

立法會
Legislative Council

Ref : CB2/BC/4/10

LC Paper No. CB(2)985/11-12
(These minutes have been seen
by the Administration)

Bills Committee on Electoral Legislation
(Miscellaneous Amendments) Bill 2011

Minutes of the second meeting
held on Wednesday, 25 May 2011, at 8:30 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 Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
 - 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 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 Cyd HO Sau-lan
 - Hon CHAN Kin-por, JP
 - Dr Hon Priscilla LEUNG Mei-fun
 - Hon WONG Kwok-kin, BBS
 - Hon IP Kwok-him, GBS, JP
 - Hon Paul TSE Wai-chun
 - Dr Hon Samson TAM Wai-ho, JP
 - Hon Alan LEONG Kah-kit, SC
- Members absent** :
- Hon Timothy FOK Tsun-ting, GBS, JP
 - Hon Abraham SHEK Lai-him, SBS, JP
 - Hon WONG Yuk-man

Public Officers : Constitutional and Mainland Affairs Bureau
attending

Mr Stephen LAM
Secretary for Constitutional and Mainland Affairs

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 Kerr LI
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 : Mr Arthur CHEUNG
attendance Senior Assistant Legal Adviser 2

Miss Ivy LEONG
Senior Council Secretary (2)3

Mrs Fanny TSANG
Legislative Assistant (2)3

Action

I. Meeting with the Administration

[CMAB C1/30/5/4, LC Paper Nos. CB(3)701/10-11, CB(2)1759/10-11(01), CB(2)1868/10-11(01) and (02)]

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

2. The Bills Committee considered the Administration's responses to issues raised at the meeting on 17 May 2011 [LC Paper Nos. CB(2)1868/10-11(01) and (02)].

3. The Bills Committee discussed whether amendments relating to a proposed arrangement for filling mid-term vacancies arising from resignation of the Legislative Council Members should be included in the Bill for scrutiny.

II. Any other business

4. There being no other business, the meeting ended at 9:45 am.

Council Business Division 2
Legislative Council Secretariat
7 February 2012

**Proceedings of the second meeting of the
Bills Committee on Electoral Legislation (Miscellaneous Amendments) Bill 2011
on Wednesday, 25 May 2011, at 8:30 am
in the Chamber of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000122 - 000154	Chairman	Withdrawal of membership	
000155 - 000506	Chairman Administration Mr WONG Kwok-hing	Briefing by the Administration on its paper on "Follow-up to meeting on 17 May 2011 - Election Expenses Declared by Candidates in the 2007 District Council Election" [LC paper No. CB(2)1868/10-11(01)]	
000507 - 001120	Chairman Administration	Briefing by the Administration on its paper on "Follow up on issues raised at the meeting on 17 May 2011 on election petition mechanism" which was tabled at the meeting [LC Paper No. CB(2)1868/10-11(02)]	
001121 - 001623	Chairman Mr WONG Kwok-hing Administration	Mr WONG Kwok-hing's suggestion that the legislative proposal to provide for the filling of any vacancy in the membership arising from resignation of the Legislative Council ("LegCo") Members be studied under the Electoral Legislation (Miscellaneous Amendments) Bill 2011 ("the Bill"). The Administration's response that Members had been discussing the need for an arrangement for filling mid-term vacancies arising from resignation of LegCo Members for a year. The Administration welcomed views from members on whether the proposed legislative amendments should be examined under the Bill.	
001624 - 001831	Chairman Mr Jeffrey LAM Administration	Mr Jeffrey LAM expressed support for the Administration's proposed arrangement for filling vacancies in LegCo arising mid-term and the suggestion of examining the relevant legislative proposal in the context of the Bill.	
001832 - 002325	Chairman Dr Priscilla LEUNG	Dr Priscilla LEUNG's view that the Administration should seriously consider extending the period for lodging an appeal application from seven to 14 working days.	

Time Marker	Speaker(s)	Subject(s)	Action required
		Dr LEUNG welcomed the Administration's proposed replacement arrangement and considered that the relevant legislation should be enacted within the current legislative session.	
002326 - 002824	Chairman Ms Audrey EU	Ms Audrey EU's views that – (a) the proposed replacement arrangement would deprive the public of their right to vote in a by-election and distort the will of the electorate; (b) it was not appropriate to include the proposed replacement mechanism in the Bill for scrutiny as it was not related to the subject matter of the Bill; and (c) the normal procedure for the scrutiny of a Bill should be followed.	
002825 - 002926	Chairman Dr Philip WONG	Dr Philip WONG's view that the Administration should plug the loophole in the current arrangement before the commencement of the Fifth LegCo.	
002927 - 003051	Chairman Mr IP Kwok-him	Mr IP Kwok-him sought advice from the legal adviser to the Bills Committee on whether amendments relating to the proposed replacement mechanism fell within the scope of the Bill.	
003052 - 003437	Chairman Mr Alan LEONG	Mr Alan LEONG expressed strong disagreement to the suggestion of dealing with the legislative proposal in relation to the replacement mechanism in the context of the Bill.	
003438 - 004136	Chairman Dr Priscilla LEUNG Ms Audrey EU Ms Emily LAU	Discussion on whether the proposed replacement mechanism was relevant to the subject matter of the Bill.	
004137 - 004714	Chairman Administration	The Administration responded that – (a) consideration would be given to extending the period for lodging an appeal application from seven to 14 working days; (b) there was an urgency to enact the relevant legislation in order to provide sufficient	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>notice for potential candidates to consider whether to stand for the upcoming District Council election and to organize publicity to help electors understand the arrangements for the LegCo election in 2012; and</p> <p>(c) the Administration would consider whether amendments might be introduced to the Bill for the purpose of implementing the proposed replacement mechanism. The Administration respected all the views expressed by members and would revert to the Bills Committee.</p>	
004715 - 005200	Chairman SALA2	<p>The legal adviser to the Bills Committee advised that –</p> <p>(a) Rule 57(4)(a) of the Rules of Procedure provided that an amendment must be relevant to the subject matter of the bill and to the subject matter of the clause to which it related. This rule applied to amendments proposed by Members or the Administration;</p> <p>(b) the President would take into account all relevant factors, including the bill's long title, explanatory memorandum and the LegCo Brief, when determining the scope of the bill and would make a ruling on any proposed amendments; and</p> <p>(c) the Administration must explain why the effect of the proposed amendment was within the scope and relevant to the subject matter of a bill.</p>	
005201 - 011411	Chairman Ms Emily LAU Mr LEE Wing-tat Mr WONG Kwok-hing Ms Miriam LAU Mr IP Kwok-him Dr Priscilla LEUNG Mr Paul TSE SALA2 Administration	<p>Further discussion on whether amendments relating to the proposed replacement mechanism should be included in the Bill.</p> <p>The legal adviser to the Bills Committee's further advice on the question of the relevance of a proposed amendment.</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
011412 - 011500	Chairman	Closing remarks Date of next meeting	

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