

立法會
Legislative Council

Ref : CB2/BC/3/10

LC Paper No. CB(2)2580/10-11
(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 eighth meeting
held on Thursday, 27 January 2011, at 2:30 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 Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon Miriam LAU Kin-yee, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, SBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon WONG Ting-kwong, BBS, JP
Hon Ronny TONG Ka-wah, SC
Hon CHIM Pui-chung
Dr Hon LAM Tai-fai, BBS, JP
Hon CHAN Kin-por, JP
Dr Hon Priscilla LEUNG Mei-fun
Hon IP Kwok-him, GBS, JP
Hon Paul TSE Wai-chun

Members absent : Hon Albert HO Chun-yan
Hon CHEUNG Man-kwong
Hon LAU Kong-wah, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP

Hon Frederick FUNG Kin-kee, SBS, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Cyd HO Sau-lan
Hon WONG Kwok-kin, BBS
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Dr Hon Samson TAM Wai-ho, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon WONG Yuk-man

Public Officers : Constitutional and Mainland Affairs Bureau
attending

Mr Joshua LAW Chi-kong
Permanent Secretary for Constitutional and Mainland
Affairs

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

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

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

Department of Justice

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

Miss Emma WONG
Senior Government Counsel

Clerk in : Miss Flora TAI
attendance : 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

Action

I. Meeting with the Administration

[LC Paper Nos. CB(2)710/10-11(01) to (02), CB(2)920/10-11(01) to (02), 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 20 and 21 January 2011

2. The Bills Committee considered the Administration's responses to some of the issues raised at the meetings on 20 and 21 January 2011 [LC Paper Nos. CB(2)920/10-11(01) and (02)].

Clause-by-clause examination

3. The Bills Committee had completed 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 expenditure for free postage in previous Legislative Council elections; and
 - (b) consider Mr Paul TSE's suggestion of improving the drafting of the proposed new section 6(5) to Schedule 3 of the Legislative Council Ordinance (Cap. 542) to convey more clearly the relevant electors' option to continue to be registered for their current functional constituency ("FC") or switch to the District Council (second) FC.

Action

- 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 information relating to measures to encourage the sending of election-related materials by e-mails, including when the Administration started to provide voters' e-mail addresses to candidates and how they were provided.

II. Any other business

6. There being no other business, the meeting ended at 3:51 pm.

Council Business Division 2
Legislative Council Secretariat
6 September 2011

**Proceedings of the eighth meeting of the
Bills Committee on Chief Executive Election (Amendment) Bill 2010
and Legislative Council (Amendment) Bill 2010
on Thursday, 27 January 2011, at 2:30 pm
in the Chamber of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000645 - 001020	Chairman Administration	Briefing by the Administration on its paper on "Matters concerning the seats and voters of the Election Committee" [LC Paper No. CB(2)920/10-11(01)]	
001021 - 001153	Administration	Briefing by the Administration on its paper on "Commencement dates of the Legislative Council (Amendment) Bill 2010 as stipulated in clause 1 of the Bill" [LC Paper No. CB(2)920/10-11(02)]	
Clause-by-clause examination of the Legislative Council (Amendment) Bill 2010 ("the Bill")			
001154 - 002106	Chairman Dr Margaret NG Administration Ms Emily LAU	Clause 37 - Schedule 3 amended (Savings and transitional provisions) Members noted that, apart from informing individual electors of the relevant arrangements for exercising their option on whether to register in the District Council (second) functional constituency ("DC (second) FC"), the Registration and Electoral Office ("REO") would also launch publicity campaigns on the relevant registration arrangements in the early part of 2012.	
002107 - 002818	Ms Audrey EU Administration Chairman Ms Emily LAU	In response to Ms Audrey EU, the Administration further elaborated on its initial thinking on the arrangements for relevant electors to indicate their choice of whether to register in the DC (second) FC as follows - (a) for persons registered as electors for geographical constituencies ("GCs") but were not registered as electors for any of the existing FCs (totalled about 3.2 million), they would be included in the provisional register of DC (second) FC unless they notified REO of their objection to such registration; (b) for persons who were registered as electors in the existing FCs (other than the Heung Yee Kuk FC, the agriculture and fisheries FC, the insurance FC, the transport FC and the existing	

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		<p>DC FC), they would be asked to reply to REO to indicate clearly whether they chose to be registered in the DC (second) FC or their existing FC; and</p> <p>(c) REO would work out the detailed arrangements and consult the Panel on Constitutional Affairs after the enactment of the Bill.</p> <p>Ms Emily LAU urged the Administration to consider using electronic means to inform electors of the relevant arrangements for exercising their option and encouraging them to reply to REO also by electronic means to reduce paper consumption.</p>	
002819 - 003045	Ms Emily LAU Mr Paul TSE	Ms Emily LAU indicated that Members belonging to the Democratic Party supported Mr Paul TSE's suggestion of providing a subsidy to candidates in lieu of free postage to provide financial incentive and more flexibility to candidates to distribute their election-related materials by environmental friendly means. She urged the Administration to consider seriously the suggestion.	
003046 - 003648	Mr Paul TSE Administration Chairman	<p>Mr Paul TSE opined that, instead of giving electors who were registered for GCs but not for any FCs the option to decide whether to be registered in the DC (second) FC, all such electors should automatically be registered for the DC (second) FC. In his view, this would not only save a lot of administrative work, but would also better reflect the policy intent of giving an additional vote to all persons who were not registered for any FCs.</p> <p>The Administration responded that its position was that in principle, all electors should be given the choice if they did not wish to be registered in the DC (second) FC.</p> <p>Mr Paul TSE was of the view that improvement should be made to the drafting of the proposed new section 6(5) to Schedule 3 of the Legislative Council Ordinance (Cap. 542) (under clause 37 of the Bill) to convey more clearly the relevant electors' option to continue to be registered for their current FC or switch to the DC (second) FC. The Administration responded that it would consider Mr TSE's view.</p>	Admin (para 4 of minutes)
003649 - 004456	Ms Emily LAU Chairman	Ms Emily LAU urged the Administration to step up its efforts in encouraging voter registration by electronic	

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	Administration	<p>means to save paper.</p> <p>The Chairman considered that candidates' existing entitlement to send letter to electors free of postage should be retained. He pointed out given the large electorate size of the DC (second) FC, candidates for this FC might find it necessary to reach their electors by sending their election pamphlets to them by post.</p> <p>Ms Emily LAU stressed that it was important for the Administration to provide candidates more flexibility in sending their election pamphlets to electors to reduce paper consumption.</p> <p>In response to Ms Emily LAU, the Administration advised that about 200 000 registered voters had provided to REO their e-mail addresses, which would be provided to candidates for sending election-related materials. The Administration also undertook to step up its efforts in encouraging voters to provide e-mail addresses.</p> <p>The Chairman echoed the view that consideration should be given to allowing candidates/lists of candidates to print in the same leaflet materials relating to the candidature of candidates/lists of candidates from different GCs or FCs and send the letter free of postage.</p>	
004457 - 004832	Dr Priscilla LEUNG	Dr Priscilla LEUNG was of the view that candidates should be given the flexibility to decide how to send their election-related materials and electors should also be given the choice to indicate the means through which they would like to receive such materials.	
004833 - 005255	Mr Paul TSE Administration	<p>At the request of Mr Paul TSE, the Administration agreed to provide information, if available, on the expenditure for free postage in previous Legislative Council elections.</p> <p>The Administration advised that it would also look into 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>	Admin (para 4 of minutes)
005256 - 005806	Ms Audrey EU Administration Chairman	Ms Audrey EU reiterated her request for the Administration to provide a written response on its consideration of the proposal of allowing candidates/list of candidates to print in the same	

Time Marker	Speaker(s)	Subject(s)	Action required
		leaflets materials relating to the candidature of candidates/lists of candidates from different GCs/FCs and send the leaflet free of postage; and whether such a proposal was in compliance with section 43 of LCO .	
005807 - 010351	Ms Emily LAU Administration Dr Priscilla LEUNG	At the request of Ms Emily LAU, the Administration undertook to revert to the Panel on Constitutional Affairs during the discussion on practical electoral arrangements for the upcoming elections on information relating to measures to encourage the sending of election-related materials by e-mails, including when the Administration started to provide e-mail addresses of voters to candidates and how they were provided.	Admin (para 5 of minutes)
010352 - 010520	Administration Ms Emily LAU Mr Paul TSE Chairman	Clause 38 - Schedule 5 amended (Financial assistance: specified rate) Ms Emily LAU reiterated her view that the Administration should consider further increasing the rate of financial assistance. Mr Paul TSE suggested that the Administration could consider incorporating the current subsidy to candidates in the form of free postage into the rate of financial assistance.	
010521 - 010717	Administration Ms Emily LAU Chairman	Part 3 - Amendments to Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap. 542 sub. leg. C) Clause 39 - Section 1 amended (Interpretation)	
010718 - 010923	Administration Chairman Ms Emily LAU	Clause 40 - Section 2 amended (Amount of deposit) In response to Ms Emily LAU, the Administration explained that the amount of election deposit required to be paid by candidates for the DC (second) FC, i.e. \$25,000, was the same as that for the other FCs. Ms Emily LAU considered that the amount of election deposit for the DC (second) FC was too low and should at least be the same as that for GCs (i.e. \$50,000).	
010924 - 011033	Administration Chairman	Clause 41 - Section 3 amended (Return of deposit on invalid nomination etc.)	
011034 - 011131	Administration	Clause 42 - Section 4 amended (Disposal of deposit after publication of election result or declaration of	

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		failure of election)	
011132 - 011350	Administration Ms Emily LAU Chairman	<p>Clause 43 - Section 7 amended (Number and qualifications of subscribers to a nomination paper)</p> <p>Ms Emily Lau reiterated her view that the nomination threshold for the DC (second) FC should be lowered to 10 instead of 15 as proposed by the Administration so as to allow more candidates to participate in the election.</p>	
011351 - 011434	Administration	<p>Part 4 - Amendment to Legislative Council (Election Petition) Rules (Cap. 542 sub. leg. F)</p> <p>Clause 44 - Rule 12 amended (Lists of objections in recriminatory case)</p>	
011435 - 011602	Administration	<p>Part 5 - Amendments to Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap. 554 sub. leg. D)</p> <p>Clause 45 - Section 3 amended (Maximum amount of election expenses for geographical constituency)</p> <p>Clause 46 - Section 3A added</p> <p>Clause 47 - Section 4 amended (Maximum amount of election expenses for functional constituency)</p>	
011603 - 012154	Chairman Administration Dr LAM Tai-fai Ms Emily LAU	<p>Completion of the clause-by-clause examination of the Legislative Council (Amendment) Bill 2010</p> <p>Date of resumption of Second Reading debate</p> <p>Schedule of meetings in February 2011</p> <p>Date of next meeting</p>	