

立法會
Legislative Council

LC Paper No. CB(2)2758/02-03
(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 third meeting
held on Monday, 9 June 2003 at 4:30 pm
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 Howard YOUNG, JP
Dr Hon YEUNG Sum

Members absent : Hon WONG Yung-kan
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 LI Wing
Chief Electoral Officer

Mr Vidy CHEUNG
Senior 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. 2361/02-03(01) - (03) and 2412/02-03(01))

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

2. Members noted that the Subcommittee had reported its deliberations on the District Councils (Subscribers and Election Deposit for Nomination) (Amendment) Regulation 2003 (the Amendment Regulation) and the Declaration of Constituencies (District Councils) Order 2003 to the House Committee on 6 June 2003. Members also noted that the Administration would move amendments to the Amendment Regulation. Members discussed and supported the wording of the proposed amendments, which was tabled at the meeting (LC Paper No. CB(2) 2412/02-02 (01)).

Scrutiny of the Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2003

3. Members continued to examine the Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2003 (the EAC Amendment Regulation). The Chairman advised members that he would move a motion at the Council meeting on 18 June 2003 to extend the scrutiny period of the EAC Amendment Regulation to the Council meeting on 9 July 2003.

4. Members discussed the modified counting arrangements for the District Councils (DCs) election proposed by the Administration (LC Paper No. CB(2) 2361/02-03(01)). In response to some members' concerns that the secrecy of voters might be compromised at polling stations where the number of voters was small, the Administration had proposed that for a polling station with less than 200 registered electors, the ballot papers cast at the polling station would be delivered to another polling station within the same constituency at which the ballot paper of the two polling stations would be mixed for counting.

5. Dr YEUNG Sum said that while Members belonging to the Democratic Party supported in principle the proposal to decentralize vote counting at individual polling stations, they had no objection to the modified proposal. Mr Howard YOUNG also supported the modified proposal.

6. Mr Andrew WONG pointed out that under the original proposal, ballot papers from polling stations within a constituency would not be mixed before counting. Under the modified proposal, the situation would remain the same for constituencies with polling stations having more than 200 registered voters. In his view, the modified proposal would not change the fact that the integrity of the electoral process within a constituency might be compromised. As the new counting arrangements represented a major policy change, Mr Andrew WONG proposed that the Secretary for Constitutional Affairs (SCA), the principal official responsible for the relevant policy portfolio, should attend the next meeting of the Subcommittee to explain to members the reasons for proposing changes which deviated from the long standing policy.

7. While Ms Cyd HO supported the modified proposal, she considered that Mr WONG's wish to invite SCA to a meeting to explain his policy decisions should be respected. The Chairman put Mr WONG's proposal to the vote. Mr Andrew WONG and Ms Cyd HO voted for, and Mr Howard YOUNG and the Chairman voted against, the proposal. As there was no majority, the motion on Mr WONG's proposal was not carried. The Chairman said that he would raise, in his personal capacity, Mr WONG's concerns about the vote counting arrangements for DCs election to the Panel on Constitutional Affairs for follow up.

8. Ms Cyd Ho held the view that, by convention, a chairman of a committee would not cast his/her original vote. She expressed concern about the unconventional approach taken by the Chairman of this Subcommittee. She said that she would raise the issue for discussion by the House Committee.

9. Mr Andrew WONG said that he did not support either the original or modified proposal on vote counting. He would either amend or repeal altogether the EAC Amendment Regulation.

10. As the majority of the members supported the modified proposal, members agreed that the Administration should prepare the draft amendments for members' consideration at the next meeting.

II. Date of next meeting

11. Members agreed that the next meeting would be held on 19 June 2003 at 2:30 pm.

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

(Post-meeting note : To avoid a clash with another committee meeting on 19 June 2002, the next meeting has been rescheduled to 18 June 2003 at 8:30 am.)

Council Business Division 2
Legislative Council Secretariat
4 July 2003

**Proceedings of the meeting of the Subcommittee on
subsidiary legislation relating to District Councils election gazetted on 16 May 2003
on Monday, 9 June 2003 at 4:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000221	Chairman	Opening remarks	
000222 - 000356	Administration Chairman	Briefing on the proposed amendments to the District Councils (Subscribers and Election Deposit for Nomination) (Amendment) Regulation 2003 (LC Paper No. CB(2) 2412/02-03(01))	
000357 - 001021	Administration Chairman	Scrutiny of the Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2003 (the EAC Amendment Regulation) Briefing on the proposed modified vote counting arrangements (LC Paper No. CB(2) 2361/02-03(01))	
001022 - 001105	Dr YEUNG Sum	Views of Members of the Democratic Party on the modified vote counting proposal	
001106 - 001443	Chairman Administration Mr Howard YOUNG	Implementation arrangements for the modified vote counting proposal	
001444 - 004739	Mr Andrew WONG Chairman Administration Mr Howard YOUNG Ms Cyd HO	Views on the modified vote counting proposal Views on exit poll Drafting of amendments to the EAC Amendment Regulation by a member who opposed the original and modified vote counting proposals	

Time marker	Speaker	Subject(s)	Action Required
		<p>Views on whether the Chairman of the Electoral Affairs Commission (EAC) and the Secretary for Constitutional Affairs (SCA) should be invited to a Subcommittee meeting to explain the reasons for introducing policy changes to the vote counting arrangements</p> <p>Stance and views of the Administration and the EAC on the original and modified vote counting proposals</p>	
004740 - 005356	<p>Chairman Mr Andrew WONG SALA2 Ms Cyd HO</p>	<p>Vote on the proposal to invite SCA to a Subcommittee meeting to explain his policy decisions on vote counting arrangements</p> <p>Entitlement to vote of a chairman of a subcommittee</p>	
005357 - 010614	<p>Chairman Administration Mr Andrew WONG Ms Cyd HO SALA2</p>	<p>Availability of wording of the proposed amendments to implement the modified vote counting proposal</p> <p>Briefing and discussion on "Drafting of the section 56A(5)" (LC Paper No. CB(2) 2361/02-03(02))</p>	Admin to provide draft amendments to the EAC Amendment Regulation
010615 - 010927	<p>Administration SALA2 Mr Andrew WONG Chairman</p>	Proposed amendment to section 66(2) of the principal Regulation concerning counting agents	
010928 - 012701	<p>Ms Cyd HO Administration Chairman SALA2 Mr Andrew WONG</p>	<p>Section 103 of the principal Regulation concerning election advertisements</p> <p>Clarification on the timing for depositing election advertisements with the Returning Officer under the proposed subsection (9)</p> <p>Definition of "a person" under subsection (12) and the scope of its application</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>Need to enhance publicity to alert persons such as commentators from committing an offence under subsection (12)</p> <p>Compatibility of section 103(12) with section 27(1) and (2) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)</p>	
012702 - 013022	Chairman	Date of next meeting	

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4 July 2003