

**立法會**  
**Legislative Council**

Ref : CB2/SS/6/05

LC Paper No. CB(2)2615/05-06

(These minutes have been seen  
by the Administration)

**Subcommittee on Three Regulations under the Electoral Affairs Commission  
Ordinance Gazetted on 19 May 2006**

**Minutes of the second meeting  
held on Thursday, 22 June 2006 at 8:30 am  
in Conference Room B of the Legislative Council Building**

- Members present** : Hon Howard YOUNG, SBS, JP (Chairman)  
Dr Hon LUI Ming-wah, SBS, JP  
Hon Jasper TSANG Yok-sing, GBS, JP
- Members absent** : Hon James TIEN Pei-chun, GBS, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon LEE Wing-tat  
Hon Ronny TONG Ka-wah, SC
- Public Officers attending** : Item II  
  
Mr Joseph LAI Yee-tak  
Deputy Secretary for Constitutional Affairs  
  
Mr Gary POON Wai-wing  
Principal Assistant Secretary for Constitutional Affairs  
  
Mr LAM Man-ho  
Chief Electoral Officer  
Registration & Electoral Office  
  
Mr Alan CHONG  
Government Counsel  
Department of Justice
- Clerk in attendance** : Mrs Percy MA  
Chief Council Secretary (2)3

**Staff in attendance** : Mr Arthur CHEUNG  
Senior Assistant Legal Adviser 2  
  
Mrs Eleanor CHOW  
Senior Council Secretary (2)4

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Action

**I. Confirmation of minutes of meeting**

(LC Paper No. CB(2)2480/05-06 – Minutes of meeting on 7 June 2006)

The minutes of the meeting held on 7 June 2006 were confirmed.

**II. Meeting with the Administration**

(LC Paper No. CB(2)2482/05-06(01) – Paper provided by the Administration in response to issues raised at the meeting on 7 June 2006)

LC Paper No. CB(2)2269/05-06(04) – Marked-up copy of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) (Amendment) Regulation 2006

REO 23/40/5/6 – The Legislative Council Brief on the three Regulations)

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).
3. The Subcommittee continued scrutiny of the detailed provisions of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) (Amendment) Regulation 2006 (the Amendment Regulation). On proposed sections 34(3) and 65(4) regarding revoking appointment of staff assisting in the conduct of election, the Administration was requested to consider adding “with reasonable cause” to the two proposed sections.
4. The Subcommittee completed scrutiny of the Amendment Regulation. The Subcommittee expressed support for the Amendment Regulation. The Subcommittee also expressed support for the amendments proposed by the Administration in Annexes A and B to LC Paper No. CB(2)2482/05-06(01), i.e. proposed amendments to the English text of section 77(1) and Chinese text of section 100. The Subcommittee requested the Administration to provide a set of finalised proposed amendments to the Amendment Regulation as soon as possible.

**III. Any other business**

5. The Subcommittee noted that the Chairman had already moved a motion to extend the scrutiny period of the three Amendment Regulations under study by this

Subcommittee to 12 July 2006. A report on the deliberations of the Subcommittee would be made to the House Committee on 30 June 2006. The deadline for giving notice of amendments was 5 July 2006.

6. The meeting ended at 9:33 am.

Council Business Division 2  
Legislative Council Secretariat  
30 June 2006

**Proceedings of the second meeting of the  
Subcommittee on Three Regulations under the Electoral Affairs Commission  
Ordinance Gazetted on 19 May 2006  
on Thursday, 22 June 2006 at 8:30 am  
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000000 - 000158	Chairman	Confirmation of minutes of meeting	
000159 - 000803	Chairman Mr Jasper TSANG Admin	Scrutiny of detailed provisions of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) (Amendment) Regulation 2006 (the Amendment Regulation) (LC Paper No. CB(2)2269/05-06(04))  <u>Proposed section 58</u>  Reasons for the Presiding Officer to issue a ballot paper marked with "TENDERED" under proposed section 58. The Administration confirmed that such ballot papers would not be counted.	
000804 - 001257	Chairman Mr Jasper TSANG Admin Dr LUI Ming-wah	<u>Section 64</u>  Reasons for deleting "to reach that Officer" and replacing "at least 3 working days" with "at least 1 week" in section 64(5)(a)  The Administration confirmed that a notice of appointing counting agents could be given to the Returning Officer (RO) on the polling day as provided in section 64(5)(b)	
001258 - 001650	Chairman Admin	<u>Proposed section 74A and proposed amendments to section 77</u>	
001651 - 003445	Mr Jasper TSANG Chairman Admin SALA 2	<u>Proposed amendments to section 78</u>  Reasons for deleting section 78(1) and (2)  The Administration explained that –  (a) questionable ballot papers were sorted manually before computer counting of votes. The word "arrange" in section 74(2)(a) included sorting of ballot papers, which was part and parcel of the vote counting process beginning after the poll has closed at the polling stations;	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>(b) the Election Committee (EC) subsector ordinary elections to be conducted every five years to return members of a new term EC used the Optical Mark Recognition (OMR) system for counting votes. Section 74(2) and (3) provided for the arrangements for counting of votes by a computer;</p> <p>(c) depending on the number of vacancies involved, the EC subsector by-election to be conducted to return an EC member to fill a vacancy in EC might have its votes counted manually. Section 73(2) and (3) provided for the arrangements for manual counting of votes; and</p> <p>(d) valid votes on ballot papers which could not be read by the OMR system would be input manually to the computer to ensure that the number of ballot papers counted by the computer tallied with the number of valid ballot papers received by the RO. OMR system could also screen out certain types (basically those with votes being given exceeding the number of vacancies in EC) of invalid ballot papers which could hardly be spotted by a RO.</p>	
003446 - 003834	Chairman Admin SALA2	<p><u>Proposed amendments to sections 92, 93, 95 and 100</u></p> <p>SALA 2 confirmed that the Chinese text of the Amendment Regulation was in order, except for section 100 to which the Administration would propose amendment</p>	
003835 - 005832	Chairman Mr Jasper TSANG Admin SALA 2	<p>The Administration's response to the issues raised by members at the meeting on 7 June 2006 (LC Paper No. CB(2)2482/05-06(01))</p> <p>Discussion on the proposal to include head-dress as one of the election advertisements prohibited from being displayed or worn in a no canvassing zone</p> <p>Discussion on the proposed sections 34(3) and 65(4) regarding revoking appointment of staff assisting in the conduct of election</p>	

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		<p>SALA 2 explained that section 42 of the Interpretation and General Clauses Ordinance (Cap. 1) provided that any person who was conferred a power by an ordinance to make any appointment would have the power to revoke the appointment. Proposed sections 34(3) and 65(4) were not necessary</p> <p>The Subcommittee requested the Administration to –</p> <p>(a) consider adding “with reasonable cause” to the two proposed sections; and</p> <p>(b) if (a) above was to be pursued, make similar amendments to other related electoral legislation in due course</p>	<p><b>Admin to follow up</b></p>
005833 - 010155	Admin Chairman Clerk	<p>Difference between the definition of “political body” in section 2 of the principal ordinance and section 1 of the Regulation</p> <p>Proposed amendments to the English text of section 77(1) and Chinese text of section 100</p> <p>The Administration was requested to provide the Subcommittee with a set of finalised proposed amendments</p>	<p><b>Admin to follow up</b></p>