number of members of EC will be increased from 800 to 1 200, and the number of members of the four sectors of EC is to be increased by the same proportion. Accordingly, the Administration has proposed that the number of members of the four sectors of EC will be increased by the same proportion. According to the Administration's proposals in CEEB, for the first three sectors, the number of seats allocated to the existing 32 subsectors will be increased generally by proportion according to the existing distribution of seats. For the fourth sector, among the 100 new seats, 75 will be allocated to elected DC members, 10 to LegCo Members, 10 to members of Chinese People's Political Consultative Conference ("CPPCC") and five to HYK.

17. Ms Audrey EU and Mr Alan LEONG are of the view that to facilitate the full implementation of universal suffrage for the selection of CE in 2017, the Administration should broaden the electorate base of the EC subsectors to make EC more broadly representative. They consider that the Administration should include representatives from other sectors of the community currently not covered under EC, in order to facilitate its transformation into the broadly

representative nominating committee in 2017. Dr Priscilla LEUNG has suggested that new subsectors or their representatives (e.g. real estate agents, ethnic minorities, small and medium size enterprises, women and youth) should be added to the relevant sectors of EC. Mr LEUNG Kwok-hung is of the view that if universal suffrage for CE is to be implemented in 2017, more progressive changes should be made in the 2012 CE election so as to comply with the principle of gradual and orderly progress as laid down in BL45.

18. The Administration has stressed that the proposed increase of the membership of EC from 800 to 1 200, which is in line with the principle of gradual and orderly progress, would enhance the representativeness of EC and help transform EC into the nominating committee when universal suffrage for CE is implemented in 2017. The composition of the four sectors of the current EC is broadly representative and is consistent with the principle of balanced participation. It is therefore considered appropriate to allocate the additional seats to their subsectors by proportion according to the existing distribution of seats. The Administration has further advised that it had considered proposals of adding new subsectors to EC. However, the community is unlikely to reach consensus at this stage on the proposals as a broad range of different organizations are covered.

19. Mr Albert HO is of view that all of the 100 new seats in the fourth sector of EC should be allocated to elected DC members to enhance the democratic elements of EC. The Administration, however, has stressed that its proposal of allocating 75 of the 100 new seats in the fourth sector of EC to elected DC members who have public mandate would significantly enhance the democratic elements of EC and it is considered appropriate to allocate the remaining 25 seats to LegCo Members, members of CPPCC and HYK.

20. Dr Margaret NG has expressed grave reservation about the Administration's proposal of allocating the new EC seats to the existing subsectors in the first three sectors by proportion according to the existing distribution of seats as it would result in great disparity in voting weight. She has pointed out that there are significant differences in the electorate base among the subsectors of the four sectors of EC such as the agriculture and fisheries subsector, the labour subsector and the social welfare subsector; and yet the Administration has proposed that the number of seats of each of these subsectors be increased from 40 to 60. Dr NG is of the view that the allocation of new seats to the existing subsectors of EC should be in proportion to the size of their electorate, rather than the existing distribution of seats. She has informed the Bills Committee that she will move CSAs to CEEB to such an effect.

21. The Administration has explained that the Administration's proposal aims at enhancing the democratic elements of the EC election mainly through increasing the proportion of elected DC members in the fourth sector of the EC. As regards the first three sectors of EC, the Administration considers it appropriate to follow the established mechanism of increasing the number of seats of the subsectors by the same proportion in compliance with the principle of balanced participation.

Allocation of seats and electoral arrangements for District Council subsectors  
(Clauses 4, 5, 7, 8, 9 and 10)

*Allocation of seats between the DC subsectors*

22. The Administration has proposed that the current arrangement should be adopted to group the 18 DCs into two subsectors, i.e. one for the urban area and the other for the New Territories. As regards the allocation of the 117 seats between the two DCs subsectors, it is proposed that the number of seats allocated to each of the DCs subsectors should be proportional to the number of elected DC members in the DCs covered by the subsectors concerned. Accordingly, the number of seats allocated to the Hong Kong and Kowloon DCs subsector will be 57, and that for the New Territories DCs subsector will be 60.

*Voting system for the DCs subsectors*

23. The Administration has proposed that the current voting system for the EC subsectors i.e. the bloc voting system be retained for the two DCs subsectors. Some members including Dr Margaret NG and Mr Andrew CHENG have expressed concern that the proposed adoption of the bloc voting system for the DC subsectors in EC would enable dominant political parties with the most elected DC members to pocket most of the seats. Mr CHENG considers that the proportional representation system should be adopted.

24. The Administration has explained that for the next term of DC, 412 elected members would be returned and the number of seats for DC subsectors would be increased from 42 for the current term to 117 for the next term. Adopting the "list proportional system" would undermine the representativeness and credibility of the elected members given that under this system, a candidate for a DC subsector would only need to obtain 3.5 votes to be elected, or only three or even two votes for the remaining seats under the largest remainder formula. As the "bloc vote system" has been in use for elections of all subsectors for many years and given the proportion of seats to votes is rather small for DC subsectors, the Administration considers it appropriate to retain the "bloc vote system" with which electors are more familiar and which is simpler to operate.

25. Members note that Dr Margaret NG will move CSAs to the effect that the "multiple seats, single vote" system will be adopted for the DC subsectors under which each elector can only cast one vote and candidates who receive the greatest numbers of votes are returned.

*Voting, nomination and candidacy in the DCs subsector election*

26. The Administration has proposed that only elected DC members could register as voters, nominate candidates and be nominated as candidates in the DCs subsectors. To avoid the DCs subsectors having a narrow electorate base, elected DC members may only be registered as voters in the DCs subsectors and not the other EC subsectors even if they are eligible. As regards the registration process, since the next EC subsector elections would likely be held about one month after the next DC election, the Administration has further proposed that the newly elected DC members should be automatically registered in the DCs subsectors after the DC election in November 2011. Besides, to avoid any possible dual registration in the EC subsectors, the Administration has also proposed that if a newly elected DC member has already been registered as a voter in another subsector, his or her name would be removed from the final register of such subsector at the same time when the person concerned is automatically registered in the DCs subsectors. In case the person concerned ceases to serve as an elected DC member in future, he or she could apply to be registered as voter once again in one of the non-DCs subsectors for which he or she is eligible.

27. Some members including Mr Albert HO, Mr Alan LEONG and Mr LEUNG Kwok-hung are of the view that elected DC members should be given the option to be registered as voters in other EC subsectors. The Administration has explained that the proposed arrangement also applies to voters in the HYK, agriculture and fisheries, insurance and transport subsectors in view of their small electorate base. If an elected DC member does not wish to be registered as a voter in the relevant DCs subsector, he or she could request to have his/her name removed from the final register of the subsector concerned, but could not be registered as a voter in other EC subsectors.

28. Mr IP Kwok-him has expressed support for the Administration's proposal that elected DC members could only be registered as voters in the DCs subsectors given the small electorate base and the significant increase in the number of EC seats (i.e. 117) to be returned by elected DC members. He also considers the automatic registration arrangement proposed by the Administration practical and less cumbersome.

29. The legal adviser to the Bills Committee has observed that the use of the phrase "is registered or applies to be registered" in the proposed section 12(11)(g) and (h) of the Schedule to the CE Election Ordinance (Cap. 569) appears to be inconsistent with the automatic registration arrangement proposed by the Administration. The Administration has agreed to amend clause 7(3) of CEEB to the effect that under the proposed sections 12(11)(g) and (h) of the Schedule to the Ordinance, "registered or applies to be registered" would be changed to "eligible to be registered".

"Special Member" seats and the method for selecting these Members  
(Clause 6)

30. The Administration has proposed that from February 2012 when the new term of EC commences, 10 "Special Member" seats would be created temporarily in the fourth sector of EC to make up the difference of 10 seats until the number of LegCo seats increases from 60 to 70 in October 2012. Four seats of "Special Member" would be allocated to members of CPPCC, two to HYK, two to Hong Kong and Kowloon DCs and two to New Territories DCs.

31. Some members including Dr Margaret NG and Ms Audrey EU have expressed objection to the Administration's proposed allocation. They consider that these seats should be opened up to persons from different backgrounds to broaden the representativeness of EC. Members note that Dr Margaret NG will move a CSA to allocate all the 10 seats to elected DC members.

32. The Administration has explained that with the proposed increase of the membership of EC from 800 to 1 200, the Administration has the responsibility to make a proposal to fill all the 10 vacancies as far as practicable when EC is established in February 2012. It is the Administration's view that with the increase in the number of elected DC members in EC from the current 42 to the proposed 117 and the proposed allocation of four "Special Members" seats to DCs, the proportion of the number of elected DC members in EC is significant.

33. Dr Margaret NG and Ms Audrey EU do not subscribe to the Administration's view, pointing out that according to the proposals for the methods of selecting CE in 2007 and for forming LegCo in 2008 put forward by the Administration in 2005, all elected DC members would be included in EC. They consider that as the Administration has all along attached great importance to the participation of elected DC members in the two electoral methods for 2012, all of them should be included in EC.

The proposal of including registered Chinese medicine practitioners in the Chinese medicine subsector

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(Clause 5)

34. According to the Administration, when the Chinese medicine subsector was established in 2001, the registration system for Chinese medicine practitioners ("CMPs") was not yet fully developed. The Chinese Medicine subsector was, therefore, constituted by members of 10 representative bodies of CMPs<sup>1</sup>, who are CMPs entitled to vote at the general meetings of the respective bodies. Such members are eligible for registration as voters in the Chinese medicine subsector. Since the establishment of the registration system for CMPs under the Chinese Medicine Ordinance (Cap. 549), there are currently about 6 000 Registered CMPs and 2 700 Listed CMPs. It is proposed that Registered CMPs should be eligible for registration as voters in the Chinese medicine subsector. This arrangement is in line with other professional subsectors such as the medical subsector in which statutory qualifications are adopted for delineating the electorate. To avoid disenfranchising eligible members of the 10 specified bodies from registering as voters in the Chinese medicine subsector, it is further proposed that eligible members of the 10 bodies (including Listed CMPs) will continue to be eligible for voting in this subsector.

35. The Administration has informed the Bills Committee that there are a total of some 5 900 eligible voters in these 10 bodies. While there are overlaps in the memberships of these 10 bodies, each eligible voter could only cast one vote.

36. The Administration has further informed the Bills Committee that it would move a CSA to clause 5(42) to amend "Hong Kong Chinese Overseas Physician Association (僑港中醫公會)" in the Chinese medicine subsector as "Hong Kong Chinese Medicine Practitioners Association Limited (僑港中醫師公會有限公司)" to reflect the change of name. For the same purpose, a CSA will also be moved to add a new provision to amend "Hong Chi Association – Hong Chi Pinehill Advanced Training Centre (匡智會—匡智松嶺青年訓練中心)" in the education subsector as "Hong Chi Association – Hong Chi Pinehill

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<sup>1</sup> The 10 specified bodies are –

- (a) The Hong Kong Association of Traditional Chinese Medicine Limited;
- (b) International General Chinese Herbalists and Medicine Professionals Association Limited;
- (c) Sin-Hua Herbalists' and Herb Dealers' Promotion Society Limited;
- (d) Society of Practitioners of Chinese Herbal Medicine Limited;
- (e) The Hong Kong T.C.M. Orthopaedic and Traumatic Association Limited;
- (f) The Hong Kong Federation of China of Traditional Chinese Medicine;
- (g) Hong Kong Acupuncturists Association;
- (h) Hong Kong Chinese Herbalists Association Limited;
- (i) Association of Hong Kong & Kowloon Practitioners of Chinese Medicine Limited; and
- (j) Hong Kong Chinese Overseas Physician Association.

Integrated Vocational Training Centre (匡智會—匡智松嶺綜合職業訓練中心)".

#### Voting system for the CE election

37. Mr WONG Kwok-kin has pointed out that under the existing voting system for the CE election, a candidate who had obtained more than half of the total number of valid votes cast would be returned in a CE election. There is concern about the legitimacy of the elected candidate should only a small number of EC members cast their votes in the election. It is suggested that amendment to the CE Election Ordinance be made to provide that a successful candidate for the CE election should obtain more than 50% of the votes of all EC members, with a view to enhancing the legitimacy of the CE-elect.

38. To enhance the representativeness of the CE-elect, the Administration has agreed to move CSAs to add new sections 2A, 3A, 3B and 3C in CEEB for the purpose of amending sections 11, 22, 26A and 27 of the CE Election Ordinance. New sections 3B and 3C specify that a candidate shall only be elected as CE if the candidate obtains more than 600 valid votes under an election with one candidate only and a contested election respectively. New section 3A provides that after the required voting process, if no candidate can obtain more than 600 valid votes, the election will be terminated and a new round of nomination and election will commence. New section 2A specifies the fixing of a new polling date.

39. Dr Margaret NG is of the view that while the amendments proposed by the Administration might be able to enhance the representativeness of the CE-elect, they would not serve any purpose in substance if the Administration insists on not capping the number of subscribers to be obtained by a candidate. She has pointed out that a prospective candidate might be able to secure a large number of nominations, making it difficult for other intending candidates to secure an adequate number of nominations. She has reiterated that the Administration should set a upper limit of nominations in order to make CE election a fair and truly contested one.

#### Political affiliation of the Chief Executive

40. According to section 31 of the CE Election Ordinance, the winning candidate in a CE election is required to make a statutory declaration that he or she is not a member of any political party. According to the package of proposals for the two electoral methods in 2012 as announced by the Chief Secretary for Administration on 14 April 2010, this current requirement should not be changed

but can be reviewed in the longer term. Members note that Dr Margaret NG will move CSA to remove the requirement.

41. The Administration has advised that it is the general view of the community that the relevant requirement should be maintained for the CE election in 2012. The Administration believes that it would enable CE to balance various interests of the different sectors of the community in discharging his or her duties for the overall interests of Hong Kong.

#### Commencement dates

(Clause 1)

42. Under clause 1(3) of CEEB, sections 4, 5(38), 5(40), 7, 8, 9, 10 of the CE Election (Amendment) Ordinance 2010 (which relate to DC subsectors election) shall come into operation on 25 September 2011. The Administration has explained to the Bills Committee that only the DC members newly elected in November 2011 are eligible under the Ordinance for participating in the new DC subsectors election to be held in December 2011 and the proposed LegCo DC (first) FC election 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 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, it is proposed 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 ("ERO").

43. Members note that section 5(35) of the CE Election (Amendment) Ordinance 2010 (which increases the number of seats for LegCo subsector from 60 to 70) will come into operation in 2012 when the term of office of the Fifth LegCo starts. For the remaining provisions of the Ordinance, they 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.

44. The Administration has further explained to the Bills Committee that the aim of these remaining provisions is to introduce changes to the number of seats in the subsectors, the eligibility of electors and electoral arrangements. These provisions shall formally come into operation on 1 February 2012 when the new EC is formed. To cater 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. In accordance with clause 1(2)(b) of CEEB, 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.

### **The Legislative Council (Amendment) Bill 2010**

#### Number of Members to be returned from each GC (Clause 4)

45. According to the amendment to Annex II to BL, the number of LegCo seats for the Fifth LegCo in 2012 will be increased to 70 with five new seats to be returned by GCs through direct election and another five returned by FCs. According to section 19(2) of the Legislative Council Ordinance (Cap. 542) ("LCO"), the number of Members to be returned for each GC is not less than four nor greater than eight. The Administration has proposed to retain the number of GCs at five. Clause 4(2) of LCB seeks to adjust the number of seats for each of the five GCs at not less than five nor greater than nine. Members note that recommendations on allocating the 35 seats to five GCs will be made by the Electoral Affairs Commission ("EAC") in accordance with relevant legislation and up-to-date population projections available around the first quarter of 2011.

46. The Administration has explained that according to the population projections, the population of NTW would reach two million in 2012. Hence, consideration could have been given to allocating 10 seats to the NTW GC. However, such an allocation would only require candidates to obtain 10% of the valid votes cast to win a seat. Furthermore, according to past experience with the proportional representation list-voting system, the last seat may be won by a candidate who has obtained 5% (or even less than 5%) of the valid votes cast for the constituency. The Administration has pointed out that under section 60C of LCO, a candidate who is not elected or a list of candidates for which no candidate is elected and who has obtained less than 5% of valid votes cast for the constituency will not be entitled to the financial assistance. Under section 4(3) of the LegCo (Subscribers and Election Deposit for Nomination) Regulation (Cap. 542C), a candidate who is not elected or a list of candidates for which no candidate is elected and who has obtained less than 3% of valid votes will have the election deposit forfeited. Although a candidate/list of candidates would be eligible for financial assistance and refund of election deposit if the candidate/at least one candidate on the list is elected as a Member, regardless of the number of valid votes received by the candidate/list of candidates, allowing a candidate who

has obtained 5% or less than 5% of the valid votes to win a seat is not considered as an appropriate design for the election arrangement in Hong Kong. Accordingly, it is proposed that the ceiling for the number of seats to be allocated to a GC should be set at nine instead of 10.

47. Mr LAU Kong-wah and Mr IP Kwok-him consider the Administration's proposal of allocating five to nine seats for each GC appropriate. They, however, have pointed out that it is important to ensure the representativeness and legitimacy of elected LegCo Members. If there are too many seats in a GC, it might result in cases where a Member could be elected with very few votes. With the increase in population and in the number of GC directly elected seats, the Administration should, in the long run, consider increasing the number of GCs, say from five to six, with a view to reducing the disparity in the number of seats among GCs.

48. Mr Albert HO, Ms Emily LAU and Ms Audrey EU are of the view that it is undesirable to retain the number of GCs at five after the total number of GC seats has been increased to 35. They have pointed out that for the NTW GC which is expected to have as many as nine seats, a large number of candidates/lists of candidates would compete for the seats, making it difficult for electors to get well-informed of the platform of the candidates. Mr HO considers it absurd if a candidate could win a seat with less than 5% of the total number of valid votes cast for the constituency. These members have suggested that the number of GCs be increased so that each GC would have only five or six seats, for example, the NTW GC and the NT East GC could be divided into two GCs each. Alternatively, the Administration should consider allocating the 35 GC seats evenly among the five GCs to prevent a GC from having as many as nine seats.

49. The Administration has advised that it had considered the proposal put forward by some political parties (including the Democratic Alliance for the Betterment and Progress of Hong Kong and the Democratic Party) for increasing the number of GCs to six. The Administration's view is that the implication of re-delineating the existing GC boundaries on the work of incumbent Members and electioneering activities should be duly considered in determining the number of GCs to be demarcated and the range of seats to be returned from each GC. Its proposal of increasing the upper and lower limits of the number of seats for each GC has taken into account the increase in population and the need to provide adequate room for EAC to allocate the increased number of seats among the five GCs. The Administration would take into account the experience of the 2012 LegCo election and consider Members' views in any future review.

50. In response to Members' enquiry, the legal adviser to the Bills Committee has advised that in the event that clause 4(2) is negatived, the existing stipulation on the upper and lower limits of seats for each GC as provided under section 19(2) of LCO would continue to apply. In other words, the number of seats for each of the five GCs should be between the range of four to eight. Members note that if that is the case, no additional seat would be allocated to NTW GC which already has eight seats and changes can be made to the boundaries of the existing GCs to rationalize the allocation of the 35 seats. Under section 18(2) of LCO, the allocation of seats to the five GCs would be made by way of an order published in the Gazette.

Financial assistance scheme for the 2012 LegCo election  
(Clause 38)

51. The subsidy rate of the financial assistance scheme for candidates was increased from \$10 per vote to \$11 per vote for the 2008 LegCo election. Currently, candidates standing for LegCo GC or FC elections who are elected or who have received 5% of valid votes or more cast in the constituency concerned are eligible for financial assistance. The amount payable as financial assistance in respect of a list of candidates or a candidate is the lower of either the amount obtained by multiplying the total number of valid votes cast for the list of candidates or the candidate by \$11 or 50% of their declared election expenses. Clause 38 provides that the rate of financial assistance to eligible candidates of LegCo election will be increased from \$11 to \$12.

52. Ms Emily LAU has expressed strong dissatisfaction that the subsidy rate per vote would only be slightly increased from \$11 to \$12 with the cap of financial assistance payable maintained at 50% of the declared election expenses. She has urged the Administration to enhance the financial assistance for the 2012 LegCo election to enable people with limited means to participate in the election. Ms LAU has pointed out that most of the candidates standing for the past two LegCo elections were unable to obtain financial assistance to cover half of their election expenses. She has suggested that the subsidy rate per vote should be increased to \$15.

53. The Administration has stressed that the proposed increase of the subsidy rate per vote has taken into account the cumulative inflation rate of about 9% since the last adjustment. The existing practice that candidates would need to meet half of their election expenses is considered reasonable and has been functioning well. However, the Administration would review whether it is feasible technically to make further adjustment to the financial assistance scheme.

54. The Administration has subsequently informed the Bills Committee that CSAs would be moved to LCB to the effect that the amount of financial assistance payable in respect of a list of candidates/a candidate would be capped at 50% of the maximum amount of election expenses that may be incurred by or on behalf of the candidates on the list of candidates for GC election or 50% of the maximum amount of election expenses that may be incurred by or on behalf of the candidate for FC election, instead of 50% of their declared election expenses. However, the amount payable would not exceed their declared election expenses.

#### New District Council Functional Constituency

##### *Creation of the new DC FC (Clauses 3 and 5)*

55. Under LCB, the existing DC FC will be renamed as the DC (first) FC and the new DC FC will be named as the DC (second) FC. The Administration has proposed that the five new DC FC seats would be returned from the whole HKSAR as a single constituency in accordance with the proportional representation list system.

56. Ms Audrey EU and Mr Alan LEONG have expressed objection to adding any new FCs and have grave reservation about the proposed creation of the new DC FC. They are concerned that adding more FC seats would make it more difficult to abolish the FC system in future. These members have also asked whether the "one-person-two-votes" election method for the new DC FC would continue to exist after 2012 and become a model for the implementation of universal suffrage for forming LegCo.

57. Ms Emily LAU and Dr Priscilla LEUNG have expressed support for the proposed creation of the new DC FC which they consider has enabled Hong Kong to take a step forward closer to the implementation of universal suffrage for LegCo.

58. The Administration's position is that the proposed creation of the five new DC FC seats in 2012 will enhance the democratic elements of the FC elections and facilitate the implementation of universal suffrage for the LegCo election in 2020. Arrangements for the 2016 LegCo election will be dealt with in the years between 2012 and 2016 while the model for implementing universal suffrage in the 2020 LegCo election between 2016 and 2020. The electoral arrangements for 2020 must comply with the principles of universality and equality, but the model for the implementation of universal suffrage should be the task of the next-term Government.

*Eligibility for candidature, nomination and voting  
(Clauses 11, 13, 15, 17 and 43)*

59. According to the proposals in LCB, candidates for the new DC FC seats must be nominated by elected DC members (including elected DC members who are also members of the HYK). Elected DC members may choose to nominate candidates either for the existing DC FC seat or for the five new DC FC seats. Candidates are limited only to elected DC members. Appointed and ex-officio DC members are not allowed to stand for election. Elected DC members may only be registered as electors in the existing DC FC. If the person concerned wishes to stand for election in a FC other than the new DC FC or the existing DC FC, he or she may be nominated only if he or she has a substantial connection with that FC. On voting right, subject to the following three circumstances, registered electors who are not entitled and who have not opted to vote in the other FCs may vote in the new DC FC -

- (a) elected DC members (including those who are eligible for registration for the HYK FC) may only be registered for the existing DC FC;
- (b) ex-officio members may only be registered for the HYK FC; and
- (c) persons who are eligible for registration in HYK, agriculture and fisheries, insurance and transport FCs may only be registered for the FCs concerned.

60. Mr LEUNG Kwok-hung has expressed objection to the "one-person-two-votes" proposal for returning the five new DC FC seats because it does not provide for equality in the right to nominate and the right to stand for election. He considers the proposal a retrogressive step in democratic development.

61. Mr WONG Kwok-kin has informed the Bills Committee that he would move CSA to enlarge the eligibility for candidature for the new DC FC seats to a member of any DC established under the District Councils Ordinance (Cap. 547) who is elected or has been elected. He has explained that the CSA is proposed on the following considerations -

- (a) the proposed eligibility in LCB would hinder quality and well-experienced candidates from participating in the new DC FC election;

- (b) it is unfair to these candidates if they are required to participate in DC elections with much smaller constituency areas before standing for the new DC FC election; and
- (c) it is also unfair to the community of the DC constituency areas concerned as the primary purpose of the elected DC members concerned is to stand for the new DC FC election rather than to serve the community of the relevant districts.

According to the latest CSA provided by Mr WONG Kwok-kin, he would move CSA to enlarge the eligibility for candidature for the new DC FC seats to cover not only a member of any DC established under the District Councils Ordinance (Cap. 547), but also a member of any District Board established under the District Boards Ordinance (Cap. 366) before 1999.

62. Dr Margaret NG has informed the Bills Committee that she would move CSAs to LCB to enlarge the eligibility for candidature and extend the nomination right to all persons who are eligible to be nominated as candidates at DC elections including all DC electors. She would also move CSAs to the effect that the five DC FC seats are to be returned from each of the existing five GCs by the single seat, single vote system.

63. The Administration has advised that the democratic elements embedded in the "one-person-two-votes" proposal for returning the new DC FC seats in 2012 are very clear as only elected DC members would be eligible to nominate and be nominated as a candidate and candidates would be elected by a large electorate base of over 3.2 million registered electors. When the "one-person-two-votes" proposal for returning the five new FC seats in 2012 was announced on 21 June 2010, the Secretary for Justice had elaborated on the following salient features considered by the Government with respect to the new DC FC election method -

- (a) first, candidates must themselves be elected DC members;
- (b) second, candidates must be nominated by elected DC members; and
- (c) third, candidates will be elected, through one-person-one-vote, by the registered electors in Hong Kong less those electors who currently have the right to vote in other FCs.

64. The Administration has stressed that it has made it clear that the election for these five new seats would be FC election, as opposed to GC direct election. There is legal consideration in restricting the right of nomination and the right to stand as candidates to elected DC members. It would be difficult for the

Administration to support any proposal of further relaxing the proposed eligibility for candidature and expanding the nomination right for the new DC FC seats. The Administration has stressed that the relevant electoral arrangements for the new DC FC are based on this understanding when Members supported the two motions to amend the two electoral methods for 2012 on 24 and 25 June 2010.

65. Article 67 of BL provides that LegCo of HKSAR shall be composed of Chinese citizens who are permanent residents of the Region with no right of abode in any foreign country. However, permanent residents of the Region who are not of Chinese nationality or who have the right of abode in foreign countries may also be elected Members of LegCo of the Region, provided that the proportion of such members does not exceed 20 percent of the total membership of the Council. Furthermore, sections 37(2)(f) and (3) of LCO provide that permanent residents of Hong Kong who are not Chinese citizens with right of abode in foreign countries can be nominated as candidates in 12 specified FCs.

66. Ms Audrey EU considers that the two DC FCs should be added to the list of FCs for which persons who had the right of abode in foreign countries could stand in the elections, given the Administration's policy intention of enhancing the participation of elected DC members who have public mandate in the FC elections. The legal adviser to the Bills Committee has pointed out that as the composition of LegCo would be expanded to 70 Members, the number of such seats could be increased proportionally from 12 to 14 according to the requirement under BL67 that they should not exceed 20% of the total membership of the Council. The legal adviser to the Bills Committee has sought clarification on whether the Administration's proposal of maintaining the existing number of seats in specified FCs for which persons with right of abode in foreign countries could stand for election is in compliance with BL67.

67. According to the Administration, BL67 only specifies the maximum proportion of the total membership of LegCo for permanent residents who are not of Chinese nationality or who have the right of abode in foreign countries. It is not a mandatory requirement that such proportion should be reached. The Administration has advised that it has sought the views of the Department of Justice which has advised that the requirement of BL67 would be complied with so long as the number of LegCo Members who are not of Chinese nationality or who have the right of abode in foreign countries does not exceed 20% of the total membership of LegCo. Views were received on this issue during the public consultation exercise for the "Consultation Document on the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012". Among the written submissions received, there were noticeably more views that the existing arrangement that permanent residents of Hong Kong who are not of

Chinese nationality or who have the right of abode in foreign countries may stand in the elections for 12 FC seats should be maintained. Also, among the opinion polls conducted during the consultation period, the one conducted by Bauhinia Foundation Research Centre indicated that more than half of the respondents considered that the existing arrangement should be maintained. The Administration has therefore proposed that sections 37(2)(f) and (3) of LCO shall remain unchanged.

*Transitional arrangement for the compilation of the first register of electors for the new DC FC*  
(Clause 37(1))

68. According to clause 37(1) of LCB, registered electors for GCs will be registered as electors for new DC FC (i.e. the DC (second) FC). They can however choose not to be so registered. Registered electors for any FCs (other than the HYK, agriculture and fisheries, insurance, transport and the existing DC FC FCs) will be allowed to choose whether they would like to register in the new DC FC or remain in their respective FCs. According to the Administration, the Registration and Electoral Office ("REO") will send letters to these persons informing them that they may switch to the new DC FC by submitting written applications by a specified date.

69. Noting that persons who are eligible to be registered as electors for traditional FCs but have not done so would be registered under the new DC FC, Mr LAU Kong-wah has enquired how and when these persons would be notified of the arrangement and their choice to opt to register in the new DC FC or a traditional FC.

70. The Administration has advised that for persons eligible for registration under the new DC FC who are not registered in the 28 existing FCs, they would be registered under the new DC FC as a transitional arrangement in 2012. REO would send letters to inform them of the registration arrangement. Unless they indicate to REO their objection to such registration, they would be so registered in the new DC FC. After enactment of LCB, REO would work out details of the practical electoral and registration arrangements and publicize the relevant arrangements.

71. Noting that under the proposed new sections 20ZC and 25(2A), persons registered or eligible to be registered as electors of traditional FCs would be given the option to choose to register in the new DC FC or the traditional FCs, Dr Margaret NG, Ms Audrey EU and Mr Alan LEONG have queried whether these provisions as presently drafted are consistent with the policy intention in respect of the voting right of the new DC FC and its composition. According to

their understanding, the policy intention is that the five new DC FC seats are to be returned by persons who currently do not have a right to vote in FCs.

72. The Administration has advised that given that the DC (second) FC is a new FC, the Administration considers that, as a matter of principle, persons registered or eligible to be registered as electors of traditional FCs should also be given the choice to register in the new DC FC. When the Administration briefed the Panel on Constitutional Affairs ("the CA Panel") on the legislative proposals on local legislation to implement the two electoral methods for 2012 at its meeting on 30 October 2010, the Administration had informed members of its proposal that persons registered or eligible for registration as electors in the traditional FCs would be given a choice to opt to register in the traditional FCs or the new DC FC.

73. Mr LAU Kong-wah, Mr IP Kwok-him and Mr Paul TSE are of the view that as the new DC FC is a FC, persons registered or eligible to be registered as electors in the traditional FCs should also be given an option to choose to register in the new DC FC in line with the arrangements for other FCs.

74. The Administration has informed the Bills Committee that technical amendments would be introduced to Clause 37 of the Bill to reflect the arrangements to be adopted by ERO in respect of the voter registration ("VR") for the DC (second) FC. As a one-off transitional arrangement, ERO would prepare the first register of electors for the DC (second) FC by using the 2011 GC final register as the basis, and deleting from it the electors of the existing FCs and those who elect not to be registered in the DC (second) FC. For any person who, according to the VR procedures, elects to be registered in the DC (second) FC during the 2012 VR cycle, and any elector of the existing FCs<sup>2</sup> who elects to be registered in the DC (second) FC, they would be included in the first register of electors for the DC (second) FC. ERO would put in place appropriate measures to tie in with the VR arrangements for the DC (second) FC. ERO would inform those GC electors who are not electors of the existing FCs that they would be registered in the DC (second) FC, unless they elect not to be so registered. ERO would also inform those electors of the existing FCs that they can choose to be registered in the DC (second) FC and not be registered as electors for the FC for which the electors are currently registered as electors. According to the Administration, this is consistent with the existing provision that an elector can choose to be registered in one FC if the elector is eligible for registration in more than one FC. ERO will amend the VR application form in due course to facilitate persons applying for registration as electors to indicate their choice.

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<sup>2</sup> Not applicable to HYK FC, agriculture and fisheries FC, insurance FC, transport FC and DC (first) FC.

*Nomination threshold  
(Clause 43)*

75. According to clause 43, candidates on a nomination list for the DC (second) FC must be nominated by not less than 15 elected DC members. An elected DC member can only nominate one nomination list and can only make nomination for either the DC (first) FC or the DC (second) FC.

76. Some members including Mr Albert HO, Ms Emily LAU, Mr LEE Wing-tat and Ms Audrey EU are of the view that the nomination threshold for the new DC FC should be lowered to 10 instead of 15 so as to allow more candidates to participate in the election.

77. The Administration has advised that the nomination threshold for the DC (second) FC is proposed after taking into account the proposals put forward by various political parties which range from 10 to 20 subscribers. The Administration considers that the proposed nomination threshold of 15 is a low threshold and is reasonable, given that for a list of five candidates, each candidate on average only needs to have three nominations. With the proposed nomination threshold of 15, it is envisaged that the 412 elected DC members of the fourth term DC could nominate up to some 20 candidates/lists of candidates and this would ensure sufficient competition in the new DC FC election. Moreover, it is possible for different political parties to form a list of candidates to participate in the new DC FC election.

78. Mr Albert HO considers the Administration's explanation unacceptable. He has pointed out that it would not be easy for a political party/group, and an independent candidate in particular, to secure 10 nominations. Moreover, the Administration should be well aware that it is quite impossible for the second candidate on a list to be returned in the new DC FC election. Mr HO has stressed that as a political party/group would need time to build up its support at district level, the Administration should have allowed more room for any political party/group to participate in the election.

*Election expenses limit for the DC (second) FC  
(Clause 46)*

79. For the 2008 LegCo election, the election expenses limits were also increased by 5% as follows -

<u>GC</u>	<u>Election Expense Limit</u>
Hong Kong Island	\$2,100,000
Kowloon East	\$1,575,000
Kowloon West	\$1,575,000
New Territories East	\$2,625,000
New Territories West	\$2,625,000

<u>FC</u>	<u>Election Expense Limit</u>
HYK, agriculture and fisheries, insurance and transport FCs	\$105,000
FCs with not more than 5 000 registered electors	\$168,000
FCs with 5 001 to 10 000 registered electors	\$336,000
FCs with over 10 000 registered electors	\$504,000

80. Clause 46 provides that the maximum amount of election expenses that can be incurred at a DC (second) FC election by or on behalf of all the candidates on a list is \$6 million.

81. Ms Audrey EU has pointed out that with the proposed election expense limit of \$6 million and the cap on financial assistance payable being maintained at 50% of the declared election expenses, a candidate running for the DC (second) FC seats would have to fork out \$3 million, which is roughly equivalent to the total amount of remuneration for a LegCo Member during the four-year term of office. She considers the arrangement unreasonable.

82. The Administration has advised that it had considered the proposals put forward by various political parties ranging from \$4 million to \$8 million. The proposed limit of \$6 million is set on the basis of an estimation of the election expenses required for the election. The printing of about \$3.2 million promotional leaflets is estimated to cost about \$3 million and a further \$2 million to \$3 million will be needed for banners and other electioneering activities. However, the proposed \$6 million is the upper limit and a candidate could spend less than that. The Administration has further pointed out that it has been a long-standing practice that candidates would need to meet half of their election expenses and the same would also apply to the new DC FC election.

Electorate of traditional functional constituencies  
(Clauses 6 to 9, 13, and 32 to 36)

83. According to the Administration, its general policy position is that there should be no substantial changes to the traditional FCs. As a regular exercise

before each LegCo election, the Administration will review whether there is a need to propose technical adjustments to the electorate of the traditional FCs to reflect their latest developments.

84. Ms Miriam LAU and Mr Paul TSE have expressed grave disappointment at the Administration's refusal to take heed of the requests made repeatedly by many representative trade organizations over the years to be included as constituents of the traditional FCs such as the transport FC. Ms Audrey EU considers that the absence of proposals to expand the electorate base of traditional FCs is inconsistent with the principle of gradual and orderly progress under BL. These members have urged the Administration to broaden the electorate base of the traditional FCs to enhance their representativeness during the current legislative exercise.

85. The Administration has informed the Bills Committee that after having considered the relevant applications submitted by more than 100 bodies for inclusion in the electorate of 16 different FCs since the enactment of the LegCo (Amendment) Ordinance 2003, the Administration would move CSAs -

- (a) to add 28 corporate electors (including franchisees and licensees of the Airport Authority Hong Kong, land transport service providers such as taxi associations and company, non-franchised bus associations, car park companies, company managing tunnel, cross-boundary bus association, driving training bodies, logistics association and vehicle maintenance association) into the transport FC;
- (b) to add eligible members of Hong Kong Chinese Prepared Medicine Traders Association Limited, Hong Kong Chinese Medicine Industry Association Limited and Hong Kong Chinese Patent Medicine Manufacturers' Association Limited (around 300 eligible electors) into the wholesale and retail FC; and
- (c) to add members of the Hong Kong Information Technology Joint Council Limited (about 100 eligible electors) into the information technology FC.

86. The Administration has informed the Bills Committee that in considering the inclusion of the proposed bodies in the electorate of their respective FC, the Administration has taken into account applicable factors including their contribution to the industry/sector, their representativeness, their level of participation in the sector, the membership size and their scale of operation.

87. Dr Margaret NG considers that the Administration should enhance the transparency of the nature of body electors in FCs to address the concern that they are prone to manipulation. She is of the view that the Administration should verify the status of the registered body electors of FCs on a regular basis to ensure that they remain to be eligible for registration as electors, i.e. whether they are still active and representative. The Administration has explained that REO would update the electoral records of the body electors before every LegCo general election to reflect the latest developments.

88. Amendments are introduced in LCB to update the names of certain bodies which are registered, or are eligible to be registered as electors. According to the Administration, the updating is technical but is required because these bodies are not operating under their old names. The updating does not change the composition of the electorate of the FCs concerned. The Administration has informed the Bills Committee that it would move CSAs to update the names of four more bodies in FCs. In addition, section 20Z(1)(ii) of LCO specifies that bodies that are holders of Public Non-exclusive Telecommunications Service ("PNETS") licences are eligible to be registered as electors for the information technology FC. As the Telecommunications Authority decided to create a new "Class 3 Service" under the Services-Based Operator licence to replace the PNETS licence and has ceased to issue or renew any PNETS licence with effect from 30 October 2009, the Administration would move a CSA to amend section 20Z(1)(ii) to replace PNETS licences by the Services-Based Operator license (Class 3 Service).

89. Dr Margaret NG has informed the Bills Committee that to broaden the electorate size of traditional FCs, she would move CSAs to abolish corporate votes and corporate nominations in the elections of a number of FCs<sup>3</sup> and substitute them with directors of the company or all practitioners/members of the

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<sup>3</sup> These FCs are -

- (a) for the commercial (first) functional constituency, in section 20P;
- (b) for the commercial (second) functional constituency, in section 20Q;
- (c) for the industrial (first) functional constituency, in section 20R;
- (d) for the industrial (second) functional constituency, in section 20S;
- (e) for the agriculture and fisheries functional constituency, in section 20B;
- (f) for the insurance functional constituency, in section 20C;
- (g) for the transport functional constituency, in section 20D;
- (h) for the education functional constituency, in section 20E;
- (i) for the real estate functional constituency, in section 20N;
- (j) for the tourism functional constituency, in section 20O;
- (k) for the finance functional constituency, in section 20T;
- (l) for the financial services functional constituency, in section 20U;
- (m) for the sports, performing arts, culture and publication functional constituency, in section 20V;
- (n) for the import and export functional constituency, in section 20W;
- (o) for the textiles and garment functional constituency, in section 20X;
- (p) for the wholesale and retail functional constituency, in section 20Y; and
- (q) for the information technology functional constituency, in section 20Z.

FCs concerned to the effect that all members of the industry are eligible to register as electors and all registered electors are eligible to nominate candidates. CSA would also be moved to expand the electorate of the labour FC to include all members of the trade unions registered under the Trade Unions Ordinance (Cap. 332).

90. According to the Administration, it is well aware that certain political parties/groups including the Civic Party and the Liberal Party have views about the electorate base of the traditional FCs. There are suggestions that "corporate votes" of the traditional FCs should be replaced with "director's and individual votes", and the voting right should be expanded to all practitioners/members of FCs. However, these suggestions are not in compliance with the understanding when the motions to amend the two electoral methods for 2012 were endorsed by LegCo that democratic elements of the FC system would be enhanced through the implementation of the "one-person-two-votes" proposal for returning the new DC FC seats in 2012 and no substantial changes would be made to the electorate base of traditional FCs. It is therefore difficult for the Administration to support the CSAs to be moved by Dr Margaret NG.

Overseas government organizations  
(Clause 14)

91. According to the Administration, there are views that overseas government organizations should not be eligible to be registered as FC electors. The Administration has proposed new provisions in LCB that consular posts as prescribed in the Consular Relations Ordinance (Cap. 557), and international organizations under the International Organizations (Privileges and Immunities) Ordinance (Cap. 558) and International Organizations and Diplomatic Privileges Ordinance (Cap. 190) are no longer eligible to be registered as corporate electors. As most of the consular posts and international organizations are not registered as electors, it is expected that only a small number of such corporate electors would be affected.

92. The Administration has informed the Bills Committee that the above amendments are also applicable to the EC subsectors with the same electorate as the corresponding FCs, such as the commercial (first) and commercial (second) subsectors. After review of those subsectors which include corporate voters but do not have a corresponding FC or have an electorate different from that of the FC (i.e. Hong Kong Chinese Enterprises Association subsector, Employers' Federation of Hong Kong subsector and Social Welfare subsector), the Administration considers that although it is rather remote that an overseas government organization would participate in the election of these subsectors

given their nature, it is prudent to cover all possibilities as far as possible in CEEO. The Administration will move CSA to add a new section 7(5) in CEEB to provide expressly that overseas government organizations are not eligible to be registered as corporate voters in any EC subsector.

#### Commencement dates

(Clause 1)

93. Clause 1(2) of LCB provides that all provisions of the LegCo (Amendment) Ordinance 2010 (except sections 24 and 37(2)) shall 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 the holding of EC subsectors election in 2011 and the holding of the LegCo general election in 2012. The Administration has explained that the purposes of these provisions include the increase of seats for GCs, establishment of the new DC (second) FC, renaming of the existing DC FC, etc. These provisions shall come into operation on the commencement of the term of office of the next term of LegCo. However, to facilitate the preparation for the holding of the EC subsectors election in 2011 and the holding of the LegCo general election in 2012, the provisions have to come into operation on the date the Ordinance is gazetted for the purpose of enabling arrangements to be made for those elections. These provisions, in so far as they have not come into operation as mentioned above (e.g. the increase in the number of seats of LegCo), will come into operation on the commencement of the next term of LegCo, according to clause 1(4) of the Bill.

94. As regards the commencement dates of sections 24 and 37(2) of the LegCo (Amendment) Ordinance 2010, the Administration has explained to the Bills Committee that section 24 specifies that only electors whose names are included in the final register of FCs published for 2011 are entitled to vote at a by-election held between the date of the publication and 31 May 2012<sup>4</sup>. The purpose is to state clearly that the by-election(s) held during the period would be conducted according to the final register of FCs published for 2011. The Administration has further explained that clause 8 of CEEB specifies that elected DC members in the 2011 DC election, including those who have been registered as voters in other subsectors, shall be automatically registered as voters in the DCs subsectors. Section 37(2) of the LegCo (Amendment) Ordinance 2010 provides that despite the above arrangement, if an elector for any FC is elected as an elected DC member in the 2011 DC election, the name and relevant particulars of the elector must remain in the final register of that constituency published for 2011 until the

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<sup>4</sup> Section 36(2)(a) of LCO provides that a by-election to fill a vacancy occurring in the membership of LegCo is not to be held within the four months preceding the end of that Council's current term of office. 31 May 2012 is the last day on which any by-election of the fourth term of LegCo is to be held.

publication of the 2012 provisional register of electors for the DC (first) FC. This arrangement is to enable elected DC members in the 2011 DC election who have also been registered in other FCs to participate in any by-election during the period.

95. The legal adviser to the Bills Committee has pointed out that according to section 4(3) of LCO, each term of office of LegCo is to begin on a date to be specified by CE in Council. It is considered that the commencement date specified in clause 1(4) of LCB should be amended from 1 October 2012 to the date on which the next term of LegCo commences.

96. The Administration has advised that when formulating clause 1(4) of LCB, it has made reference to the arrangement that 1 October was specified as the date on which the term of office started for the past LegCo terms. In view of the arrangement on the specification of the commencement of the term of office of LegCo under section 4(3) of LCO, the Administration has agreed to move CSA to specify the commencement date in clause 1(4) of LCB as the date on which the term of office of the fifth term of LegCo commences in 2012 instead of the original formulation of 1 October 2012.

#### Voter registration

97. At the request of the Bills Committee, the Administration has provided information on the various statutory deadlines in respect of VR in 2011 and 2012 and explained the relevant procedures to members.

98. Noting that the date of publication of the 2011 provisional register (15 August 2011) comes before the deadline for updating of electors' records (29 August 2011), Ms Emily LAU and Mr Albert HO consider the arrangement unsatisfactory. In their view, to ensure fairness of election, no more updating of records should be allowed after the provisional register has been published for public inspection because the public would not have any opportunity to lodge objections to those changes made after the publication of the provisional register. Ms Emily LAU considers that there should not be any overlap in the period for the public to make an objection to or to make a claim on the registration on the provisional register or to apply for updating registration particulars and that for the Revising Officer to make determination on the objections and claims.

99. The Administration has explained that there is a practical need for setting the deadline for updating voters' records after the date of publication of the provisional register to allow time for voters to update their records after inspection of the provisional register. REO would bring to the attention of the

Revising Officer any changes in registration particulars of electors relating to cases of objections/claims being handled by the Revising Officer. Objections/claims made by the public on the registration of the final register would be handled in the next VR cycle.

100. Members have stressed that the public must be clearly informed of the relevant arrangements and deadlines, and the procedures for electors to exercise their choice should be simple and convenient. The Administration must also ensure that electors of the traditional FCs would be well-informed of the impact of the new DC FC on their voting right.

101. The Administration has explained that REO in 2011 would focus its work on the DC election to be held in November 2011 and the EC subsector elections in December 2011. The Administration has undertaken to consult the CA Panel in April 2011 on the arrangements and publicity for the 2011 VR campaign. The Administration has also assured members that REO would start its publicity work on the electoral arrangements for the new DC FC election as early as practicable in 2012.

#### Distribution of election-related materials

102. Members in general are of the view that the Administration should introduce measures to facilitate candidates to adopt more environmental-friendly means to distribute their election-related materials, and if necessary, introduce legislative amendments required to implement such measures during the current legislative exercise.

103. Sections 43(1)-(2) of LCO specify that one letter, addressed to each elector for GC/FC for which a list of candidates/candidate is validly nominated, may be sent free of postage by or on behalf of the list of candidates/candidate. Ms Audrey EU has suggested that a list of candidates/candidate should be allowed to print in the same leaflet materials relating to the candidature of the lists of candidates or candidates from different GCs or FCs and send the letter free of postage. She has sought clarification on whether this is permissible under section 43 of LCO as currently worded. Ms EU has reiterated that to promote party politics, the Administration should ensure that there is adequate flexibility under the relevant electoral legislation for candidates to distribute election-related materials.

104. Ms Emily LAU has suggested that consideration should be given to requiring electors to choose the means through which to receive election-related materials (e.g. whether they wish to receive hardcopies or electronic copies, and whether they agree that the materials be sent to them on a household basis). She

considers that arrangements should be made to facilitate a list of candidates/candidate to send out one letter to electors with the same registered address.

105. Mr Paul TSE has suggested that an allowance should be provided to candidates (e.g. in the form of an election publicity voucher) in lieu of free postage to provide financial incentive and more flexibility to candidates in distributing their election-related materials by environmental-friendly means.

106. The Administration has advised that there is no mandatory requirement in sections 43(1)-(2) of LCO that the list of candidates/candidate must send one letter to each and every elector of the relevant constituency. In case a list of candidates/candidate chooses to ask REO to provide address labels of several electors residing in the same address, and to send out one letter to these electors, in principle, there is no need to amend sections 43(1)-(2) of LCO. However, REO has to further consider the feasibility of the concerned arrangement. The Administration has stressed that there is also a need to consider electors' right to gain equal access to the election platform of candidates.

107. The Administration has further advised that section 43(4) of LCO specifies that the letter must relate to the election concerned and must comply with requirements and limitations prescribed by the regulations in force under LCO and the EAC Ordinance (Cap. 541). Specifications of the letter sent by candidates are provided for in sections 101A(1) and (3) of the EAC (Electoral Procedure) (LegCo) Regulation (Cap. 541D). Some members proposed to allow the list of candidates/candidate to print in the same leaflet materials relating to the candidature of the lists of candidates or candidates from different GCs or FCs and send the letter free of postage. As the proposal involves a new arrangement, it would be considered when the practical electoral arrangements are formulated.

108. Mr TAM Yiu-chung and Mr LAU Kong-wah have stressed that candidates' existing entitlement to send letters to electors free of postage should be retained. They have pointed out that given the large electorate size of the new DC FC, candidates for this FC might find it necessary to reach their electors through posting.

109. The Administration has assured the Bills Committee that it would examine Members' suggestions when formulating the practical arrangements for the elections. The Administration has undertaken to revert to the CA Panel on the relevant issues including use of environmental-friendly means for the distribution of election-related materials during the discussion on practical electoral arrangements for the upcoming elections.

## **COMMITTEE STAGE AMENDMENTS**

110. The CSAs to be moved by the Administration to CEEB and LCB are in **Appendices III and IV respectively**. The Bills Committee raises no objection to these CSAs.

111. The CSA to be moved by Mr WONG Kwok-kin is in **Appendix V**. The CSA to be moved by Ms Emily LAU is in **Appendix VI**. The CSAs to be moved by Dr Margaret NG are in **Appendix VII**.

## **RESUMPTION OF SECOND READING DEBATE ON THE BILLS**

112. The Bills Committee raises no objection to the resumption of the Second Reading debate on the Bills at the Council meeting of 2 March 2011, subject to the CSAs to be moved by the Administration.

## **ADVICE SOUGHT**

113. Members are invited to note the deliberations of the Bills Committee.

Council Business Division 2  
Legislative Council Secretariat  
17 February 2011

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

**Membership list**

**Chairman** Hon TAM Yiu-chung, GBS, JP

**Deputy Chairman** Hon Jeffrey LAM Kin-fung, SBS, JP

**Members**

Hon Albert HO Chun-yan  
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
Dr Hon Margaret NG  
Hon CHEUNG Man-kwong  
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP  
Dr Hon Philip WONG Yu-hong, GBS  
Hon WONG Yung-kan, SBS, JP  
Hon LAU Kong-wah, JP  
Hon LAU Wong-fat, GBM, GBS, JP  
Hon Miriam LAU Kin-yee, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Andrew CHENG Kar-foo  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon Frederick FUNG Kin-kee, SBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon Vincent FANG Kang, SBS, JP  
Hon WONG Kwok-hing, MH  
Hon LEE Wing-tat  
Hon CHEUNG Hok-ming, GBS, JP  
Hon WONG Ting-kwong, BBS, JP  
Hon Ronny TONG Ka-wah, SC  
Hon CHIM Pui-chung  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Hon Cyd HO Sau-lan  
Dr Hon LAM Tai-fai, BBS, JP  
Hon CHAN Kin-por, JP  
Dr Hon Priscilla LEUNG Mei-fun

Hon WONG Kwok-kin, BBS  
Hon IP Kwok-him, GBS, JP  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP  
Hon Paul TSE Wai-chun  
Dr Hon Samson TAM Wai-ho, JP  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon WONG Yuk-man

Total : 38 Members

<b>Clerk</b>	Miss Flora TAI
<b>Legal Adviser</b>	Mr Arthur CHEUNG
<b>Date</b>	4 January 2011

《 2010年行政長官選舉(修訂)條例草案 》及  
《 2010年立法會(修訂)條例草案 》委員會  
Bills Committee on Chief Executive Election (Amendment) Bill 2010  
and Legislative Council (Amendment) Bill 2010

曾向法案委員會表達意見的團體/個別人士名單  
List of organizations/individuals which/who have  
submitted views to the Bills Committee

名稱	Name
1. 一零憲章	Charter 10
2. 中國香港柔道總會	The Judo Association of HK, China
* 3. 中華文化產業協會	中華文化產業協會
4. 公民英語小組	CP English Language Group
5. 公民黨	Civic Party
* 6. 公共巴士同業聯會	Public Omnibus Operators Association Ltd
7. 王文傑先生	Mr WONG Man-kit
8. 牛頭角 Teen 網絡	Ngau Tau Kok Teen Network
9. 古麗芳女士	Ms KU Lai-fong
10. 民主動力	Power for Democracy
11. 民主發展資源中心	Democracy & Reform Resources Center
12. 何偉明先生	Mr Raymond HO
* 13. 吳貴雄先生	Mr NG Kwai-hung
14. 李達怡先生	Mr Jacky LEE
15. 沙田青年協會	Shatin Youths Association
16. 沙田健青體育會	Sha Tin Kin Ching Sports Association
17. 拒絕假普選聯盟	Union of Refusing Legislation for False Universal Suffrage
18. 東九龍居民委員會	East Kowloon District Residents' Committee
19. 東九龍青年社	East Kowloon Youth Society
20. 林戈娛樂制作公司	Lam Kwo Entertainment Co.
21. 油尖旺社團聯會	Yau Tsim Mong Federation of Association
22. 油麻地居民權益關注會	Yau Ma Tei Concern for Resident Rights Association
23. 油塘家園	Yau Tong Home Land

24. 物流理貨職工會	Logistics Cargo Supervisors Association
25. 邵耀健先生	Mr SIU Yu-ken
26. 長沙灣街坊福利會	長沙灣街坊福利會
27. 青年民建聯	Young Democratic Alliance for Betterment and Progress of Hong Kong
28. 青言社	青言社
29. 南青鋒	Southern Keen Youth
30. 南區社會服務協會	Southern Social Service Association
31. 政改關注組	政改關注組
32. 紅燒老鴿同鄉會	Redburn Old Bird Association
33. 香港人網	Hong Kong Reporter
34. 香港人權監察	HK Human Rights Monitor
35. 香港文職及專業人員總會	香港文職及專業人員總會
36. 香港印刷業商會	The Hong Kong Printers Association
* 37. 香港各界文化促進會	Hong Kong Culture Association Limited
38. 香港佛山工商聯會	香港佛山工商聯會
39. 香港南安公會	The Naman (Hong Kong) Association Ltd.
40. 香港政治經濟文化學會	Hong Kong Political Economic and Cultural Society
41. 香港星火網絡協進會	Hong Kong Starfire Network Association
42. 香港書刊業商會	Hong Kong Book & Magazine Trade Association Ltd.
43. 香港泰拳理事會有限公司	Hong Kong Muay-Thai Association Ltd.
44. 香港專上學生聯會	The Hong Kong Federation of Students
45. 香港翔韻藝術團	Melody Art Troupe H.K.
46. 香港新界工商業總會	Hong Kong New Territories Commercial and Industrial General Association Ltd.
47. 香港資訊科技聯會	Hong Kong Information Technology Joint Council
48. 香港僑界社團聯會	Hong Kong Federation of Overseas Chinese Associations Limited
49. 香港漳州同鄉總會	Zhang Zhou District Association of HK
50. 香港漁民團體聯會	Hong Kong Fishermen Consortium

51.	香港福建三明聯會	Hong Kong Fukien Sanming Association Limited
52.	香港福建社團聯會	HK Federation of Fujian Associations
53.	香港舞蹈聯會	Association of HK Dance Organization
54.	香港廣東社團總會	Federation of Hong Kong Gongdong Community Organizations
55.	香港影業協會	Hong Kong Motion Picture Industry Association
* 56.	家維區居民聯會	家維區居民聯會
* 57.	海泓社區服務協會	Hoi Wang Community Service Association
58.	海港運輸業總工會	Harbour Transportation Workers General Union
59.	神州青年服務社	China Youth Service & Recreation Centre
60.	荃灣青年會	Tsuen Wan Youth Association
* 61.	高家廣先生	Mr KO Ka-kwong
* 62.	張博文先生	Mr Arnold CHEUNG
* 63.	強烈要求取消區議會當然議員制 facebook 群組及反對當然議員可參 選新區議會界別 facebook 專頁	強烈要求取消區議會當然議員制 facebook 群組 及反對當然議員可參選新區議會界別 facebook 專頁
64.	彩虹之友社	Choi Hung Friends' Association
65.	彩雲邨居民促進會	彩雲邨居民促進會
66.	莊澤權先生	Mr Charles CHONG
67.	陳建業先生	Mr CHAN Kin-yip
68.	陳廣錫先生	Mr Wade CHAN Kwong-shik
69.	陳曉津先生	Mr CHAN Hiu-chun
70.	逸東社區網絡協會	Yat Tung Community Network Association
71.	順利區社區事務促進會	順利區社區事務促進會
72.	馮漢光先生	Mr FUNG Hon-kwong
73.	黃群先生	Mr WONG Kwan
74.	愛民邨居民聯會	Oi Man Estate Resident Association
75.	新世紀論壇	New Century Forum Ltd
76.	新界青年聯會	Federation of New Territories Youth
77.	新馬泰歸僑華人聯合會	The Singapore & Malaysia & Thai Overseas Returned Chinese
78.	新蒲崗居民聯會	San Po Kong Residents Association
* 79.	維港關愛協會	Victoria Harbour Association

80.	維園行動	Victoria Park in Action
81.	樂民新村居民協會	樂民新村居民協會
82.	選民力量	Power Voters
83.	嶺大學生會	Lingnan University Students' Union
84.	鍾宏安先生	Mr Edmon CHUNG
85.	鍾蔭祥先生	Mr CHUNG Yam-cheung
* 86.	關卓鉅先生	Mr KWAN Cheuk-kui
87.	蘇晁鋒先生	Mr Clovis SO
88.	灣仔社團活動中心	Wanchai Community Activities Centre
89.	灣仔區議會議員黎大偉先生	Mr David LAI, member of Wan Chai District Council

\* 只提交書面意見的團體/個別人士

Organizations/individuals which/who have submitted written views only

《2010年行政長官選舉(修訂)條例草案》

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建議修正案

1(2) 刪去“7、”而代以“7(1)、(2)、(3)及(4)、”。

1(3) 刪去“7、”而代以“7(1)、(2)、(3)及(4)、”。

新條文 在草案第3條之前加入 —

**“2A. 修訂第11條(在某些情況下定出新投票日)**

第11(2)(b)條 —

**廢除**

“或(1)”

**代以**

“、(1)或(3)”。

新條文 在草案第3條之後加入 —

**“3A. 在修訂第22條(選舉程序的終止)**

在第22(2)條之後 —

## 加入

“(3) 如 —

- (a) 在提名期結束時多於一名候選人獲有效提名；而
- (b) 投票根據第 24 條進行，而根據第 27(2A)條，沒有候選人在有關的選舉中獲選出，

選舉主任即須 —

- (c) 公開宣布在該選舉中沒有選出候選人；
- (d) 在憲報刊登該項宣布及投票結果；及
- (e) 藉公開宣布，終止有關的選舉程序。”。

### 3B. 修訂第 26A 條(投票制度：只有一名候選人)

(1) 第 26A(3)條 —

## 廢除

“，超逾在該投票中所投的有效票總數的一半”

## 代以

“超逾 600”。

(2) 第 26A(4)條 —

## **廢除**

“，不超逾在該投票中所投的有效票總數的一半”

## **代以**

“不超逾 600”。

### **3C. 修訂第 27 條(投票制度：有競逐的選舉)**

(1) 在第 27(1)條之前 —

## **加入**

“(1A) 凡在選舉中，在提名期結束時多於一名候選人獲有效提名，本條適用於該選舉。”。

(2) 第 27(1)條 —

## **廢除**

“，從所投的有效票總數中取得過半票數”

## **代以**

“取得超過 600 票”。

(3) 第 27(2)條 —

## **廢除**

在“就該 2 名候選人”之後的所有字句

## 代以

“進行單一輪投票。”。

- (4) 在第 27(2)條之後 —

## 加入

“(2A) 如在根據第(2)款進行的一輪投票中，沒有候選人取得超過 600 票，即屬沒有候選人在有關的選舉中獲選出，而第 22(3)條適用。”。

- (5) 第 27(3)(b)(ii)(A)條 —

## 廢除

“他未能從所投的有效票總數中取得過半票數”

## 代以

“該候選人未能取得超過 600 票”。

- (6) 第 27(4)(b)(ii)(A)條 —

## 廢除

“他未能從所投的有效票總數中取得過半票數”

## 代以

“該候選人未能取得超過 600 票”。“”。

- 5(42) 在建議的第(1)(j)段中，刪去“僑港中醫公會”而代以“僑港中醫師公會有限公司”。

5 在第(43)款之後加入 —

“(44) 附表，第 2 條，列表 5，第 6 項，第 3 欄，第 (4)段 —

### **廢除(d)節**

### **代以**

“(d) 匡智會 — 匡智松嶺綜合職業訓練中心；” 。” 。

7(3) (a) 在建議的第 12(11)(g)條中，刪去 “已登記為或申請” 而代以 “有資格” 。

(b) 在建議的第 12(11)(h)條中，刪去 “已登記為或申請” 而代以 “有資格” 。

7 加入 —

“(5) 附表，第 12 條，在第(20)款之後 —

### **加入**

“(21) 依據《領事關係條例》(第 557 章)享有任何特權及豁免權的領館，沒有資格登記為任何界別分組的投票人。

(22) 《國際組織及外交特權條例》(第 190 章)第 2 條適用的組織或《國際組織(特權及豁免權)條例》(第 558 章)第 2 條界定的國際組織，沒有資格登記為任何界別分組的投票人。” 。” 。

Chief Executive Election (Amendment) Bill 2010

**Committee Stage**

Amendments to be moved by the Secretary for Constitutional and Mainland Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
1(2)	By deleting “7,” and substituting “7(1), (2), (3) and (4),”.
1(3)	By deleting “7,” and substituting “7(1), (2), (3) and (4),”.
New	<p>By adding immediately before clause 3—</p> <p><b>“2A. Section 11 amended (Fixing new polling date under certain circumstances)</b></p> <p>Section 11(2)(b)—</p> <p><b>Repeal</b></p> <p>“or (1)”</p> <p><b>Substitute</b></p> <p>“, (1) or (3)”.”.</p>
New	<p>By adding—</p> <p><b>“3A. Section 22 amended (Termination of election proceedings)</b></p> <p>After section 22(2)—</p> <p><b>Add</b></p>

“(3) If—

- (a) at the close of nominations 2 or more candidates are validly nominated; and
- (b) a poll is conducted under section 24 and no candidate is, under section 27(2A), returned at the election,

the Returning Officer must—

- (c) publicly declare that no candidate is returned at the election;
- (d) publish the declaration and the result of the poll in the Gazette; and
- (e) by a public declaration, terminate the proceedings for the election.”.

**3B. Section 26A amended (System of voting: only one candidate)**

(1) Section 26A(3)—

**Repeal**

“half of the total number of valid votes cast in the poll, he shall be”

**Substitute**

“600, the candidate is”.

(2) Section 26A(4)—

**Repeal**

“half of the total number of valid votes cast in the poll, he shall not be”

**Substitute**

“600, the candidate is not”.

**3C. Section 27 amended (System of voting: contested election)**

(1) Before section 27(1)—

**Add**

“(1A) This section applies to an election in which at the close of nominations 2 or more candidates are validly nominated.”.

- (2) Section 27(1)—

**Repeal**

“half of the total number of valid votes cast in any round of voting, he shall be”

**Substitute**

“600 votes in any round of voting, the candidate is”.

- (3) Section 27(2)—

**Repeal** everything after paragraph (b)

**Substitute**

“a single round of voting must be conducted for the 2 candidates.”.

- (4) After section 27(2)—

**Add**

“(2A) If in a round of voting conducted under subsection (2), no candidate obtains more than 600 votes, no candidate is returned at the election and section 22(3) applies.”.

- (5) Section 27(3)(b)(ii)(A)—

**Repeal**

“he does not obtain more than half of the total number of valid votes cast”

**Substitute**

“the candidate does not obtain more than 600 votes”.

- (6) Section 27(4)(b)(ii)(A)—

**Repeal**

“he does not obtain more than half of the total number of valid votes cast”

**Substitute**

“the candidate does not obtain more than 600 votes”.

5(42) In the proposed paragraph (1)(j), by deleting “Hong Kong Chinese

Overseas Physician Association” and substituting “Hong Kong Chinese Medicine Practitioners Association Limited”.

5 By adding—

“(44) The Schedule, section 2, Table 5, item 6, column 3, paragraph (4)—

**Repeal subparagraph (d)**

**Substitute**

“(d) Hong Chi Association—Hong Chi Pinehill Integrated Vocational Training Centre;”.’.

- 7(3) (a) In the proposed section 12(11)(g), by deleting “registered or applies” and substituting “eligible”.
- (b) In the proposed section 12(11)(h), by deleting “registered or applies” and substituting “eligible”.

7 By adding—

“(5) The Schedule, after section 12(20)—

**Add**

- “(21) A consular post to which any privilege and immunity are accorded pursuant to the Consular Relations Ordinance (Cap. 557) is not eligible to be registered as a voter for any subsector.
- (22) An organization to which section 2 of the International Organizations and Diplomatic Privileges Ordinance (Cap. 190) applies or an international organization defined in section 2 of the International Organizations (Privileges and Immunities) Ordinance (Cap. 558) is not eligible to be registered as a voter for any subsector.”.

《2010 年立法會(修訂)條例草案》

委員會審議階段

由政制及內地事務局局長動議的修正案

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建議修正案

- 1(4) 刪去“2012 年 10 月 1 日”而代以“第 5 屆立法會的任期於 2012 年開始之時”。
- 6 將該條重編為第 6(1)條。
- 6 加入 —
- “ (2) 第 20E(f)(iv)條 —  
**廢除**  
“青年”  
**代以**  
“綜合職業” 。”。
- 9 加入 —
- “ (3) 第 20Z(1)(k)(i)條，中文文本，在“商會”之後 —  
**加入**  
“有限公司”。
- (4) 第 20Z(1)(1)(ii)條 —  
**廢除**  
“公共非專利電訊服務牌照”  
**代以**  
“服務營辦商牌照(第三類服務)”。
- (5) 在第 20Z(1)(1)條之後 —  
**加入**

“(1a) 有權在香港資訊科技聯會的大會上表決的該聯會的會員；及” 。” 。

29 刪去第(1)及(2)款而代以 —

“(1) 第 60D(1)條 —

**廢除**

“的選舉屬有競逐的選舉，須付予候選人名單的資助款額為以下兩個款額中的較”

**代以**

“或區議會(第二)功能界別的選舉屬有競逐的選舉，須付予候選人名單的資助款額為以下三個款額中的最” 。” 。

(1A) 第 60D(1)條 —

**廢除(b)段**

**代以**

“(b) 根據《選舉開支最高限額(立法會選舉)規例》(第 554 章，附屬法例 D)第 3 或 3A 條可由該名單上的候選人或他人代該等候選人招致的選舉開支的最高限額的 50%；  
(ba) 該候選人名單的申報選舉開支。” 。

(2) 第 60D(2)條 —

**廢除**

“的選舉屬無競逐的選舉，須付予候選人名單的資助款額為以下兩個款額中的較”

**代以**

“或區議會(第二)功能界別的選舉屬無競逐的選舉，須付予候選人名單的資助款額為以下三個款額中的最” 。” 。

29 加入 —

“(4) 第 60D(2)條 —

**廢除(b)段**

**代以**

- “(b) 根據《選舉開支最高限額(立法會選舉)規例》(第 554 章，附屬法例 D)第 3 或 3A 條可由該名單上的候選人或他人代該等候選人招致的選舉開支的最高限額的 50%；  
(ba) 該候選人名單的申報選舉開支。”。

30

刪去第(2)及(3)款而代以 —

“(2) 第 60E(1)條 —

**廢除**

“的選舉屬有競逐的選舉，須付予候選人的資助款額為以下兩個款額中的較”

**代以**

“(區議會(第二)功能界別除外)的選舉屬有競逐的選舉，須付予候選人的資助款額為以下三個款額中的最”。

(2A) 第 60E(1)條 —

**廢除(b)段**

**代以**

- “(b) 根據《選舉開支最高限額(立法會選舉)規例》(第 554 章，附屬法例 D)第 4 條可由候選人或他人代該候選人招致的選舉開支的最高限額的 50%；  
(ba) 該候選人的申報選舉開支。”。

(3) 第 60E(2)條 —

**廢除**

“的選舉屬無競逐的選舉，須付予候選人的資助款額為以下兩個款額中的較”

**代以**

“(區議會(第二)功能界別除外)的選舉屬無競逐的選舉，須付予候選人的資助款額為以下三個款額中的最”。

“(4) 第 60E(2)條 —

**廢除(b)段**

**代以**

“(b) 根據《選舉開支最高限額(立法會選舉)規例》(第 554 章，附屬法例 D)第 4 條可由該候選人或他人代該候選人招致的選舉開支的最高限額的 50%；

(ba) 該候選人的申報選舉開支。”。

“(5) 附表 1A，在第 198 項之後 —  
加入

“199. 新界的士營運協會。

200. 新興台的士從業員聯會。

201. 的士、小巴權益關注大聯盟。

202. 泰和車行有限公司。

203. 屯門區旅運巴士同業聯會有限公司。

204. 荃灣區旅運巴士同業聯會有限公司。

205. 元朗區旅運巴士同業聯會有限公司。

206. 九龍區旅運巴士同業聯會有限公司。

207. 香港區旅運巴士同業聯會有限公司。

208. 信和停車場管理有限公司。

209. 富城停車場管理有限公司。

210. 越運亨(香港)有限公司。

- 211. 中港澳直通巴士聯會有限公司。
- 212. 地勤設備工程有限公司。
- 213. Cathay Pacific Services Limited。
- 214. Cathay Pacific Catering Services  
(H.K.) Limited。
- 215. LSG Lufthansa Service Hong Kong  
Limited。
- 216. 佳美航空膳食香港有限公司。
- 217. 易高航空燃料服務有限公司。
- 218. Hong Kong Aircraft Engineering  
Company Limited。
- 219. 中國飛機服務有限公司。
- 220. 大昌 — 港龍機場地勤設備服務有限公  
司。
- 221. 怡中機場地勤服務有限公司。
- 222. 汽車維修管理協會。
- 223. 駕駛教師協會。
- 224. 香港物流商會有限公司。
- 225. 新港駕駛學院有限公司。
- 226. 利南駕駛學院有限公司。” 。”。

34                    刪去第(3)款而代以 —

“(3) 附表 1B，第 3 部，第 59 項 —  
**廢除**  
“香港游泳教師總會”  
**代以**  
“香港游泳教師總會有限公司” 。” 。

35 將第(1)款重編為第(1A)款。

35 在第(1A)款之前加入 —

“(1) 附表 1C，第 5 項，在“商會”之後 —  
**加入**  
“有限公司” 。” 。

35 加入 —

“(3) 附表 1C，在第 96 項之後 —  
**加入**  
“97. 香港中成藥商會有限公司。  
  
98. 香港中藥業協會有限公司。  
  
99. 香港中華製藥總商會有限公司。” 。” 。

37(1) 在建議的附表 3 第 6(1)條中，刪去“地方選區的 2012 年臨時選民”而代以“現有地方選區”。

37(1) 在建議的附表 3 第 6(1)(a)(i)條中，刪去在“所有”之後的所有字句而代以“名列現有功能界別登記冊的人的姓名；及”。

37(1) 在建議的附表 3 第 6(3)條中，在英文文本中，刪去“who”而代以“whose name”。

37(1) 在建議的附表 3 第 6(3)條中，刪去(a)及(b)段而代以 —

“(a) 名列現有地方選區登記冊；且

(b) 並非名列現有功能界別登記冊。”。

37(1) 在建議的附表 3 第 6(5)條中，刪去“在 2012 年任何功能界別 (**現有界別**) (鄉議局功能界別、漁農界功能界別、保險界功能界別、航運交通界功能界別及區議會(第一)功能界別除外)的臨時選民登記冊登記”而代以“名列現有功能界別登記冊(就鄉議局功能界別、漁農界功能界別、保險界功能界別、航運交通界功能界別及區議會(第一)功能界別的選民而列名者除外)”。

37(1) 在建議的附表 3 第 6(5)(b)條中，刪去“再登記為現有界別的選民”而代以“會登記為該選民現時屬登記選民的功能界別的選民”。

37(1) 在建議的附表 3 第 6(5)條中，在中文文本中，刪去“且不再”而代以“且不會”。

37(1) 在建議的附表 3 第 6 條中，加入 —

“(7) 在本條中 —

**現有功能界別登記冊** (current FC register)指由以下項目組成的紀錄 —

(a) 根據第 32 條就 2011 年發表的功能界別正式選民登記冊；及

(b) 以下人士的姓名或名稱及其他有關詳情的紀錄：將會按照根據《選舉管理委員會條例》(第 541 章)訂立並正有效的規例，在根據第 32 條就 2012 年發表的功能界別臨時選民登記冊內登記(區議會(第二)功能界別除外)的人；

**現有地方選區登記冊** (current GC register)指由以下項目組成的紀錄 —

- (a) 根據第 32 條就 2011 年發表的地方選區正式選民登記冊；及
- (b) 以下人士的姓名及其他有關詳情的紀錄：將會按照根據《選舉管理委員會條例》(第 541 章)訂立並正有效的規例，在根據第 32 條就 2012 年發表的地方選區臨時選民登記冊內登記的人。”。

37(2) 在建議的第 7 條中，刪去在“但在”之後而在“臨時選民登記冊發表為止”之前的所有字句而代以 —

“就 2012 年發表的區議會(第一)功能界別的臨時選民登記冊發表之前，根據《區議會條例》(第 547 章)第 V 部當選為任何區議會的議員，該選民的姓名及有關詳情須仍留在就 2011 年發表的該功能界別의正式選民登記冊，直至就 2012 年發表的區議會(第一)功能界別的”。

Legislative Council (Amendment) Bill 2010

**Committee Stage**

Amendments to be moved by the Secretary for Constitutional and Mainland Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
1(4)	By deleting “1 October 2012” and substituting “the commencement of the term of office of the fifth term of office of the Legislative Council in 2012”.
6	By renumbering the clause as clause 6(1).
6	By adding— “(2) Section 20E(f)(iv)— <b>Repeal</b> “Advanced” <b>Substitute</b> “Integrated Vocational”.”. “(3) Section 20Z(1)(k)(i), Chinese text, after “商會”— <b>Add</b> “有限公司”. “(4) Section 20Z(1)(l)(ii)— <b>Repeal</b> “Public Non-exclusive Telecommunications Service licences” <b>Substitute</b>
9	By adding— “(3) Section 20Z(1)(k)(i), Chinese text, after “商會”— <b>Add</b> “有限公司”. “(4) Section 20Z(1)(l)(ii)— <b>Repeal</b> “Public Non-exclusive Telecommunications Service licences” <b>Substitute</b>

“Services-Based Operator Licence (Class 3 Service)”.

(5) After section 20Z(1)(l)—

**Add**

“(la) members of the Hong Kong Information Technology Joint Council Limited entitled to vote at general meetings of the Council; and”.’.

29

By deleting subclauses (1) and (2) and substituting—

“(1) Section 60D(1)—

**Repeal**

“is contested, the amount payable as financial assistance in respect of the list of candidates is the lower”

**Substitute**

“or the District Council (second) functional constituency is contested, the amount payable as financial assistance in respect of the list of candidates is the lowest”.

(1A) Section 60D(1)—

**Repeal paragraph (b)**

**Substitute**

“(b) 50% of the maximum amount of election expenses that may be incurred by or on behalf of the candidates on the list under section 3 or 3A of the Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap. 554 sub. leg. D);

(ba) the declared election expenses of the list of candidates.”.

(2) Section 60D(2)—

**Repeal**

“is uncontested, the amount payable as financial assistance in respect of the list of candidates is the lower”

**Substitute**

“or the District Council (second) functional

constituency is uncontested, the amount payable as financial assistance in respect of the list of candidates is the lowest”.”.

29

By adding—

“(4) Section 60D(2)—

**Repeal paragraph (b)**

**Substitute**

- “(b) 50% of the maximum amount of election expenses that may be incurred by or on behalf of the candidates on the list under section 3 or 3A of the Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap. 554 sub. leg. D);
- (ba) the declared election expenses of the list of candidates.”.”.

30

By deleting subclauses (2) and (3) and substituting—

“(2) Section 60E(1)—

**Repeal**

“is contested, the amount payable as financial assistance to a candidate is the lower”

**Substitute**

“(other than the District Council (second) functional constituency) is contested, the amount payable as financial assistance to a candidate is the lowest”.

(2A) Section 60E(1)—

**Repeal paragraph (b)**

**Substitute**

- “(b) 50% of the maximum amount of election expenses that may be incurred by or on behalf of the candidate under section 4 of the Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap. 554 sub. leg. D);
- (ba) the declared election expenses of the candidate.”.”.

(3) Section 60E(2)—

**Repeal**

“is uncontested, the amount payable as financial assistance to a candidate is the lower”

**Substitute**

“(other than the District Council (second) functional constituency) is uncontested, the amount payable as financial assistance to a candidate is the lowest”.’.

30 By adding after subclause (3)—

“(4) Section 60E(2)—

**Repeal paragraph (b)**

**Substitute**

- “(b) 50% of the maximum amount of election expenses that may be incurred by or on behalf of the candidate under section 4 of the Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap. 554 sub. leg. D);
- (ba) the declared election expenses of the candidate.”.’.

33 By adding—

“(5) Schedule 1A, after item 198—

**Add**

- “199. NT Taxi Operations Union.
200. Sun Hing Taxi Radio Service General Association.
201. Taxi & P.L.B. Concern Group.
202. Tai Wo Motors Limited.
203. Tuen Mun District Tourists and Passengers Omnibus Operators Association Limited.
204. Tsuen Wan District Tourists and Passengers Omnibus Operators Association Limited.

205. Yuen Long District Tourists and Passengers Omnibus Operators Association Limited.
206. Kowloon District Tourists and Passengers Omnibus Operators Association Limited.
207. Hong Kong District Tourists and Passengers Omnibus Operators Association Limited.
208. Sino Parking Services Limited.
209. Urban Parking Limited.
210. Greater Lucky (HK) Company Limited.
211. China Hongkong and Macau Boundary Crossing Bus Association Limited.
212. Ground Support Engineering Limited.
213. Cathay Pacific Services Limited.
214. Cathay Pacific Catering Services (H.K.) Limited.
215. LSG Lufthansa Service Hong Kong Limited.
216. Gate Gourmet Hong Kong Limited.
217. ECO Aviation Fuel Services Limited.
218. Hong Kong Aircraft Engineering Company Limited.
219. China Aircraft Services Limited.
220. Dah Chong Hong – Dragonair Airport GSE Service Limited.
221. Jardine Air Terminal Services Limited.
222. Service Managers Association.
223. Driving Instructors Association.
224. The Chamber of Hong Kong Logistics Industry Limited.
225. New Horizon School of Motoring Limited.
226. Leinam School of Motoring Limited.”.”.

- 34(3) By deleting “English text,”.
- 35 By renumbering subclause (1) as subclause (1A).
- 35 By adding before subclause (1A)—
- “(1) Schedule 1C, item 5, after “Association”—
- Add**
- “Limited”.”.
- 35 By adding—
- “(3) Schedule 1C, after item 96—
- Add**
- “97. Hong Kong Chinese Prepared Medicine Traders Association Limited.
98. Hong Kong Chinese Medicine Industry Association Limited.
99. Hong Kong Chinese Patent Medicine Manufacturers’ Association Ltd.”.”.
- 37(1) In the proposed section 6(1) of Schedule 3, by deleting “2012 provisional register of electors for geographical constituencies” and substituting “current GC register”.
- 37(1) In the proposed section 6(1)(a)(i) of Schedule 3, by deleting everything after “persons” and substituting “whose names are in the current FC register; and”.
- 37(1) In the proposed section 6(3) of Schedule 3, in the English text, by deleting “who” and substituting “whose name”.

37(1) By deleting the proposed section 6(3)(a) and (b) of Schedule 3 and substituting—

- “(a) is in the current GC register; and
- (b) is not in the current FC register,”.

37(1) In the proposed section 6(5) of Schedule 3, by deleting “who is registered in the 2012 provisional register of electors for any functional constituency (*current constituency*) (other than” and substituting “whose name is in the current FC register (except for”.

37(1) In the proposed section 6(5)(b) of Schedule 3, by deleting everything after “will” and substituting “not be registered as an elector for the functional constituency for which the person is currently registered as an elector,”.

37(1) In the proposed section 6(5) of Schedule 3, in the Chinese text, by deleting “且不再” and substituting “且不會”.

37(1) In the proposed section 6 of Schedule 3, by adding—

“(7) In this section—

***current FC register*** (現有功能界別登記冊) means the record comprising —

- (a) the final register of functional constituencies published for 2011 under section 32; and
- (b) the records of the names and other relevant particulars of persons to be registered in the provisional register of functional constituencies published for 2012 under section 32 (other than for the District Council (second) functional constituency) in accordance with the regulations

in force under the Electoral Affairs Commission Ordinance (Cap. 541);

***current GC register*** (現有地方選區登記冊) means the record comprising —

- (a) the final register of geographical constituencies published for 2011 under section 32; and
- (b) the records of the names and other relevant particulars of persons to be registered in the provisional register of geographical constituencies published for 2012 under section 32 in accordance with the regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).”.

37(2) In the proposed section 7 of Schedule 3, by deleting “2012 provisional register of electors for the District Council (first) functional constituency” (wherever appearing) and substituting “provisional register of the District Council (first) functional constituency published for 2012”.

《2010 年立法會(修訂)條例草案》

委員會審議階段

由黃國健議員動議的修正案

條次

建議修正案

15(3) 在 (g)段中，刪去“及區議會 (第二) 功能界別”的字句 ——

15(3) 加入——

“(h) 就區議會 (第二) 功能界別而言，是根據《區議會條例》(第 547 章)設立的區議會、且根據該條例第 V 部，或在 1999 年前，根據《區議會條例》(第 366 章)設立的區議會、且根據該條例第 II 部當選或曾經當選的議員。”。

Legislative Council (Amendment) Bill 2010

**COMMITTEE STAGE**

Amendments to be moved by the Honorable WONG Kwok-kin

<u>Clause</u>	<u>Amendment Proposed</u>
15(3)	In paragraph (g) , by deleting the word “and the District Council (Second) functional constituency” ——
	By adding –
15(3)	(h) in the case of the District Council (Second) functional constituency is a member of any District Council or District Board established under the District Councils Ordinance (Cap.547) who is elected or has been elected under Part V of that Ordinance, or before 1999, under the District Board Ordinance(Cap.366) who was elected or had been elected under Part II of that Ordinance.”.

《 2010 年立法會(修訂)條例草案 》

**委員會審議階段**

由劉慧卿議員動議的修正案

條次

建議修正案

43                      在建議的第(1A)(a)條中，刪去“15”而代以“10”。

LEGISLATIVE COUNCIL (AMENDMENT) BILL 2010

**COMMITTEE STAGE**

Amendment to be moved by the Honourable Lau Wai-hing

<u>Clause</u>	<u>Amendment Proposed</u>
43	In the proposed section (1A)(a), by deleting "15" and substituting "10".

《2010 年行政長官選舉(修訂)條例草案》

委員會審議階段

由吳靄儀議員動議的修正案

<u>條次</u>	<u>建議修正案</u>
3	在“150 名”之後加入“及不多於 165 名”。
5(3)	刪去“17”而代以“41”。
5(4)	刪去“18”代以而“16”。
5(6)	刪去“16”而代以“12”。
5(7)	刪去“18”而代以“12”。
5(8)	刪去“18”而代以“14”。
5(9)	刪去“16”而代以“12”。
5(10)	刪去此條。
5(11)	刪去“18”而代以“17”。
5(12)	刪去“18”而代以“15”。
5(13)	刪去“18”而代以“15”。
5(14)	刪去“18”而代以“13”。
5(15)	刪去“18”而代以“15”。
5(16)	刪去“18”而代以“26”。
5(17)	刪去“18”而代以“16”。
5(18)	刪去“18”而代以“13”。
5(19)	刪去“18”而代以“34”。
5(20)	刪去“30”而代以“32”。
5(21)	刪去“30”而代以“23”。
5(22)	刪去“30”而代以“22”。
5(23)	刪去“30”而代以“63”。
5(24)	刪去“30”而代以“24”。
5(25)	刪去“30”而代以“40”。
5(26)	刪去“30”而代以“24”。
5(27)	刪去“30”而代以“23”。
5(28)	刪去“30”而代以“23”。
5(29)	刪去“30”而代以“26”。
5(30)	刪去“60”而代以“41”。
5(31)	刪去“60”而代以“43”。

- 5(32) 刪去此條。  
5(33) 刪去“60”而代以“121”。  
5(34) 刪去“60”而代以“54”。  
5(36) 刪去此條。  
5(37) 刪去“26”而代以“21”。  
5(39) 刪去“57”而代以“66”。  
5(41) 刪去“60”而代以“66”。

6 廢除“在第 2 條之後 —”之後的所有字句而代以—  
“加入

“2A. 2012 年的特別委員人選的安排

- (1) 儘管第 2 條另有規定，本條仍然有效。
- (2) 在為任期於 2012 年 2 月 1 日開始的選舉委員會選出配予港九各區議會界別分組的選舉委員會的界別分組一般選舉中 —
  - (a) 如獲有效提名的候選人數超過 66 名，但不超過 71 名，第(6)款即適用於因以下原因而在該選舉中不獲選出的所有候選人—
    - (i) 該等候選人所取得的票數，不及當選人取得的票數；或
    - (ii) 根據第 29(6)條進行抽籤，但該等候選人並未中籤；
  - (b) 如獲有效提名的候選人數超過 71 名，則除第(4)款另有規定外，第(6)款適用於符合以下說明的 2 名候選人—
    - (i) 因(a)(i)或(ii)段指明的原因而在該選舉中未獲選出；並
    - (ii) 在如此於該選舉中未獲選出的候選人之中，取得最多票數。
- (3) 在為任期於 2012 年 2 月 1 日開始的選舉委員會選出配予新界各區議會界別分組的選舉委員會的界別分組一般選舉中—
  - (a) 如獲有效提名的候選人數超過 66 名，但不超過 71 名，第(6)款即適用於因以下原因而在該選舉中不獲選出的所有候選人—
    - (i) 該等候選人所取得的票數，不及當選人取得的票數；或
    - (ii) 根據第 29(6) 條進行抽籤，但該等候選人並未中

籤；

- (b) 如獲有效提名的候選人數超過 71 名，則除第(4)款另有規定外，第(8)款適用於符合以下說明的 2 名候選人—
  - (i) 因(a)(i)或(ii) 段指明的原因而在該選舉中未獲選出；並
  - (ii) 在如此於該選舉中未獲選出的候選人之中，取得最多票數。
- (4) 如因票數相同，以致根據第(2)(b)(ii)或(3)(b)(ii) 款斷定第(8)款適用的任何一名或多於一名候選人並非屬切實可行，選舉主任須以抽籤方式裁定選舉結果，而第(6)款適用於中籤的候選人。
- (5) 除非在舉行有關界別分組一般選舉時，《立法會條例》(第 542 章) 規定於 2012 年組成的第 5 屆立法會須有 70 名議員(不論該項規定是否已開始實施亦然)，否則第(6)款不適用。
- (6) 在本款適用於某人的期間內，該人就各方面而言均屬選舉委員。
- (7) 如第(6)款適用於某人—
  - (a) 就第 35 及 39 條而言，該人即當作是在界別分組選舉中妥為選出的選舉委員；及
  - (b) 就第 39 條而言，第(6)款對該人的適用即當作是界別分組選舉的結果。
- (8) 為免生疑問，就《選舉委員會(提名所需的選舉按金及簽署人)規例》(第 569 章，附屬法例 C)第 5 條而言，第(6)款適用的人須視為落選候選人。
- (9) 在 2012 年第 5 屆立法會的任期根據《立法會條例》(第 542 章)開始的日期，第(6)款停止適用於任何人。
- (10) 儘管第(15)款另有規定，在第(6)款根據第(11)款不再適用於某人後，選舉登記主任須—
  - (a) 在第(11)款提述的日期，從根據第 43 條屬有效的選舉委員會正式委員登記冊，剔除該人的姓名及其他有關詳情；及
  - (b) 按照《選管會規例》發表通知，說明該等姓名及詳情已被如此剔除。
- (11) 在第(6)款根據第(2)款適用於任何人的期間內，第 2 條列表 4 第 5 項具有效力，猶如第 4 欄中的數字“66”被數字“71”所取代。

- (12) 在第(6)款根據第(3)款適用於任何人的期間內，第 2 條列表 4 第 6 項具有效力，猶如第 4 欄中的數字“66”被數字“71”所取代。
- (13) 本條在第(9)款提述的日期失效。
- (14) 儘管第(13)款另有規定，如一
- (a) 有人根據第 39 條提出上訴，質疑第(7)款所指的某人當作當選；而
  - (b) 當本條根據第(13) 款失效時，該上訴仍屬待決，則在該上訴獲撤回或最終處置之前，第(7)款繼續有效，猶如它仍未失效。”。

新條文

在第 14 條之後加入—

“14A. 修訂附表第 29 條(投票及點票制度)

附表，第 29(2)條—

**廢除**

在“在界別分組一般選舉中”之後的所有字句

代以

“(港九各區議會界別分組及新界各區議會界別分組除外)，投票人可投票予數目相等但不多於配予有關界別分組的委員席位數目的候選人。而在港九各區議會界別分組及新界各區議會界別分組選舉中，每名投票人可投一票予一位候選人。”。

新條文

在擬議的第 15 條之後加入—

“15A. 廢除第 31 條(勝出的候選人須聲明他不是政黨的成員)

廢除此條。”。

《2010 年立法會選舉(修訂)條例草案》

委員會審議階段

由吳靄儀議員動議的修正案

<u>條次</u>	<u>建議修正案</u>
新條文	<p>在第 3 條之後加入—</p> <p>“3A 修訂第 3 條(釋義)</p> <p>第 3(1)條，<del>議員</del>的定義之後</p> <p>加入—</p> <p>““有關人士”(relevant persons)就本條例第 20P、20R、20Q 及 20S 所指明的功能組別而言—</p> <p>(a) 如會員為有限公司，指最多 6 名該公司董事局的成員(該公司董事局不得有多於 6 名成員以前述會員身分在有關功能組別中登記為選民)；</p> <p>(b) 如會員為合夥，指最多 6 名該合夥的合夥人(該合夥不得有多於 6 名合夥人以前述會員身分在有關功能組別中登記為選民)；</p> <p>(c) 如會員為獨資經營，指該機構的獨資經營者；</p> <p>(d) 如會員為團體或機構(有限公司、合夥及獨資經營除外)，指該團體或機構的管理階層或執行委員會(不論其稱謂為何)成員；</p> <p>(e) 如第(a)、(b)、(c)或(d)節所提述的人中，無人有權登記為選民，或在第(d)節所提述的會員是團體或機構的情況下，該團體或機構沒有管理階層或執行委員會(不論其稱謂為何)，指該公司、合夥、獨資經營或其他團體或機構(視屬何情況而定)的最高行政人員(不論其稱謂為何)；或</p> <p>(f) 如第(e)節所提述的最高行政人員(不論其稱謂為何)無權登記為選民，指該公司、合夥、獨資經營或其他團體或機構(視屬何情況而定)的高級管理階層的成員；</p> <p>(g) 如(a)段所提述的董事局的任何成員為有限公司或合夥，則就前述會員而言—</p> <p>(i) 有關人士指前述會員的董事局的任何 1 名個人成員或任何 1 名合夥人(視屬何情況而定)；</p>

- (ii) 如前述成員為一有限公司，但其董事局並無該等個人成員，或(i)節所提述的個人會員或合夥人(視屬何情況而定)無權登記為選民，有關人士指前述會員的最高行政人員(不論其稱謂為何)；或
- (iii) 如(ii)節所提述的最高行政人員(不論其稱謂為何)無權登記為選民，有關人士指前述會員的高級管理階層的成員，同時，不得有多於 1 名該等個人會員、合夥人、最高行政人員(不論其稱謂為何)或高級管理階層人員(視屬何情況而定)以上述會員身分登記為有關功能組別的選民；

“在職人士”(working persons)就本條例第

20B、20C、20D、20N、20O、20T、20U、20V、20W、20X、20Y、20Z 及 20ZA 所指明的功能組別而言，指在香港從事經濟活動以賺取薪酬的人士(包括僱主、僱員、合夥人、獨資經營者、公司董事及自營作業人士)，而就本定義而言—

“經濟活動”(economic activities)包括按照一個名為“香港標準行業分類 2.0 版”(改編自聯合國國際標準行業分類)的分類計劃而分類的各種不同主要行業組別機構所提供服務有關的活動，按其 3 位數字的編號、行業名稱及描述以作識別，並載於由香港政府統計處發表的香港標準行業分類 2009 年七月版內；

“薪酬”(remuneration)包括薪金、工資、津貼、費用或收費，但不包括實物利益。

### 3B. 修訂第 18 條(地方選區的設立)

第 18 條，標題，在“地方選區”之後—  
加入  
“及區議會(第二)功能界別選區”。”。

新條文

在第 5 條之後加入—

### 5A. 修訂第 20B 條(漁農功能界別的組成)

廢除此條

代以—

第 20B 條(漁農功能界別的組成)

漁農界功能界別由下述主要行業組別的在職人士組成—

- (a) 011(瓜菜、花卉及其他非多年生農作物的種植)；
- (b) 012(水果、藥用與飲料作物及其他多年生農作物的種植)；
- (c) 013(植物的繁殖)；
- (d) 014(動物的養殖)；
- (e) 015(農牧混合)；
- (f) 016(農業輔助活動及農作物收成後處理活動)；
- (g) 017(狩獵、捕捉及相關服務活動)；
- (h) 020(林業活動)；
- (i) 031(捕魚)；
- (j) 032(水產養殖)；
- (k) 813(園境護理及綠化服務)。

5B.修訂第 20C 條(保險界功能界別的組成)

廢除此條

代以—

第 20C 條(保險界功能界別的組成)

保險界功能界別由下述主要行業組別的在職人士組成—

- (a) 651(保險承保人)；
- (b) 652(退休基金)；
- (c) 662(保險及退休基金輔助活動)。

5C.修訂第 20D 條(航運交通界功能界別的組成)

廢除此條

代以—

第 20D 條(航運交通界功能界別的組成)

航運交通界功能界別由下述主要行業組別的在職人士組成—

- (a) 491(鐵路及纜索運輸)；
- (b) 492(公路運輸)；
- (c) 499(其他陸路運輸服務)；
- (d) 501(跨境水上運輸)；
- (e) 502(港內水上運輸)；
- (f) 510(航空運輸)；
- (g) 521(貨倉及倉庫服務)；

- (h) 522(運輸輔助活動)；
- (i) 531(郵政活動)；
- (j) 532(速遞活動)。”。

新條文

在第 6 條之後加入一

“6A.修訂第 20L 條(勞工界功能界別的組成)

廢除此條

代以一

第 20L 條(勞工界功能界別的組成)

勞工界功能界別由根據《職工會條例》(第 332 章)登記的職工會的職員，而該職工會所有有表決權會員均是僱員。

6B.修訂第 20N 條(地產及建造界功能界別的組成)

廢除此條

代以一

第 20N 條(地產及建造界功能界別的組成)

地產及建造界功能界別由下述主要行業組別的在職人士組成—

- (a) 411(建築物上蓋建造)；
- (b) 412(結構鋼架工程)；
- (c) 419(其他樓房新建造工程)；
- (d) 421(土木工程項目的修建)；
- (e) 422(雜項土木工程)；
- (f) 431(建築物清拆及地盤預備工程)；
- (g) 432(建築物設備安裝及保養活動)；
- (h) 439(樓房竣工前的修整及其他專門建造活動)；
- (i) 681(涉及自置或租賃物業的地產活動)；
- (j) 682(按收費或以合約形式進行的地產活動)。

6C.修訂第 20O 條(旅遊界功能界別的組成)

廢除此條

代以一

第 20O 條(旅遊界功能界別的組成)

旅遊界功能界別由下述主要行業組別的在職人士組成—

- (a) 550(短期住宿活動)；
- (b) 791(旅行代理活動)；
- (c) 799(其他代訂服務及旅遊相關活動)；

(d) 920(遊樂園及主題樂園活動)。

6D.修訂第 20P 條(商界(第一)功能界別的組成)

廢除此條

代以—

第 20P 條(商界(第一)功能界別的組成)

商界(第一)功能界別由屬香港總商會會員的有關人士，且屬有權在該商會的大會中表決者。

6E.修訂第 20Q 條(商界(第二)功能界別的組成)

廢除此條

代以—

第 20Q 條(商界(第二)功能界別的組成)

商界(第二)功能界別由下述人士組成—

- (a) 屬香港中華總商會的個人會員，且屬有權在該商會的大會中表決者；
- (b) 屬香港中華總商會會員(個人會員除外)的有關人士，且屬有權在該商會的大會中表決者。

6F.修訂第 20R 條(工業界(第一)功能界別的組成)

廢除此條

代以—

第 20R 條(工業界(第一)功能界別的組成)

工業界(第一)功能界別由下述人士組成—

- (a) 屬香港工業總會的個人會員，且屬有權在該總會的大會中表決者；
- (b) 屬香港工業總會會員(個人會員除外)的有關人士，且屬有權在該總會的大會中表決者。

6G.修訂第 20S 條(工業界(第二)功能界別的組成)

廢除此條

代以—

第 20S 條(工業界(第二)功能界別的組成)

工業界(第二)功能界別由屬香港中華廠商聯合會會員的有關人士，且屬有權在該聯合會的大會中表決者。

6H.修訂第 20T 條(金融界功能界別的組成)

廢除此條

代以—

第 20T 條(金融界功能界別的組成)

金融界功能界別由下述主要行業組別的在職人士組成—

(a) 641(貨幣中介)。

6I.修訂第 20U 條(金融服務界功能界別的組成)

廢除此條

代以—

第 20U 條(金融服務界功能界別的組成)

金融服務界功能界別由下述主要行業組別的在職人士組成—

(a) 642(投資及控股公司)；

(b) 644(信託、基金及相關金融工具)；

(c) 649(其他金融服務活動)；

(d) 661 (金融服務輔助活動 (保險及退休基金除外)；

(e) 663 (基金管理)。”。

7

廢除此條而代以—

“修訂第 20V 條(體育、演藝、文化及出版界功能界別的組成)

廢除此條

代以—

第 20V 條(體育、演藝、文化及出版界功能界別的組成)

體育、演藝、文化及出版界功能界別由下述主要行業組別的在職人士組成—

(a) 181(印刷及與印刷相關的服務活動)；

(b) 581(書籍、期刊的出版及其他出版活動)；

(c) 591(電影、錄像及電視節目製作活動)；

(d) 592(錄音及音樂出版活動)；

(e) 601(電台廣播)；

(f) 602(電視節目製作及廣播活動)；

(g) 901(表演藝術活動)；

(h) 902(藝術創作人、音樂人及作家)；

(i) 903(表演藝術場所經營)；

(j) 910(圖書館、檔案保存、博物館及其他文化活動)；

(k) 931(體育活動)；

(l) 939(其他娛樂活動)。”。

8

廢除此條而代以—

“修訂第 20W 條(進出口界功能界別的組成)

廢除此條

代以—

第 20W 條(進出口界功能界別的組成)

進出口界功能界別由下述主要行業組別的在職人士組成—

(a) 451(出口貿易)；

(b) 452(進口批發)。”。

新條文

在第 8 條之後加入—

“8A. 修訂第 20X 條(紡織及製衣界功能界別的組成)

廢除此條

代以—

第 20 X 條(紡織及製衣界功能界別的組成)

紡織及製衣界功能界別由下述主要行業組別的在職人士組成—

(a) 131(紡紗、梭織及紡織品的染整)；

(b) 139(其他紡織品的製造)；

(c) 141(成衣的製造(毛皮衣服、針織及鉤針編織衣服除外))；

(d) 142(毛皮製品的製造)；

(e) 143(針織或鉤針編織衣服的製造)。

8B. 修訂第 20Y 條(批發及零售界功能界別的組成)

廢除此條

代以—

第 20Y 條(批發及零售界功能界別的組成)

批發及零售界功能界別由下述主要行業組別的在職人士組成—

(a) 460(批發)；

(b) 471(非專門店的零售)；

(c) 472(食品、飲品及煙草專門店零售)；

(d) 473(燃料的零售)；

(e) 474(資訊及通訊設備專賣零售店)；

(f) 475(其他家居設備專賣零售店)；

(g) 476(文化及康樂商品專賣零售店)；

(h) 477(其他商品專門零售店)；

(i) 478(無店面零售)。”。

- 9 廢除此條而代以—  
“修訂第 20Z 條(資訊科技界功能界別的組成)  
廢除此條  
代以—  
第 20Z 條(資訊科技界功能界別的組成)  
資訊科技界功能界別由下述主要行業組別的在職人士組成—  
(a) 582(軟件出版)；  
(b) 611(電訊網絡營運)；  
(c) 619(其他電訊活動)；  
(d) 620(資訊科技服務活動)；  
(e) 631(入門網站、資料處理、寄存及相關活動)；  
(f) 639(其他資訊服務活動)；  
(g) 822(電話服務中心活動)；  
(h) 952(電腦及通訊設備修理)。”。
- 新條文 在第 9 條之後加入—  
“9A.修訂第 20ZA 條(飲食界功能界別的組成)  
廢除此條  
代以—  
第 20ZA 條(飲食界功能界別的組成)  
飲食界功能界別由下述主要行業組別的在職人士組成—  
(a) 561(酒樓餐館及其他餐膳服務活動)；  
(b) 562(聚會餐飲及其他膳食服務活動)；  
(c) 563(飲品供應場所)。”。
- 12(3) 在“選出的議員人數為 5 名”之後加入“按照第 III 部設立的地方選區，每個選區選出 1 名議員”。
- 15(1) 刪去“及區議會(第二)功能界別”
- 15(3) 刪去“及區議會(第二)功能界別”。
- 15(3) 在建議的(g)段之後加入—  
“(h) 就區議會(第二)功能界別而言，是根據《區議會條例》(第 547 章)第 20 條指明的人士。”。
- 17 刪去此條。

- 18 刪去此條。
- 32 刪去此條而代以—  
“廢除附表 1(漁農界功能界別的組成)  
廢除附表 1(漁農界功能界別的組成)。”。
- 33 刪去此條而代以—  
“廢除附表 1A(航運交通界功能界別的組成)  
廢除附表 1A(航運交通界功能界別的組成)。”。
- 34 刪去此條而代以—  
“廢除附表 1B(體育、演藝、文化及出版界功能界別的組成)  
廢除附表 1B(體育、演藝、文化及出版界功能界別的組成)。”。
- 35 刪去此條而代以—  
“廢除附表 1C(批發及零售界功能界別的組成)  
廢除附表 1C(批發及零售界功能界別的組成)。。”。
- 36 刪去此條而代以—  
“廢除附表 1D(資訊科技界功能界別的組成)  
廢除附表 1D(資訊科技界功能界別的組成)。”。
- 新條文 在第 36 條之後加入—  
“36A. 廢除附表 1E(飲食界功能界別的組成)  
廢除附表 1E(飲食界功能界別的組成)。”。
- 43(1) 在建議的第(1A)(a)條，刪去“已就區議會(第一)功能界別登記的選民”而代以“區議會條例(第 547 章)第 29 條指明的人士。”

CHIEF EXECUTIVE ELECTION (AMENDMENT) BILL 2010

COMMITTEE STAGE

Amendments to be moved by the  
Honorable Dr Margaret NG

<u>Clause</u>	<u>Amendment Proposed</u>
3	After “150 members”, by adding “and not exceed 165 members”.
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(7)	By deleting “18” and substituting “12”.
5(8)	By deleting “18” and substituting “14”.
5(9)	By deleting “16” and substituting “12”.
5(10)	By deleting this Clause.
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(32) By deleting this Clause.
- 5(33) By deleting“60” and substituting“121”.
- 5(34) By deleting“60” and substituting“54”.
- 5(36) By deleting this Clause.
- 5(37) By deleting “26” and substituting“21”.
- 5(39) By deleting“57” and substituting“66”.
- 5(41) By deleting“60” and substituting“66”.
- 6 By deleting everything after “after section 2—” and substituting —  
“Add  
“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 (8) 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 (15), 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 (9) continues to have effect until the withdrawal or final disposal of the appeal as if it had not expired.” .

- New clause      After clause 14, by adding—
- “14A. The Schedule, section 29 amended (**System of voting and counting of votes**)  
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.”.
- New clause      After the proposed clause 15, by adding—
- “15A. Repeal section 31(Winning candidate to declare he is not a member of political party)  
Repeal this section.”.

LEGISLATIVE COUNCIL (AMENDMENT) BILL 2010

COMMITTEE STAGE

Amendments to be moved by the  
Honorable Dr Margaret NG

<u>Clause</u>	<u>Amendment Proposed</u>
New clause	<p>After clause 3, by adding —</p> <p>“3A Section 3 amended (Interpretation) Section 3(1), after definition of Member—</p> <p><b>Add</b></p> <p>““relevant persons”(有關人士) in relation to a functional constituency specified in section 20P、20R、20Qand20S —</p> <p>(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);</p> <p>(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);</p> <p>(c) in the case where the member is a sole proprietorship, the sole proprietor of that proprietorship;</p> <p>(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;</p> <p>(e) in the case where none of the persons referred to in subparagraph (a), (b), (c) or (d) is entitled to be registered as an elector, or in the case where the member is an organization or body referred to in subparagraph (d) but there is no management or executive committee (however described) of</p>

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; or

(f) in the case where the chief executive (however described) referred to in subparagraph (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;

(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 section 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 —

“**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;

“**remuneration**”(薪酬) includes salaries, wages, allowances, fees or charges, but excludes benefits in kind.”.

3B. Section 18 amended (Establishment of geographical constituencies)

Section 18, heading, after “constituencies”—

Add

“and District Council (second) functional constituency”.

New clause      After clause 5, by adding —

“5A. Section 20B amended (Composition of the agriculture and fisheries functional constituency)

Repeal this section

**Substitute**—

Section 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 amended(Composition of the insurance functional constituency)

Repeal this section

**Substitute—**

Section 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 amended(Composition of the transport functional constituency)

Repeal this section

**Substitute—**

Section 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 clause      After clause 6, by adding —

“6A. Section 20L amended (Composition of the labour functional constituency)

Repeal this section

**Substitute —**

Section 20L 條(Composition of the labour functional constituency)

The labour functional constituency is composed of labour officers of trade unions registered under the Trade Unions Ordinance (Cap 332) of which all the voting members are employees.

6B. Section 20N amended(Composition of the real estate and construction functional constituency)

Repeal this section

**Substitute —**

Section 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 amended(Composition of the tourism functional constituency)

Repeal this section

**Substitute—**

Section 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 amended(Composition of the commercial (first) functional constituency)

Repeal this section

**Substitute—**

Section 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 entitled to vote at general meetings of the Chamber.

6E. Section 20Q amended(Composition of the commercial (second) functional constituency)

Repeal this section

**Substitute—**

Section 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 amended(Composition of the industrial (first) functional constituency)

Repeal this section

**Substitute —**

Section 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 functional 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 amended(Composition of the industrial (second) functional constituency)

Repeal this section

**Substitute —**

Section 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 amended(Composition of the finance functional constituency)

Repeal this section

**Substitute—**

Section 20T(Composition of the finance functional constituency)

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

(a) 641(Monetary intermediation).

6I. Section 20U amended(Composition of the financial services functional constituency)

Repeal this section

**Substitute—**

Section 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 ) .”.

7

By deleting this clause and substituting—

“Section 20V amended(Composition of the sports, performing arts, culture and Publication constituency)

Repeal this section

**Substitute—**

Section 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).”.

8

By deleting this clause and substituting —

“Section 20W amended(Composition of the import and export constituency)

Repeal this section

Substitute —

Section 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 clause

After clause 8, by adding —

“8A.Section 20X amended(Composition of the textiles and garment constituency)

Repeal this section

Substitute —

Section 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 amended(Composition of the wholesale and retail constituency)

Repeal this section

**Substitute—**

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

9

By deleting this clause and substituting —

“Section 20Z amended(Composition of the information technology constituency)

Repeal this section

**Substitute—**

Section 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 clause      After clause 9, by adding —

“9A.Section 20ZA amended(Composition of the catering constituency)

Repeal this section

Substitute —

Section 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)              After “constituency”, by adding“, 1 each from a geographical constituency established in accordance with Part III”.

15(1)              By deleting “and the District Council (second) functional constituency”.

15(3)              By deleting “and the District Council (second) functional constituency”.

15(3)              After the proposed subparagraph (g), by adding —

“(h) in the case of the District Council (second) functional constituency, is a member of any District Council established under the District Councils Ordinance (Cap. 547) who is specified under section 20 of that Ordinance.”.

17                  By deleting this clause.

- 18 By deleting this clause.
- 32 By deleting this clause and substituting —
- “Repeal Schedule 1 (COMPOSITION OF THE AGRICULTURE AND FISHERIES FUNCTIONAL CONSTITUENCY)  
Repeal Schedule 1 (COMPOSITION OF THE AGRICULTURE AND FISHERIES FUNCTIONAL CONSTITUENCY).”
- 33 By deleting this clause and substituting —
- “Repeal Schedule 1A (COMPOSITION OF THE TRANSPORT FUNCTIONAL CONSTITUENCY)  
Repeal Schedule 1A (COMPOSITION OF THE TRANSPORT FUNCTIONAL CONSTITUENCY).”
- 34 By deleting this clause and substituting —
- “Repeal Schedule 1B (COMPOSITION OF THE SPORTS, PERFORMING ARTS, CULTURE AND PUBLICATION FUNCTIONAL CONSTITUENCY)  
Repeal Schedule 1B (COMPOSITION OF THE SPORTS, PERFORMING ARTS, CULTURE AND PUBLICATION FUNCTIONAL CONSTITUENCY).”
- 35 By deleting this clause and substituting —
- “Repeal Schedule 1C (COMPOSITION OF THE WHOLESALE AND RETAIL FUNCTIONAL CONSTITUENCY)  
Repeal Schedule 1C (COMPOSITION OF THE WHOLESALE AND RETAIL FUNCTIONAL CONSTITUENCY).”
- 36 By deleting this clause and substituting —
- “Repeal Schedule 1D (COMPOSITION OF THE INFORMATION TECHNOLOGY FUNCTIONAL CONSTITUENCY)  
Repeal Schedule 1D (COMPOSITION OF THE INFORMATION

TECHNOLOGY FUNCTIONAL CONSTITUENCY).”.

New clause      After clause 36, by adding —

“36A.Repeal Schedule 1E(COMPOSITION OF THE CATERING  
FUNCTIONAL CONSTITUENCY)

Repeal Schedule 1E(COMPOSITION OF THE CATERING  
FUNCTIONAL CONSTITUENCY).”.

43(1)            For the proposed (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).”