

立法會
Legislative Council

LC Paper No. CB(2)1659/11-12
(These minutes have been seen
by the Administration)

Ref : CB2/BC/5/11

**Bills Committee on
Electoral Legislation (Miscellaneous Amendments) Bill 2012**

**Minutes of meeting
held on Friday, 2 March 2012, at 6:30 pm
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon IP Kwok-him, GBS, JP (Chairman)
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon WONG Yung-kan, SBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon Cyd HO Sau-lan
Dr Hon Priscilla LEUNG Mei-fun, JP
Hon Paul TSE Wai-chun, JP

Members absent : Dr Hon Philip WONG Yu-hong, GBS
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-yee, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon WONG Ting-kwong, BBS, JP
Hon Ronny TONG Ka-wah, SC
Dr Hon Samson TAM Wai-ho, JP

Public Officers attending : Item II

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

Mr Freely CHENG Kei
Principal Assistant Secretary for Constitutional and
Mainland Affairs 3

Ms Anne TENG Yu-yan
Principal Assistant Secretary for Constitutional and
Mainland Affairs 2

Mr LI Pak-hong
Chief Electoral Officer
Registration and Electoral Office

Mr Anthony CHAN Shiu-lun
Principal Electoral Officer
Registration and Electoral Office

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

Miss Emma WONG
Senior Government Counsel
Department of Justice

**Clerk in
attendance** : Ms Alice LEUNG
Chief Council Secretary (2) 5

**Staff in
attendance** : Ms Wendy KAN
Assistant Legal Adviser 6

Mr Ian CHOW
Council Secretary (2) 1

Ms Priscilla LAU
Council Secretary (2) 5

Ms Kiwi NG
Legislative Assistant (2) 1

Action

I. Election of Chairman

Mrs Sophie LEUNG, the Member who had the highest precedence in the Council among those who were present at the meeting, presided over the election of the Chairman. She informed members of Dr LAM Tai-fai's withdrawal from the Bills Committee.

2. Mrs Sophie LEUNG invited nominations for the chairmanship of the Bills Committee. Mr IP Kwok-him was nominated by Mr WONG Yung-kan and the nomination was seconded by Mr CHEUNG Hok-ming. Mr IP accepted the nomination. As there was no other nomination, Mrs Sophie LEUNG declared Mr IP Kwok-him elected as the Chairman of the Bills Committee.

II. Meeting with the Administration

(CMAB C1/30/5/4, LC Paper Nos. CB(2)1250/11-12(03) and LS 28/11-12)

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

Follow-up actions required of the Administration

Admin

4. The Administration was requested to provide written responses to the following issues raised by members at the meeting -

- (a) the onus of proof in cases of prosecution against a candidate where the support in election advertisements ("EAs") provided by the supporters themselves was made out of their own volition;
- (b) whether prior written consent of support had to be obtained from those persons appeared in photos published in a candidate's EAs which mentioned and displayed past activities organized by the candidate involving participation of members of the public;
- (c) in respect of the proposed central portal maintained by the Registration and Electoral Office, the specifications of the information system for supporting the portal (including the

Action

size of files allowed and time taken for uploading, and user capacity), both the hardware and the manpower resources required for the management and maintenance of the portal site; and

- (d) whether the Administration would consider adopting decentralized counting arrangements for the District Council (second) functional constituency; if not, the reasons for that; and if the central counting arrangement as presently proposed in the Bill was adopted, the estimated manpower resources and time required for the completion of the entire vote counting process.

III. Any other business

Invitation of public views

Clerk

5. The Bills Committee agreed to invite written submissions from members of the public by posting an invitation notice onto the website of the Legislative Council.

Meeting schedule for the period from March to April 2012

6. The Bills Committee agreed that the next meeting would be held on Monday, 19 March 2012, at 10:45 am.

7. The Bills Committee also agreed to schedule additional meetings for the following dates -

- (a) 23 March 2012 (Friday) at 3:00 pm or immediately after the House Committee meeting, whichever is later;
- (b) 29 March 2012 (Thursday) at 4:30 pm;
- (c) 11 April 2012 (Wednesday) at 8:30 am; and
- (d) 20 April 2012 (Friday) at 10:45 am.

(Post-meeting note: The meeting schedule was issued vide LC Paper No. CB(2)1281/11-12 on 5 March 2012.)

Action

8. There being no other business, the meeting ended at 6:56 pm.

Council Business Division 2
Legislative Council Secretariat
11 April 2012

**Proceedings of meeting of the
Electoral Legislation (Miscellaneous Amendments) Bill 2012
held on Friday, 2 March 2012, at 6:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action Required
000000 - 000200	Mrs Sophie LEUNG Mr WONG Yung-kan Mr CHEUNG Hok-ming Mr IP Kwok-him	Election of Chairman	
000201 - 000418	Chairman	Opening remarks	
000419 - 001031	Admin	<p>The Administration's briefing on the Electoral Legislation (Miscellaneous Amendments) Bill 2012 ("the Bill").</p> <p>Objects of the Bill -</p> <p>(a) to amend the regulatory regime on election advertisements ("EAs") to allow candidates to post their EAs onto a central portal maintained by the Registration and Electoral Office ("REO") ("the central portal") or the candidates' own election websites within one working day after the publication of EAs; regarding the consent of support in EAs, the Bill proposed that a candidate was not required to obtain prior written consent from those who provided support in his/her EAs if the candidate had neither requested or directed nor authorized any other person to request or direct the inclusion of such support in his/her EAs;</p> <p>(b) to introduce amendments relating to organizations which were constituents in several functional constituencies of the Legislative Council ("LegCo") or subsectors of the Election Committee to reflect their latest positions; the Bill proposed to update the names of certain bodies which were registered or were eligible to be registered as electors, and to delete those organizations that had ceased operation;</p>	

Time marker	Speaker(s)	Subject(s)	Action Required
		<p>(c) to improve the electoral procedures for various elections;</p> <p>(d) to provide for central counting arrangements for the District Council (second) functional constituency ("DC (second) FC");</p> <p>(e) to make technical amendments to the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) ("ECICO"); and</p> <p>(f) to make related and incidental amendments to relevant legislation.</p>	
001032 - 001602	Mr TAM Yiu-chung Admin Chairman	<p>Mr TAM's enquiry about the need to obtain prior consent of support if EAs included the pictorial representation of a particular person or a group of persons.</p> <p>The Administration's advice that under ECICO, if a candidate or a person published EAs which included the name, logo or pictorial representation of another person or an organization in such a way as to imply, or to be likely to cause electors to believe that a certain candidate had the support from such person or organization, the candidate or the person concerned was required to obtain prior written consent of support from such person or organization. The Bill mainly proposed to amend the existing requirements such that a candidate or a person was not required to obtain prior written consent from those who provided support in the EAs published by him/her if he/she had neither requested or directed nor authorized any person to request or direct the inclusion of such support.</p> <p>Mr TAM's concern about the possible loophole arising from the relaxation of the regulations on EAs.</p>	

Time marker	Speaker(s)	Subject(s)	Action Required
001603 - 001805	Chairman Ms Cyd HO Dr Priscilla LEUNG Admin	The need for inviting public views on the Bill; the Administration's public consultation on the legislative proposals launched between 6 and 31 December 2011 in response to the suggestion of the Panel on Constitutional Affairs; details of the public consultation as set out in Annex C to the LegCo Brief issued by the Constitutional and Mainland Affairs Bureau in February 2012 (File Ref.: CMAB C1/30/5/4).	
001806 - 001906	Dr Priscilla LEUNG	Enquiry about the onus of proof in cases of prosecution against a candidate where the support in EAs provided by the supporters themselves was made out of their own volition. Enquiry on whether prior written consent of support had to be obtained from those persons appeared in photos published in a candidate's EAs which mentioned and displayed past activities organized by the candidate involving participation of members of the public.	Admin to provide a written response (Para. 4(a) & (b) of the minutes refer)
001907 - 002332	Chairman Mr WONG Yung-kan Mr TAM Yiu-chung Mrs Sophie LEUNG Ms Cyd HO Admin	Members agreed to invite written submissions from members of the public by posting an invitation notice onto the LegCo website.	
002333 - 002417	Chairman	Dates of subsequent meetings.	
002418 - 002608	Chairman Ms Cyd HO	Ms HO requested the Administration's provision of the following information - (a) in respect of the proposed central portal maintained by REO, the specifications of the information system for supporting the portal (including the size of files allowed and time taken for uploading, and user capacity), both the hardware and the manpower resources required for the management and maintenance of the portal site; and	Admin to provide a written response (Para. 4(c) & (d) of the minutes refer)

Time marker	Speaker(s)	Subject(s)	Action Required
		(b) whether the Administration would consider adopting decentralized counting arrangements for DC (second) FC; if not, the reasons for that; and if the central counting arrangement as presently proposed in the Bill was adopted, the estimated manpower resources and time required for the completion of the entire vote counting process.	

Council Business Division 2
Legislative Council Secretariat
11 April 2012