

立法會
Legislative Council

Ref : CB2/BC/3/10

LC Paper No. CB(2)332/11-12
(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 10th meeting
held on Friday, 11 February 2011, at 10:45 am
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)
- 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
- Dr Hon Philip WONG Yu-hong, GBS
- Hon WONG Yung-kan, SBS, JP
- Hon LAU Kong-wah, JP
- Hon Miriam LAU Kin-ye, 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 CHIM Pui-chung
- Prof Hon Patrick LAU Sau-shing, SBS, JP
- Dr Hon LAM Tai-fai, BBS, JP
- Hon CHAN Kin-por, JP
- 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 Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan
Hon WONG Yuk-man
Dr Hon Priscilla LEUNG Mei-fun

Public Officers attending : Constitutional and Mainland Affairs Bureau

Mr Stephen LAM Sui-lung
Secretary for Constitutional and Mainland Affairs

Mr Arthur HO Kin-wah
Acting Permanent 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)

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 Fony TSANG
Legislative Assistant (2)3

Action

I. Meeting with the Administration

[LC Paper Nos. CB(2)987/10-11(01) to (02), CB(2)995/10-11(01) to (04), 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 25, 27 and 29 January 2011

2. The Bills Committee considered the Administration's responses to some of the issues raised at the meetings on 25, 27 and 29 January 2011 [LC Paper Nos. CB(2)987/10-11(01)].

Draft Committee Stage amendments ("CSAs") to be proposed by the Administration

3. The Bills Committee considered the Administration's draft CSAs to the Chief Executive Election (Amendment) Bill 2010 ("CEEB") and the Legislative Council (Amendment) Bill 2010 ("LCB") [LC Paper Nos. CB(2)987/10-11(02) and 995/10-11(01)]. Members raised no objection to these CSAs.

Follow-up actions required of the Administration

Admin 4. The Administration was requested to -

- (a) consider the need for reference to 2012 in its proposed amendment to clause 1(4) of the LCB;
- (b) provide a written response to the concern about the conceptual difficulty as regards the timing of the commencement of subsections (11) and (17) of the proposed section 2A of the Schedule to the Chief Executive Election Ordinance (clause 6 of CEEB concerning special membership arrangement of the Election Committee for 2012); and

Action

- (c) provide a written response to whether the commencement provisions in clause 1 of CEEB were sufficient to cover the new provisions in its proposed CSAs concerning the voting system of the Chief Executive election.

II. Any other business

- 5. There being no other business, the meeting ended at 12:37 pm.

Council Business Division 2
Legislative Council Secretariat
17 November 2011

**Proceedings of the 10th meeting of the
Bills Committee on Chief Executive Election (Amendment) Bill 2010
and Legislative Council (Amendment) Bill 2010
on Friday, 11 February 2011, at 10:45 am
in the Chamber of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000353 – 001017	Chairman Administration	Briefing by the Administration on its responses to issues raised at the meetings on 25, 27 and 29 January 2011 [LC Paper No. CB(2)987/10-11(01)]	
001018 – 002142	Mr LAU Kong-wah Administration Ms Emily LAU	Mr LAU Kong-wah and Ms Emily LAU were of the view that arrangements should be made to facilitate a list of candidates/candidate to send out one letter to electors with the same registered address. Ms Emily LAU was of the view that the Administration should consider actively the use of environmental-friendly means for the distribution of election-related materials, such as giving electors the option to choose to receive election-related materials via e-mail only.	
002143 – 002642	Mr Paul TSE Administration	Mr Paul TSE reiterated his view that an allowance should be provided to candidates in lieu of free postage of election-related materials.	
002643 – 004419	Ms Audrey EU Administration SALA2	Query as to whether the proposal of allowing a list of candidates/candidate to print in the same leaflet materials relating to the candidature of candidates from different geographical constituencies ("GCs") or functional constituencies ("FCs") and to send the letter free of postage involved any amendments to the Legislative Council Ordinance (Cap. 542) ("LCO") The Administration was of the view that it did not see the need to amend section 43 of LCO. However, amendments to subsidiary legislation and the relevant practical guidelines might be needed.	
004420 – 005514	Dr Margaret NG Administration Chairman	Dr Margaret NG agreed with the Administration's view that section 43 of LCO did not prohibit the sending of election-related materials relating to lists of candidates or candidates from different GCs or FCs. She queried whether the Electoral Affairs Commission had the authority to make regulations to curtail the scope of section 43 of LCO.	

Time Marker	Speaker(s)	Subject(s)	Action required
005515 – 005900	Chairman Ms Emily LAU Administration Mr LAU Kong-wah	Ms Emily LAU reiterated her view that electors should be given the option of receiving election-related materials by electronic means only and the Administration should examine whether the proposal involved any amendments to the principal Ordinance.	
005901 – 010937	Chairman Administration SALA2	Briefing by the Administration on its draft Committee Stage amendments ("CSAs") to the Chief Executive Election (Amendment) Bill 2010 ("CEEB") and the Legislative Council (Amendment) Bill 2010 ("LCB") [LC Paper Nos. CB(2)987/10-11(02) and 995/10-11(01)] Marked-up copies of the draft CSAs to the Bills proposed by the Administration prepared by the Legal Service Division	
010938 – 011737	Dr Margaret NG Administration	Discussion as to whether an alternative drafting approach could be adopted for clause 6 of CEEB regarding the special arrangement for the membership of the Election Committee for 2012.	
011738 – 012421	Mr LAU Kong-wah Chairman Administration SALA2 Dr Margaret NG	Mr LAU Kong-wah queried the need for reference to 2012 in the proposed amendment to clause 1(4) of LCB. The Administration agreed to consider Mr LAU's view.	Admin (para 2 of minutes)
012422 – 012805	Dr Margaret NG Administration Mr IP kwok-him	In response to Dr Margaret NG's enquiry, the Administration advised that the Registration and Electoral Office would amend the voter registration application form to facilitate persons applying for registration as electors to indicate their choice as to whether they wished to register in the new District Council FC.	
012806 – 013149	Chairman SALA2 Administration	The Administration was requested to provide a written response to the concern about the conceptual difficulty as regards the timing of the commencement of subsections (11) and (17) of the proposed section 2A of the Schedule to the Chief Executive Election Ordinance (clause 6 of CEEB).	Admin (para 2 of minutes)
013150 – 014416	Chairman Ms Emily LAU Administration Mr Albert HO Mr Frederick FUNG	The proposed voting process of the Chief Executive election as set out in paragraph 2 of LC Paper No. CB(2)987/10-11(02)	

Time Marker	Speaker(s)	Subject(s)	Action required
014417 – 014829	Dr Margaret NG SALA2 Administration Ms Audrey EU	The drafting approach of clause 6 of CEEB	
014830 – 015036	SALA2 Administration	The Administration agreed to provide a written response to whether the commencement provisions in clause 1 of CEEB were sufficient to cover the new provisions in the proposed CSAs concerning the voting system of the Chief Executive election.	Admin (para 2 of minutes)
015037 – 015135	Dr Margaret NG Chairman	Dr Margaret NG expressed reservation about the new structure of amending provisions.	
015136 – 015400	Ms Emily LAU Chairman	Matters to be dealt with at the meeting to be held in the afternoon of 11 February 2011	

Council Business Division 2
Legislative Council Secretariat
17 November 2011