

立法會
Legislative Council

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Paper for the House Committee Meeting on 17 December 2010

**Legal Service Division Report on
Chief Executive Election (Amendment) Bill 2010**

I. SUMMARY

- 1. Objects of the Bill**

To increase the number of members of each Election Committee (EC) sector to 300, allocate the additional seats among the EC subsectors and make changes in relation to the District Councils (DC) and Chinese medicine subsectors and other related matters.
- 2. Comments**

In each of the four EC sectors, there will be an equal increase of 100 seats, with a corresponding proportional increase of seats in the 32 subsectors of the first three sectors.

In the fourth sector, a major proportion of the increased seats (i.e. 75 out of 100) will be allocated to the DC subsectors, with the rest allocated to LegCo members (10), members of Chinese People's Political Consultative Conference (10) and Heung Yee Kuk (5), subject to some transitional arrangements before LegCo Members are increased to 70.

The two existing DC subsectors, i.e. Hong Kong and Kowloon DCs and New Territories DCs, will be kept and their seats increased to 57 and 60 respectively. Only elected DC members can be registered as voters, and nominate and be nominated candidates.

In the Chinese medicine subsector, registered Chinese medicine practitioners will be allowed to register as voters in addition to the existing eligible members of the 10 specified bodies, increasing eligible voters in the subsector from 5,900 to 8,700.

The Bill also proposes that a candidate for the Chief Executive office shall be nominated by not less than 150 EC members.
- 3. Public Consultation**

The Administration published in November 2009 the "Consultation Document on the Methods for Selecting the Chief Executive and for Forming the LegCo in 2012" and in April 2010 the "Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the LegCo in 2012".
- 4. Consultation with LegCo Panel**

At the meeting of the Panel on Constitutional Affairs on 30 October 2010, members expressed various views and concerns over the electoral arrangements for the DC subsectors and EC composition.
- 5. Conclusion**

Members would certainly wish to set up a Bills Committee to study the Bill in depth.

II. REPORT

Objects of the Bill

To increase the number of members of each Election Committee (EC) sector to 300, allocate the additional seats among the EC subsectors and make changes in relation to the District Councils (DC) and Chinese medicine subsectors and other related matters.

LegCo Brief Reference

2. CMAB C5/1 and C1/30/5 issued by the Constitutional and Mainland Affairs Bureau on 8 December 2010.

Date of First Reading

3. 15 December 2010.

Comments

4. The principal object of the Bill is to increase the number of members of each Election Committee sector from 200 to 300 in accordance with the amendments made to Annex I of the Basic Law, as passed by LegCo in June 2010, consented to by the Chief Executive and approved by the Standing Committee of the National People's Congress.

5. With the additional membership in each sector, the Bill proposes to increase the number of seats in the 32 existing subsectors in the first three sectors¹ generally by proportion. For the fourth sector, the additional 100 seats will be allocated as follows -

- (a) 75 to elected DC members (plus 4 temporary Special Members as explained below);
- (b) 10 to LegCo Members;

¹ (a) Industrial, commercial and financial sectors;
(b) The professions; and
(c) Labour, social services, religious and other sectors.

- (c) 10 to members of Chinese People's Political Consultative Conference (plus 4 temporary Special Members); and
- (d) 5 to Heung Yee Kuk (plus 2 temporary Special Members).

However, to cater to the interim period from February 2012, when the new EC term commences, until October 2012, when LegCo begins its new term with an increased membership of 70, 10 Special Members will be created temporarily to fill the 10 new seats for LegCo Members. Annex C of the LegCo Brief contains a table of the specific allocations in respect of all the subsectors.

6. Concerning the DC subsectors, the Bill proposes that –

- (a) the Hong Kong and Kowloon District Councils subsector and New Territories District Councils subsector be allocated 57 and 60 seats respectively in accordance with their respective proportion of elected DC members;
- (b) only DC members elected for a term of office as from or after 1 January 2012 may register as voters, and nominate and be nominated as candidates in the DC subsectors; and
- (c) the elected DC members may only be registered as voters in the DC subsectors and not the other EC subsectors but they may opt to be nominated as candidates in subsectors other than the DC subsectors, provided that they are only nominated in one subsector.

7. At present, members of 10 specified bodies who are Chinese medicine practitioners entitled to vote at the general meetings of the respective bodies are eligible for registration as voters in the Chinese medicine subsector. The Bill proposes that registered Chinese medicine practitioners should also be allowed to register as voters in the subsector. According to the Administration, this would increase the number of eligible voters in the subsector from 5,900 at present to a maximum of 8,700.

8. As regards the issue of the nomination threshold for candidates for the office of Chief Executive, the Bill proposes that a candidate should be nominated by not less than 150 EC members.

Public Consultation

9. The Administration published in November 2009 the "Consultation Document on the Methods for Selecting the Chief Executive and for Forming the LegCo in 2012" and in April 2010 the "Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the LegCo in 2012".

Consultation with LegCo Panel

10. On 30 October 2010, the Panel on Constitutional Affairs was briefed on the proposed arrangement regarding the methods for selecting the Chief Executive and for forming the Legislative Council in 2012.

11. On the method for selecting the Chief Executive in 2012, some members were of the view that the nomination threshold should be lowered to enlarge the pool of candidates. They also expressed concern that if the current "bloc vote system" was to be retained for the DC subsectors, dominant political parties among the elected DC membership could pocket all the 117 DC subsectors seats. It was suggested that the 10 "Special Member" seats should be allocated entirely to the DC subsectors to enhance the democratic elements of the EC. There were other suggestions to allocate some of the new seats to small and medium enterprises, Chinese medicine practitioners or real estate agents.

Conclusion

12. Members would certainly wish to set up a Bills Committee to study the Bill in depth.

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