

立法會
Legislative Council

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LC Paper No. CB(2)2579/10-11
(These minutes have been seen
by the Administration)

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

**Minutes of the seventh meeting
held on Tuesday, 25 January 2011
from 9:00 am to 1:00 pm and 2:30 pm to 4:30 pm
in the Chamber of the Legislative Council Building**

Members present :

- Hon TAM Yiu-chung, GBS, JP (Chairman)
- Hon Jeffrey LAM Kin-fung, SBS, JP (Deputy Chairman)
- Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
- Dr Hon Margaret NG
- Hon WONG Yung-kan, SBS, JP
- Hon LAU Kong-wah, JP
- Hon LAU Wong-fat, GBM, GBS, JP
- Hon Miriam LAU Kin-yeet, 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 Audrey EU Yuet-mee, SC, JP
- Hon Vincent FANG Kang, SBS, JP
- 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-ye, GBS, JP
Hon Paul TSE Wai-chun
Dr Hon Samson TAM Wai-ho, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung

Members absent : Hon Albert HO Chun-yan
Hon CHEUNG Man-kwong
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon Frederick FUNG Kin-kee, SBS, JP
Hon WONG Kwok-hing, MH
Hon WONG Yuk-man

Public Officers attending : Constitutional and Mainland Affairs Bureau

Mr Arthur HO Kin-wah
Acting Permanent Secretary for Constitutional and
Mainland Affairs /
Deputy Secretary for Constitutional and Mainland
Affairs

Mr Freely CHENG Kei
Principal Assistant Secretary for Constitutional and
Mainland Affairs

Ms Anne TENG Yu-yan
Principal Assistant Secretary for Constitutional and
Mainland Affairs

Department of Justice

Mr Gilbert MO
Deputy Law Draftsman
(Bilingual Drafting and Administration)

Miss Emma WONG
Senior Government Counsel

Registration and Electoral Office

Mr Eddie NG Sik-hay
Deputy Chief Electoral Officer (Operations)

Miss Rebecca LEE On-nai
Senior Electoral Officer (Operations)

Clerk in attendance : Miss Flora TAI
Chief Council Secretary (2)3

Staff in attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Ms Amy YU
Senior Council Secretary (2)3

Mrs Fanny TSANG
Legislative Assistant (2)3

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I. Meeting with the Administration

[LC Paper Nos. CB(2)894/10-11(01) to (02), CB(2)710/10-11(01) to (02), CB(2)912/10-11(01), CB(3)313/10-11 and CB(3)314/10-11]

The Bills Committee deliberated (index of proceedings attached at **Annex**).

Administration's responses to issues raised at the meetings on 18 and 20 January 2011

2. The Bills Committee considered the Administration's responses to some of the issues raised at the meetings on 18 and 20 January 2011 [LC Paper Nos. CB(2)894/10-11(01) and (02) and CB(2)912/10-11(01)].

Clause-by-clause examination

3. The Bills Committee continued with the clause-by-clause examination of the Legislative Council (Amendment) Bill 2010 ("the Bill").

Follow-up actions required of the Administration

- Admin 4. The Administration was requested to -
- (a) provide information, if available, on the number of cases of unregistered electors declined for voting at polling stations;

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- (b) provide information on the number of claims/objections received and reviews made by the Revising Officer during the voter registration cycles in the past few years;
- (c) provide written clarification on the policy intention in respect of the composition of the new District Council functional constituency ("DCFC") and how the provisions in the Bill reflected such policy intention;
- (d) provide information on the timeline and arrangements for relevant electors to exercise their choice on whether to register as electors for the new DCFC;
- (e) provide information, if available, on the number of elected DC members who were registered in FCs other than the DCFC in the 2008 Legislative Council election;
- (f) provide written 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 was in compliance with Article 67 of the Basic Law; and
- (g) provide a written response on its consideration of the proposal of allowing candidates/list of candidates to send to electors, free of postage, a pamphlet covering information on the candidature of candidates/lists of candidates from different GCs/FCs; and whether such a proposal was in compliance with section 43 of the Legislative Council Ordinance (Cap. 542).

Admin 5. The Administration undertook to revert to the Panel on Constitutional Affairs during the discussion on practical electoral arrangements for the upcoming elections on the following -

- (a) information on the practices adopted by other jurisdictions (including the United States, the United Kingdom, Australia and Canada) in providing subsidies to candidates for the distribution of election-related materials;
- (b) information on the number of requests made by persons with disabilities ("PWDs") for assistance to vote in elections received by the Registration and Electoral Office ("REO"), the assistance provided by REO to the PWDs concerned and the number of cases

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where PWDs could not vote as they could not get the necessary assistance; and

- (c) its consideration of measures to facilitate PWDs to vote and the proposal of providing candidates with only one mailing label for each household for the sending of election-related materials.

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6. The Administration also informed members that it had taken on board the suggestion of the legal adviser to the Bills Committee to amend the commencement date in clause 1(4) of the Legislative Council (Amendment) Bill 2010 by replacing the specific date of "1 October 2012" with a general phrase along the line of "the date on which the term of office of the fifth Legislative Council commences" and would propose the relevant Committee Stage amendment.

II. Any other business

7. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 2
Legislative Council Secretariat
6 September 2011

**Proceedings of the seventh meeting of the
Bills Committee on Chief Executive Election (Amendment) Bill 2010
and Legislative Council (Amendment) Bill 2010
on Tuesday, 25 January 2011, from 9:00 am to 1:00 pm and
2:30 pm to 4:30 pm in the Chamber of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000935- 001533	Chairman Administration	Briefing by the Administration on its paper on "Commencement dates of the Chief Executive (Amendment) Bill 2010 as stipulated in clause 1 of the Bill" [LC Paper No. CB(2)894/10-11(01)]	
001534- 001729	Ms Emily LAU SALA2 Administration Chairman	The Administration informed members that it had taken on board the suggestion of the legal adviser to the Bills Committee to amend the commencement date in clause 1(4) of the Legislative Council (Amendment) Bill 2010 by replacing the specific date of "1 October 2012" with a general phrase along the line of "the date on which the term of office of the fifth Legislative Council commences" and would propose the relevant Committee Stage amendment.	Admin (para 6 of minutes)
001730- 002110	Administration	Briefing by the Administration on its paper on "Voter registration and the delineation of Legislative Council ("LegCo") geographical constituencies ("GCs")" [LC Paper No. CB(2)894/10-11(02)]	
002111 - 003032	Ms Audrey EU Administration	<p>Referring to Annex I to LC Paper No. CB(2)894/10-11(02), Ms Audrey EU asked how and the period during which the provisional register and omissions list would be made available for public inspection.</p> <p>The Administration responded that -</p> <ul style="list-style-type: none"> (a) when the provisional register and the omissions list were published, the Registration and Electoral Office ("REO") was required by law to publish a notice in the Gazette and in newspapers to notify the public that they were available for public inspection; (b) the provisional register and the omissions list were available for public inspection at the relevant District Offices and REO during business hours for two weeks starting from the date of publication of the notice; and (c) the public could also make enquiries about the provisional register and the omissions list through the hotline of REO. 	

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		<p>Ms Audrey EU said that she had received many complaints from members of the public that they were not aware that their names had been taken out from the final register of electors until they were declined for voting at polling stations. She enquired how the omissions list was compiled.</p> <p>The Administration advised that -</p> <ul style="list-style-type: none"> (a) the procedures and relevant deadlines for compilation of an omissions list was set out in Cap. 541A and Cap. 541B; (b) according to the relevant statutory provisions, if the Electoral Registration Officer (ERO) had reason to believe that the address recorded in the existing final register against a person's name was no longer that person's principal residential address (for instance, from the return of the voting notification mail sent to voters before a general election), ERO would make a written inquiry which would be sent by registered post addressed to the person who was the subject of the inquiry. For the voter registration in 2011, such inquiries should be made on or before 30 June 2011; (c) if the person with whom an inquiry was made did not reply to ERO by the statutory deadline of 16 July 2011, his name would be entered onto the omissions list; (d) any person whose name was included in an omissions list could make a claim that he was entitled to be registered in the final register by the statutory deadline of 29 August 2011; and (e) the Revising Officer would fix a hearing for each notice of claim and might review the ruling. With the approval of the Revising Officer, ERO would correct an entry, make an additional entry or remove an entry as appropriate when compiling the final register. 	
003033- 003347	Mr CHEUNG Hok-ming Administration	Mr CHEUNG Hok-ming considered that the making of written inquiries by registered post should not be used as the only means of determining whether a person's name should be entered onto the omissions list and there should be a further verification mechanism.	

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003348- 004636	Ms Emily LAU Administration Mr IP Kwok-him	<p>Referring to Annex I to LC Paper No. CB(2)894/10-11(02), Ms Emily LAU considered 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. She also reiterated her concern that the public would not have any opportunity to lodge objections to those changes made after the publication of the provisional register.</p> <p>The Administration responded that -</p> <ul style="list-style-type: none"> (a) ERO 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; (b) there was 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; and (c) objections/claims made by the public on the registration of the final register would be handled in the next voter registration cycle. <p>The Administration agreed to provide information, if available, on the number of cases of unregistered electors declined for voting at polling stations and the number of claims/objections received and reviews made by the Revising Officer during the voter registration cycles in the past few years.</p>	Admin (para 4 of minutes)
004637- 005354	Mr Alan LEONG Administration	<p>Mr Alan LEONG asked whether the Administration had considered other means of alerting persons who had moved to inform REO of their new residential address, other than making inquiries by registered post.</p> <p>The Administration responded that -</p> <ul style="list-style-type: none"> (a) before each general election, REO and the Constitutional and Mainland Affairs Bureau would launch a large-scale voter registration drive to encourage eligible persons to be registered as voters and remind registered persons to update their personal particulars. For the DC election to be held 	

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		<p>in November 2011, the voter registration drive would be conducted in around June to August 2011; and</p> <p>(b) in accordance with the relevant legislation, REO should make inquiries with persons believed to have changed their residential address by registered post. Nevertheless, REO would consider whether there were other means of alerting registered voters to report their new address to REO.</p>	
005355- 010139	<p>Ms Emily LAU Administration Chairman Ms Audrey EU</p>	<p>Noting from a recent Equal Opportunities Commission report that over 20% of the polling stations did not have barrier free access and facilities, Ms Emily LAU urged the Administration to come up with measures to facilitate persons with disabilities ("PWDs") to vote in elections, for instance, by collecting information on their needs during voter registration, or alerting electors in the voting notification mails if their designated polling station did not have barrier free access and facilities. Ms LAU also requested the Administration to provide information on the number of requests made by PWDs for assistance to vote in elections received by REO, the assistance provided by REO to the PWDs concerned and the number of cases where PWDs could not vote as they could not get the necessary assistance.</p> <p>Ms Audrey EU requested the Administration to also consider means to facilitate voting by PWDs who were unable to leave their home, hospital or rehabilitation centre, such as voting by mail.</p> <p>The Administration advised that voters were informed in the voting notification mails that they could contact REO for assistance should they need to vote at a polling station with barrier free access and facilities. Upon receipt of such requests, REO would make its best endeavour to provide the necessary assistance to the PWDs concerned. The Administration also agreed to provide the information sought by Ms Emily LAU and to revert to Members on measures to facilitate PWDs to vote during its consultation with the Panel on Constitutional Affairs ("CA Panel") on practical electoral arrangements for the upcoming elections.</p>	<p>Admin (para 5 of minutes)</p>
010140 - 010824	<p>Chairman Administration</p>	<p>Briefing by the Administration on its paper on new structure of amending provisions [LC Paper No. CB(2)912/10-11(01)]</p>	

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010825- 015021	<p>Chairman SALA2 Ms Audrey EU Administration Ms Emily LAU Mr Ronny TONG</p>	<p>The legal adviser to the Bills Committee informed members that subsequent to the discussion at the last meeting on the drafting of the new proposed sections 20ZC and 25(2A) of the Legislative Council (Amendment) Bill 2010, he had further discussed the issues with the Administration and had suggested that consideration be given to amending section 25(2) of the Legislative Council Ordinance (Cap. 542) ("LCO") to delete the reference to "eligibility to be registered" which would obviate the need to add the proposed section 25(2A).</p> <p>The Administration responded that -</p> <p>(a) after having reviewed the suggestion carefully, the Administration remained of the view that it was necessary to retain the proposed section 25(2A) to make it clear beyond doubt that persons registered or eligible to be registered as electors in the traditional FCs could only be registered in either a traditional FC or the new District Council functional constituency ("DCFC"); and</p> <p>(b) as the wording "eligible to be registered" was also used in section 25(3) of LCO and section 12(12) of the Schedule to the Chief Executive Election Ordinance (Cap. 569), the Administration considered it appropriate to retain the existing wording of section 25(2) of LCO to ensure consistency with other relevant statutory provisions</p> <p>Ms Audrey EU said that it was her understanding that only persons who currently were not eligible to vote in FCs were eligible to vote in the new DCFC. She requested the Administration to provide written clarification on the policy intention in respect of the composition of the new DCFC and how the provisions in the Bill reflected such policy intention.</p> <p>Ms Audrey EU enquired when and how the Administration would inform persons registered or eligible to be registered as electors of traditional FCs of their choice to opt for registration as an elector of a traditional FC or the new DCFC for the 2012 LegCo election.</p> <p>The Administration responded that -</p> <p>(a) clause 37 of the Bill provided for the framework of</p>	<p>Admin (para 4 of minutes)</p>

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>the transitional voter registration arrangement for the new DCFC. For persons registered as electors in GCs but were not registered as electors in the existing FCs, they would be registered under the new DCFC as a transitional arrangement in 2012 unless they indicated to REO their objection to such registration. As for persons who had already registered in existing FCs (other than the Heung Yee Kuk FC, the agriculture and fisheries FC, the insurance FC, the transport FC and the existing DCFC), REO would inform them that they could switch to the new DCFC by submitting relevant applications by a specified date;</p> <p>(b) after the passage of the LegCo (Amendment) Bill 2010, REO would work out the detailed arrangements and timeline of voter registration for the new DCFC and publicize the relevant arrangements. The electors concerned would be informed of the choice that they could exercise as well as the manner and deadline for exercising the choice; and</p> <p>(c) while the specific timeline and arrangements had yet to be worked out, the relevant electors would have sufficient time before the publication of the provisional register (i.e. 15 June 2012) to exercise their choice.</p> <p>Ms Audrey EU, Ms Emily LAU and the Chairman 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.</p> <p>In response to members' request, the Administration agreed to provide information on the timeline and arrangements for relevant electors to exercise their choice on whether to register as an elector for the new DCFC.</p>	<p>Admin (para 4 of minutes)</p>
015022- 020056	Mr Alan LEONG Administration Dr Margaret NG	Mr Alan LEONG and Dr Margaret NG pointed out that when the Administration announced its acceptance of the "one-person-two-votes" proposal for returning the new DCFC seats, it had indicated that those seats were to be returned by persons who were currently not eligible to vote in FCs. They queried whether the proposed section 20ZC as presently drafted was consistent with such policy intention. They considered that the proposed section 20ZC should set out the eligibility for registration	

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		<p>as electors in the new DCFC, instead of providing that those who were not registered as electors in any FCs were deemed to be electors of the new DCFC.</p> <p>The Administration responded that -</p> <p>(a) it was the Administration’s policy intention that persons who were not registered in any FCs could opt to be registered in the new DCFC; and</p> <p>(b) when the Administration briefed the CA Panel on the legislative proposals at its meeting on 30 October 2010, it had informed the Panel of its proposal that persons registered or eligible for registration as electors in the traditional FCs would be given a choice to opt to be registered in the traditional FCs or the new DCFC. The provisions in the Bill had reflected the Government’s proposal, which was consistent with the decision of the Standing Committee of the National People’s Congress in 2007.</p>	
020057- 021352		Break	
Clause-by-clause examination of the LegCo (Amendment) Bill 2010			
021353- 021538	Chairman Administration	Clause 12 - Section 21 amended (Number of Members to be returned for functional constituency)	
021539- 021911	Administration	Clause 13 - Section 25 amended (Who is eligible to be registered as an elector: functional constituencies)	
021912- 022251	Ms Emily LAU Administration Chairman	<p>Ms Emily LAU enquired about the rationale behind the requirement under clause 13(4) that a person eligible to be registered as an elector for the DC (first) FC and another FC could be registered only for the DC (first) FC and not for that other FC.</p> <p>The Administration explained that -</p> <p>(a) for the Chief Executive election in 2012, the Administration had proposed that 117 seats of the Election Committee (“EC”) be returned from among the 412 elected DC members in the fourth term DC. To ensure that there were sufficient electors for returning the 117 EC seats, the Administration had proposed that elected DC members could only be registered as voters in the DC subsectors and not other EC subsectors; and</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>(b) as the electorate of the DC (first) FC was the same as that of the DC subsectors in EC, the Administration considered it appropriate that the same voter registration arrangement should also apply to the DC (first) FC to avoid it having a narrow electorate base.</p> <p>At the request of Ms Emily LAU, the Administration agreed to provide information, if available, on the number of elected DC members who were registered in FCs other than the DCFC in the 2008 LegCo election.</p>	<p>Admin (para 4 of minutes)</p>
022252 - 023826	<p>Ms Audrey EU Administration Chairman Mr LEUNG Kwok-hung</p>	<p>Ms Audrey EU noted that currently electors of four FCs with small electorate base (i.e. the Heung Yee Kuk FC, the agriculture and fisheries FC, the transport FC and the Insurance FC) were not allowed to be registered in other FCs. She queried why other FCs with a small electorate base such as the finance FC were not subject to the same requirement and sought clarification on the criteria for imposing the requirement.</p> <p>The Administration responded that electors of the Heung Yee Kuk FC, the agriculture and fisheries FC, the transport FC and the insurance FC were not allowed to be registered in other FCs due to their small electorate base. Such an arrangement had been in place for many years.</p> <p>Ms Audrey EU asked in which FC should a person be registered if he was eligible to be registered in two or more of the following FCs: the DC (first) FC, the Heung Yee Kuk FC, the agriculture and fisheries FC, the transport FC or the insurance FC.</p> <p>The Administration responded that -</p> <p>(a) pursuant to the proposed section 25(3)(ca) of LCO, a person who was eligible to be registered as an elector for both the DC (first) FC and another FC could only be registered for the DC (first) FC;</p> <p>(b) pursuant to section 25(3)(c) of LCO, a person who was eligible to be registered as an elector for the Heung Yee Kuk FC and another FC (other than the DC (first) FC) could only be registered for the Heung Yee Kuk FC; and</p> <p>(c) as for the agriculture and fisheries FC, the insurance FC and the transport FC, they were composed of</p>	

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		<p>only corporate electors. By virtue of section 26(3) of LCO, a person who was an authorized representative of a corporate elector was not eligible to be appointed as the authorized representative of another corporate elector.</p>	
023827- 024349	<p>Administration Ms Audrey EU Chairman</p>	<p>Clause 14 - Section 31 amended (When person is disqualified from being registered as an elector)</p> <p>Ms Audrey EU enquired about the number of consular posts and international organizations which would cease to be registered as a corporate elector upon clause 14 of the Bill coming into effect.</p> <p>The Administration responded that as most of the consular posts and international organizations were not registered as electors, it was expected that only a small number of such corporate electors would be removed from the relevant register of electors upon the implementation of the Bill.</p> <p>Ms Audrey EU considered that the Administration should provide the requisite information in a press release after the Bill had come into effect.</p>	
024350- 030414	<p>Administration Ms Audrey EU SALA2 Chairman Ms Emily LAU</p>	<p>Clause 15 - Section 37 amended (Who is eligible to be nominated as a candidate)</p> <p>Ms Audrey EU considered that the two DCFCs 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 had public mandate in the FC elections.</p> <p>The legal adviser to the Bills Committee drew members' attention to Article 67 of the Basic Law which stipulated that permanent residents of the Hong Kong Special Administrative Region who were not of Chinese nationality or who had the right of abode in foreign countries could also be elected members of LegCo, provided that the proportion of such members did not exceed 20% of the total membership of the Council. He pointed out that as the composition of LegCo was to be expanded to 70 Members, the number of such seats could be increased proportionally from 12 to 14 according to the requirement that they should not exceed 20% of the total membership of the Council.</p>	

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		<p>The Administration responded that -</p> <ul style="list-style-type: none"> (a) there were different views among the public on the issue of whether persons who had the right of abode in foreign countries should be allowed to serve as LegCo Members. Among the views received during the public consultation on the Administration's proposals for the methods for selecting the Chief Executive and for forming LegCo in 2012, there were more supporting views that the existing arrangement that permanent residents of Hong Kong who were not of Chinese nationality or who had the right of abode in foreign countries could stand in the elections for 12 FC seats should be maintained. Hence, the Administration had not proposed any changes to the existing arrangement; (b) should elected DC members who had right of abode in other countries wish to stand for the LegCo election, they could do so for the 12 FC seats concerned; and (c) apart from the two DCFCs, other FCs might also have the same request. <p>Ms Emily LAU sought information on the number of Members returned by the 12 FCs concerned who had right of abode in foreign countries. The Administration responded that it did not have such information.</p> <p>The legal adviser to the Bills Committee 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 was in compliance with Article 67 of the Basic Law.</p> <p>The Administration responded that it had sought the views of the Department of Justice which advised that the requirement of Article 67 of the Basic Law would be complied with so long as the number of Members who were not of Chinese nationality or who had the right of abode in foreign countries did not exceed 20% of the total membership of LegCo.</p> <p>At the request of Ms Emily LAU, the Administration agreed to provide written clarification on whether the Administration's proposal of maintaining the existing</p>	<p>Admin (par 4 of minutes)</p>

Time Marker	Speaker(s)	Subject(s)	Action required
		number of seats in specified FCs for which persons with the right of abode in foreign countries could stand for election was in compliance with Article 67 of the Basic Law.	
030415- 030445	Administration	Clause 16 - Section 38 amended (Nomination lists for geographical constituencies)	
030446- 030609	Administration	Clause 17 - Section 39 amended (When person is disqualified from being nominated as a candidate and from being elected as a Member)	
030610- 030715	Administration	Clause 18 - Section 40 amended (What requirements are to be complied with by persons nominated as candidates)	
030716- 030824	Administration	Clause 19 - Section 41 amended (Person not to be nominated for more than one constituency)	
030825- 030931	Administration	Clause 20 - Section 42B amended (Death or disqualification of a validly nominated candidate for election for geographical constituency before date of election)	
030932- 031031	Administration	Clause 21 - Section 42C amended (Death or disqualification of a validly nominated candidate for election for functional constituency before date of election)	
031032- 031909	Administration Ms Emily LAU	<p>Clause 22 - Section 43 amended (Candidates entitled to send letter to electors free of postage)</p> <p>Ms Emily LAU asked whether the Administration had considered measures to facilitate candidates to adopt more environmental friendly means to distribute their election-related materials, and if so, whether any legislative amendments were required to implement such measures.</p> <p>The Administration responded that -</p> <p>(a) a person who wished to register as a voter was invited to provide his e-mail address on a voluntary basis and REO would give the e-mail addresses collected from electors to candidates for sending election advertisements electronically. REO would step up publicity to encourage electors to provide e-mail addresses;</p>	

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		<p>(b) REO was also considering suggestions to reduce paper consumption in elections. One of them was to send election-related publicity materials to electors on a household basis as far as practicable. There were, however, practical difficulties with the suggestion which needed to be resolved. The Administration would respond to such proposals when it reported to the CA Panel on the practical electoral arrangements for the upcoming elections;</p> <p>(c) as measures to reduce paper consumption in elections could be implemented through administrative arrangements, it was envisaged that no legislative amendments would be required; and</p> <p>(d) candidates should be given the choice to decide on how to distribute their election publicity materials, and at this stage the Administration did not consider it necessary to make any amendments to section 43 of LCO which provided that candidates were entitled to send letter to electors free of postage.</p>	
031910- 033418	Ms Audrey EU Administration Chairman	<p>Ms Audrey EU was of the view that electors should be given the choice of the means through which to receive election-related materials, e.g. whether they wished to receive hardcopy or electronic copy, and whether they agreed that the materials be sent to them on a household basis.</p> <p>Ms Audrey EU sought clarification on whether section 43 of LCO allowed candidates/lists of candidates to send free of postage an election pamphlet covering information on the candidature of candidates/lists of candidates from different GCs/FCs.</p> <p>The Administration responded that -</p> <p>(a) under section 43(1) of LCO, a candidate/list of candidate was entitled to send a letter free of postage only to electors of the GC for which the candidate/list of candidate was validly nominated; and</p> <p>(b) pursuant to section 101A of the Electoral Affairs Commission (Electoral Procedure) (LegCo) Regulation (Cap. 541D), the letter that could be sent free of postage by or on behalf of a list of candidates under section 43(1) of LCO must contain materials relating only to the candidature of the candidate/list of candidates at the election concerned.</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>Ms Audrey EU urged the Administration to consider allowing more flexibility to candidates/lists of candidates from different GCs/FCs to send one election pamphlet covering their candidature to electors free of postage. She requested the Administration to provide a written response on whether such a proposal was in compliance with section 43 of LCO.</p>	<p>Admin (para 4 of minutes)</p>
033419- 033807	<p>Chairman Mr Paul TSE</p>	<p>Mr Paul TSE shared the view that further actions should be taken to reduce paper consumption in elections for environmental protection. He suggested that consideration be given to providing an allowance, say in the form of an election publicity voucher, to candidates in lieu of free postage to provide financial incentive and more flexibility to candidates in distributing their election-related materials by environmental friendly means. He requested the Administration to provide information on the practices adopted by other jurisdictions (including the United States, the United Kingdom, Australia and Canada) in providing subsidies to candidates for the distribution of election-related materials.</p>	<p>Admin (para 5 of minutes)</p>
033808- 053301		<p>Lunch break</p>	
053302- 054527	<p>Chairman Mr Paul TSE Administration</p>	<p>In response to the views raised by Mr Paul TSE, the Administration responded as follows -</p> <p>(a) the Administration considered that the existing arrangement of financial assistance to candidates of LegCo election for their electioneering activities was appropriate. Apart from providing free postage for each candidate/list of candidates to send a letter to each elector of the GC/FC concerned, the Administration had also proposed that the rate of financial assistance to eligible candidates of LegCo election be increased from \$11 to \$12 per vote;</p> <p>(b) the Administration agreed in principle that candidates should be encouraged to use more environmental friendly means such as e-mails to distribute their election-related materials. Nevertheless, given that some candidates might wish to send their election publicity pamphlets to electors by post, the Administration considered it necessary to maintain the existing arrangement of provision of free postage to candidates; and</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		(c) the Administration considered that the issue could be further examined in the context of practical electoral arrangements. However, it would examine the feasibility of the proposal of allowing candidates/lists of candidates from different GCs/FCs to send one election pamphlet covering their candidature to their electors free of postage and whether legislative amendments would be involved.	Admin (para 4 of minutes)
054528- 055138	Ms Emily LAU Administration Chairman	Ms Emily LAU also urged the Administration to give serious consideration to the proposals of providing an allowance to candidates in lieu of free postage of election-related materials and allowing candidates/lists of candidates from different GCs/FCs to send one election pamphlet covering their candidature free of postage.	
055139- 055440	Mr LAU Kong-wah Chairman Administration	Mr LAU Kong-wah expressed support for encouraging the use of more environmental friendly means of sending election-related materials and urged the Administration to consider the feasibility of providing candidates with one mailing label for each household. Nevertheless, he considered that candidates' existing entitlement to send letter to electors free of postage should not be taken away and voters should be asked to indicate their preferred means for receiving election-related materials.	
055441- 060048	Ms Audrey EU Chairman Mr Paul TSE Administration	<p>Ms Audrey EU shared the view that the Administration should consider the suggestion of providing an allowance to candidates in lieu of free postage of election-related materials.</p> <p>Ms Audrey EU also urged the Administration to provide a written response on its consideration of the proposal of providing candidates with only one mailing label for each household, unless an elector indicated otherwise. The Administration responded that it would consider the proposal and revert to the CA Panel on its views during the discussion on the practical electoral arrangements on the upcoming elections.</p>	Admin (para 5 of minutes)
060049- 060207	Administration	Clause 23 - Section 46A amended (Death or disqualification of a validly nominated candidate before declaration of election result)	
060208- 060345	Administration	Clause 24 - Section 48 amended (Who is entitled to vote at an election)	
060346- 061937	Administration Chairman	Clause 25 - Section 49 amended (System of voting and counting of votes: geographical constituencies)	

Time Marker	Speaker(s)	Subject(s)	Action required
	Mr LAU Kong-wah SALA2 Dr Margaret NG	Administration's explanation on the need to amend the definition of "specified number" in section 49(1) of LCO.	
061938- 062748	Administration Mr LAU Kong-wah	<p>Clause 26 - Section 60A amended (Interpretation: Part VIA)</p> <p>In response to Mr LAU Kong-wah, the Administration explained the meaning of the Chinese text of section 60A(4)(a)(i) and (ii) of LCO.</p>	
062749- 064714	Dr Margaret NG Chairman Administration	<p>Dr Margaret NG considered the drafting of section 60A(4) of LCO cumbersome. She queried the need to define what constituted "valid votes cast", particularly in respect of section 60A(4)(a) and (c).</p> <p>The Administration considered it necessary to provide clearly for the different definitions of "total number of valid votes cast" in respect of GCs and FCs in section 60A(4) of LCO.</p>	
064715 - 064740	Chairman	<p>Clause 27 - Section 60B amended (Financial assistance payable to list of candidates and candidates for functional constituencies)</p> <p>Clause 28 - Section 60C amended (Eligibility for financial assistance: list of candidates and candidates for functional constituencies)</p> <p>Clause 29 - Section 60D amended (Amount payable as financial assistance: list of candidates)</p> <p>Clause 30 - Section 60E amended (Amount payable as financial assistance: candidates for functional constituencies)</p>	
064741- 065455	Mr LAU Kong-wah Administration Chairman Dr Margaret NG	<p>Clause 31 - Section 60J amended (Financial assistance not to be paid until disposal of election petition)</p> <p>Mr LAU Kong-wah opined that instead of making the proposed amendments to section 60J(2) and (3) of LCO, the same effect could be achieved by simply adding "or list of candidates" after the word "candidate" in section 60J(3).</p> <p>Dr Margaret NG also considered the drafting of section 60J(2) and (3) cumbersome and repetitive.</p>	

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065456- 070621	Administration Dr Margaret NG Chairman Mr LAU Kong-wah	<p>Clause 32 - Schedule 1 amended (Composition of the agriculture and fisheries functional constituency)</p> <p>Noting the proposed deletion of the Hong Kong New Territories Boat People Association from the agriculture and fisheries FC, Dr Margaret NG asked what persons the Association represented and how those persons were represented in the FC after the deletion of the Association.</p> <p>The Administration responded that -</p> <ul style="list-style-type: none"> (a) the Association was deleted as it had ceased operation; (b) it represented boat people living in the New Territories; and (c) there were other organizations in the agriculture and fisheries FC representing boat people or fishermen, and persons originally represented by the Association could join those organizations. <p>Mr LAU Kong-wah did not see any problem in the representativeness of the FCs concerned arising from the deletion of organizations which had ceased operation because with the proposed creation of the new DC FC, all Hong Kong people would have one vote in the FC elections.</p>	
070622- 073138	Administration Dr Margaret NG Mr Paul TSE Mr LEUNG Kwok-hung Mr IP Kwok-him Ms Audrey EU	<p>Clause 33 - Schedule 1A amended (Composition of the transport functional constituency)</p> <p>On the proposed deletion of the United Association of Public Lightbus Hong Kong from the transport FC, Dr Margaret NG asked what persons the Association represented and how those persons were represented in the FC after the deletion of the Association.</p> <p>The Administration responded that -</p> <ul style="list-style-type: none"> (a) the Association was deleted as it had ceased operation; and (b) there were other organizations in the transport FC which represented the public lightbus trade. <p>Dr Margaret NG queried whether there were overlaps in the composition of corporate electors in the FC if there</p>	

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		<p>were a number of organizations in the FC representing the same group of people. Mr LEUNG Kwok-hung echoed a similar view.</p> <p>The Administration reiterated that -</p> <p>(a) the Administration's general policy was that there should be no substantial changes to the traditional FCs in the 2012 LegCo election. It was, however, necessary to update the electorate of the traditional FCs to reflect the changes in the names of certain bodies and to delete those organizations which had ceased operation; and</p> <p>(c) the electorate base of the transport FC was composed of different bodies which were representative of the various trades in the FC. Even though the United Association of Public Lightbus Hong Kong had ceased operation, the public lightbus trade could be represented through other public lightbus organizations in the FC.</p> <p>Clause 34 - Schedule 1B amended (Composition of the sports, performing arts, culture and publication functional constituency)</p> <p>Clause 35 - Schedule 1C amended (Composition of the wholesale and retail functional constituency)</p> <p>Clause 36 - Schedule 1D amended (Composition of the information technology functional constituency)</p> <p>In respect of each organization to be deleted from the FCs, Dr Margaret NG requested the Administration to provide information in writing on the people represented by the relevant organization and how those people would be represented in the FC concerned after the deletion of the organization.</p> <p>On the other hand, Mr Paul TSE and Mr IP Kwok-him did not agree that the Administration should be requested to provide such information. In their view, the proposed deletions were merely to reflect the latest situation in the FCs concerned.</p> <p>Dr Margaret NG considered it reasonable to request the Administration to provide the requisite information as the deletion of electors from a FC would affect its electorate base.</p>	

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073139- 073147	Chairman	Date of next meeting	

Council Business Division 2
Legislative Council Secretariat
6 September 2011