

立法會
Legislative Council

Ref : CB2/SS/2/15

LC Paper No. CB(2)663/15-16
(These minutes have been seen
by the Administration)

**Subcommittee on Legislative Council Ordinance
(Amendment of Schedule 5) Order 2015 and Maximum Amount of Election
Expenses (Legislative Council Election) (Amendment) Regulation 2015**

**Minutes of the second meeting
held on Monday, 7 December 2015, at 11:00 am
in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon Paul TSE Wai-chun, JP (Chairman)
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon Cyd HO Sau-lan, JP
Hon Alan LEONG Kah-kit, SC
Hon CHAN Yuen-han, SBS, JP
Hon IP Kin-yuen
- Members absent** : Hon IP Kwok-him, GBS, JP
Hon WONG Yuk-man
Hon James TIEN Pei-chun, GBS, JP
Hon NG Leung-sing, SBS, JP
- Public Officers attending** : Mr Ronald CHAN Ngok-pang, JP
Under Secretary for Constitutional and Mainland Affairs
- Mr Gordon LEUNG Chung-tai, JP
Deputy Secretary for Constitutional and Mainland Affairs
- Miss Helen CHUNG Chi-ching
Principal Assistant Secretary for Constitutional and
Mainland Affairs
- Mr Henry CHAN Ngai-him
Acting Senior Government Counsel
Department of Justice

Attendance by Invitation : Mr KWOK Chung-man

Bauhinia Foundation Research Centre

Miss CHING Yin-fong
Senior Manager (Research)

Dynamic Island

Mr Felix WU Pat-lun
Spokesperson

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (2) 3

Staff in attendance : Miss Evelyn LEE
Assistant Legal Adviser 10

Miss Cindy HO
Senior Council Secretary (2) 3

Mrs Fonny TSANG
Legislative Assistant (2) 3

Action

I. Meeting with deputations and the Administration

[LC Paper Nos. LS10/15-16, CB(2)379/14-15(01), CB(2)380/15-16(01) and CMAB C1/30/10]

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

2. The Subcommittee received views from three deputations/individual attending the meeting on the Legislative Council Ordinance (Amendment of Schedule 5) Order 2015 (the "Order") and Maximum Amount of Election Expenses (Legislative Council Election) (Amendment) Regulation 2015 (the "Amendment Regulation"). While the deputations generally supported the proposed increase of the subsidy rate from \$12 to \$14 per vote, they urged the Administration to review the basis for calculating the adjustments to the maximum amount of election expenses ("MEEs"), and to rationalize the different levels of MEEs applicable to various public elections.

Follow-up actions required of the Administration

- Admin 3. The Administration was requested to provide supplementary information to explain the basis on which the MEEs for traditional functional constituency elections were set.

(Post-meeting note: The supplementary information paper provided by the Administration was issued vide LC Paper No. CB(2)457/15-16(01) on 11 December 2015.)

Legislative timetable

4. The Subcommittee completed examination of the provisions of the Order and the Amendment Regulation.
5. Members noted that the scrutiny period of the Order and the Amendment Regulation would expire at the Council meeting of 6 January 2016 and the deadline for giving notice to move amendments, if any, was 29 December 2015. The Subcommittee would report its deliberations to the House Committee on 18 December 2015.

II. Any other business

6. There being no other business, the meeting ended at 12:00 noon.

Council Business Division 2
Legislative Council Secretariat
14 January 2016

**Proceedings of the second meeting of the
Subcommittee on Legislative Council Ordinance
(Amendment of Schedule 5) Order 2015 and Maximum Amount of Election
Expenses (Legislative Council Election) (Amendment) Regulation 2015
on Monday, 7 December 2015, at 11:00 am
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000254 - 000511	Chairman	Opening remarks Meeting with deputations to receive views on the Legislative Council Ordinance (Amendment of Schedule 5) Order 2015 (the "Order") and Maximum Amount of Election Expenses (Legislative Council Election) (Amendment) Regulation 2015 (the "Amendment Regulation").	
000512 - 000801	Mr KWOK Chung-man	Presentation of views	
000802 - 001108	Bauhinia Foundation Research Centre	Presentation of views [LC Paper No. CB(2)380/15-16(02)]	
001109 - 001438	Dynamic Island	Presentation of views [LC Paper No. CB(2)488/15-16(01)]	
001439 - 002041	Chairman Ms Cyd HO Administration	Ms Cyd HO pointed out that under the Administration's current proposal, the maximum amount of election expenses ("MEEs") for Kowloon East ("KE") and Kowloon West ("KW") were the same and so were the MEEs for New Territories East ("NTE") and New Territories West ("NTW"). However, there was, in fact, a gap between the projected population of KE and that of KW, and between the projected population of NTE and that of NTW. In particular, the projected population of NTE and NTW differed considerably by about 200 000. She argued that the expenses on sending election advertisements to electors, which formed a substantial part of the election expenses to be incurred by a candidate, were linked to the number of registered electors in the geographical constituency ("GC") concerned. She considered that the MEE for each GC should be adjusted on the basis of the projected population (or the number of registered electors) of the GC concerned.	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>The Administration advised that for the current review, the Administration had taken into account a host of factors as set out in paragraph 15 of the Legislative Council ("LegCo") Brief. The Administration explained that taking into account the fact that the MEEs adopted in 2012 were broadly agreed by different political groups and had worked well, it proposed to use the MEEs adopted in 2012 as the base for the current review exercise, and to adjust them on the basis of the estimated cumulative inflation rate from 2013 to 2016. The Administration also advised that when compared with 2012, changes in the projected population of each GC as at mid-2016 were actually not significant. The three tiers of MEEs for the GCs were still roughly in line with the projected population in the GCs in the sense that the projected population and MEE in KW and KE were lower than those in Hong Kong Island, which in turn were lower than those in NTW and NTE.</p>	
002042- 003110	<p>Chairman Administration Ms Cyd HO Dynamic Island Mr KWOK Chung-man</p>	<p>The deputations called on the Administration to review the basis for calculating the adjustments to MEEs and to rationalize the different levels of MEEs applicable to various public elections.</p> <p>The Chairman and Ms Cyd HO expressed disagreement to the Administration's view that the MEEs adopted in 2012 were broadly agreed by different political groups.</p>	
003111 - 003644	<p>Chairman Miss CHAN Yuen-han Administration</p>	<p>Miss CHAN Yuen-han requested the Administration to review the basis for calculating the adjustments to MEEs in the light of members' concerns. She indicated that she did not object to the proposed subsidy rate to be raised to \$14 per vote.</p> <p>The Administration advised that there was insufficient time left prior to the 2016 LegCo General Election to conduct a major review of the system. Besides, the Administration did not see substantial variations in circumstances since the last review exercise (e.g. large changes in projected population) that warranted fundamental changes to the system of setting MEEs.</p>	

003645 - 004159	<p>Chairman Mr Alan LEONG Miss CHAN Yuen-han Ms Cyd HO Administration</p>	<p>Mr Alan LEONG considered that there was no logic in proposing to adopt the same level of MEEs for KW and KE without due regard to the difference in their projected population. The Chairman and Miss CHAN Yuen-han reiterated the need to review the system of setting MEEs. Ms Cyd HO considered that members belonging to different political parties in general had strong views on the proposed MEEs. The Administration maintained the view that it was appropriate to adjust the MEEs for both GC and functional constituency ("FC") elections on the basis of the estimated cumulative inflation rate from 2013 to 2016.</p>	
004200 - 004907	<p>Chairman Ms Cyd HO Ms Emily LAU Dynamic Island Mr KWOK Chung-man</p>	<p>Ms Cyd HO expressed concern about the large discrepancy in the average election expense amount that a candidate could spend on each elector for different FCs. The Administration explained that in the presence of certain fixed costs (i.e. certain items of election expenses which would be incurred regardless of the number of electors in relevant FCs), the election expenses of FC candidates might not be directly proportional to the electorate size. The Administration agreed to provide supplementary information in writing.</p> <p>The deputations expressed concern about the inconsistencies in the levels of MEEs applicable to the elections of Rural Representatives, traditional FCs, Rural Committees and Heung Yee Kuk under the relevant legislation (i.e. Caps. 554B, 554D, 554H and 554E).</p>	<p>Admin (paragraph 3 of the minutes)</p>
004908 - 005132	<p>Chairman Ms Emily LAU</p>	<p>Ms Emily LAU expressed the view that if the subsidy rate under the financial assistance scheme was raised from \$12 to only \$14 per vote, the financial assistance payable to candidates/candidate lists would not provide much assistance to candidates in subsidizing their election expenses.</p>	
005133 - 005459	<p>Chairman Administration Ms Cyd HO</p>	<p><u>Clause by clause examination of the Order</u></p> <p>In response to the Chairman's enquiry on the drafting of the Order, the Administration advised that the proposed increase in the specified rate of financial assistance in Schedule 5 would be applicable to elections for the sixth term of office</p>	

		of LegCo commencing in 2016 and any subsequent term of office.	
005500 - 005809	Chairman Administration	<u>Clause by clause examination of the Amendment Regulation</u>	
005810 - 005858	Chairman	Legislative timetable Closing remarks	

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14 January 2016