

立法會

Legislative Council

LC Paper No. CB(2)2600/02-03

(These minutes have been seen
by the Administration)

Ref : CB2/SS/12/02

**Subcommittee on subsidiary legislation relating to
District Councils election gazetted on 16 May 2003**

**Minutes of the second meeting
held on Monday, 2 June 2003 at 12:00 noon
in Conference Room B of the Legislative Council Building**

Members present : Hon IP Kwok-him, JP (Chairman)
Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Hon HUI Cheung-ching, JP
Hon Andrew WONG Wang-fat, JP
Hon WONG Yung-kan
Hon Howard YOUNG, JP
Dr Hon YEUNG Sum
Hon LEUNG Fu-wah, MH, JP

Public Officers attending : Mr Joseph LAI Yee-tak
Acting Permanent Secretary for
Constitutional Affairs

Ms Eva YAM Ya-ling
Principal Assistant Secretary
(Constitutional Affairs) 4

Mr Bassanio SO
Principal Assistant Secretary
(Constitutional Affairs) 5

Mr LI Wing
Chief Electoral Officer

Miss Carmen CHU
Senior Government Counsel

Mr Vidy CHEUNG
Senior Government Counsel

Ms Grace LEUNG
Government Counsel

Clerk in attendance : Mrs Percy MA
Chief Assistant Secretary (2)3

Staff in attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Mrs Eleanor CHOW
Senior Assistant Secretary (2)4

Action

I. Meeting with the Administration

(LC Paper Nos. CB(2)2298/02-03(01) and (02))

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

2. The Subcommittee requested the Administration to -

District Councils (Subscribers and Election Deposit for Nomination)
(Amendment) Regulation 2003

(a) provide background information on the basis for setting the election deposit at \$3,000 in due course;

Electoral Affairs Commission (Electoral Procedure) (District Councils)
(Amendment) Regulation 2003

(b) give an undertaking to the effect that it would consider seriously the proposal of provision of video camera facilities for the purpose of monitoring the whole vote counting process at individual polling/counting stations for future public elections;

(c) advise which polling station in the 1999 District Councils election had the lowest number of registered electors and the number of votes cast;

(d) explain the rationale for deleting section 76(2) of the principal Regulation which represented a major policy change and respond

to some members' proposal that ballot papers from two or more polling stations of a constituency should be mixed before counting; and

- (e) review whether the drafting of the proposed section 56A(5)(b) was adequate to prevent abuse.

3. On the Declaration of Constituencies (District Councils) Order 2003, Dr YEUNG Sum said that the Legislative Council should respect the independence of the Electoral Affairs Commission (EAC) and refrain from interfering with EAC's recommendations on the delineation of constituency areas. Members shared his view. Members agreed to support the Order.

4. Members noted that the Administration would propose amendments to the District Councils (Subscribers and Election Deposit for Nomination) (Amendment) Regulation 2003 in response to the query on drafting raised by the Senior Assistant Legal Adviser 2. The wording of the proposed amendments would be provided for members' consideration as soon as possible.

The way forward

5. Having completed scrutiny of the District Councils (Subscribers and Election Deposit for Nomination) (Amendment) Regulation 2003 and the Declaration of Constituencies (District Councils) Order 2003, members agreed that the Subcommittee should report its deliberation on these two items of subsidiary legislation to the House Committee on 6 June 2003. Members also agreed to extend the scrutiny period of the Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2003 to 9 July 2003.

II. Date of next meeting

6. The next meeting would be held on 9 June 2003 at 4:30 pm to continue scrutiny of the Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2003.

7. There being no other business, the meeting ended at 2:02 pm.

**Proceedings of the meeting of the Subcommittee on
subsidiary legislation relating to District Councils election gazetted on 16 May 2003
on Monday, 2 June 2003 at 12:00 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000327	Chairman	Opening remarks	
000328 - 000639	Administration/ Chairman	Briefing on the Administration's paper on "Election Deposit for District Council Elections" (LC Paper No. CB(2) 2298/02-03(01))	
000640 - 001036	Ms Cyd HO/ Administration/ Chairman	Election deposit of \$3,000	Admin to provide information on the basis for setting the election deposit at \$3,000 in due course
001037 - 001930	Administration/ Chairman	Briefing on the Administration's paper on "Handling of Questionable Ballot Papers" (LC Paper No. CB(2) 2298/02-03(02))	
001931 - 002404	Ms Cyd HO/ Chairman/ Administration	Provision of video camera facilities at polling/counting stations	Admin to give an undertaking to the effect that it would seriously consider the proposal of provision of video camera facilities for the purpose of monitoring the whole counting process at individual polling/counting stations for future public elections
002405 - 002706	Dr YEUNG Sum/ Chairman/ Mr HUI Cheung-ching	Independence of the Electoral Affairs Commission (EAC) on delineation of District Council constituency areas	
002707 - 002831	Chairman	Scrutiny of the District Councils (Subscribers and Election Deposit for Nomination) (Amendment) Regulation 2003 (the Amendment Regulation)	

002832 - 004925	Administration/ Chairman/ Mr WONG Yung-kan/ Ms Cyd HO/ SALA2/	Application of the proposed amendments to section 7 and its proposed new subsection (1A) of the Amendment Regulation in respect of the handling and verification of nomination papers	
004926 - 005012	Chairman	Declaration of Constituencies (District Councils) Order 2003	
005013 - 005100	SALA2/ Administration	Drafting of the proposed amendments to section 7 and its proposed new subsection (5) of the Amendment Regulation	SALA2 to discuss with Admin on the drafting of the provision
005101 - 005307	Mr Andrew WONG/ Administration/ Chairman	Definition of "one nomination paper" under section 7(2) of the principal Regulation	
005308 - 005419	Chairman/ Administration	Scrutiny of the Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2003 (the EAC Amendment Regulation)	
005420 - 005453	Ms Cyd HO/ Administration	Appropriateness of the term "head-dress" in proposed section 2 of the EAC Amendment Regulation	
005454 - 005630	Chairman/ Administration	Reasons for deleting "identity document number" from section 12(8) of the principal Regulation	
005631 - 005808	SALA2/ Administration/ Chairman	Drafting of the proposed amendments to section 31 and its proposed new subsection (1B) of the EAC Amendment Regulation	

005809 - 014644	Mr Andrew WONG/ Chairman/ Ms Cyd HO/ Administration/ Mr WONG Yung-kan/ Dr David CHU/ SALA2	Sections 31(9) and 76(2) of the principal Regulation concerning counting of votes at individual polling stations Possible adverse consequences of not mixing ballot papers from two or more polling stations of a constituency before counting Necessity for deleting section 31(9) from the principal Regulation	Admin to advise which polling station in the 1999 District Councils election had the lowest number of registered electors and the number of votes cast Admin to explain the rationale for deleting section 76(2) and respond to some members' proposal that ballot papers from two or more polling stations of a constituency should be mixed before counting
014645 - 014838	Chairman/ Mr Andrew WONG/ Administration	Views on the three items of subsidiary legislation	
014839 - 015134	Chairman/ Administration	Date of next meeting Way forward on the three items of subsidiary legislation	The Subcommittee to extend the scrutiny period of the EAC Amendment Regulation to 9 July 2003
015135 - 015248	Chairman/ Administration	Scrutiny of the EAC Amendment Regulation	
015249 - 020118	SALA2/ Chairman/ Administration/ Mr Andrew WONG/	Drafting of the proposed new section 56A and its proposed new subsection (5)(b) of the EAC Amendment Regulation	Admin to review whether the drafting of the provision was adequate to prevent abuse