

立法會
Legislative Council

LC Paper No. CB(2)2759/02-03
(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 fourth meeting
held on Wednesday, 18 June 2003 at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon IP Kwok-him, JP (Chairman)
Hon Andrew WONG Wang-fat, JP
Hon WONG Yung-kan
Hon Howard YOUNG, JP
Hon LEUNG Fu-wah, MH, JP
- Members absent** : Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Hon HUI Cheung-ching, JP
Dr Hon YEUNG Sum
- Public Officers attending** : Mr Joseph LAI Yee-tak
Deputy 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. Confirmation of minutes of meetings
(LC Paper No. CB(2)2441/02-03)

The minutes of the meeting on 30 May 2003 were confirmed.

II. Meeting with the Administration
(LC Paper Nos. CB(2)2500/02-03(01) and 2586/02-03(01))

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

3. Members discussed the Administration's proposed amendments to the Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2003 (the Amendment Regulation), which was tabled at the meeting, to give effect to the modified proposal on vote counting arrangements (LC Paper No. CB(2) 2500/02-03(01)).

4. In response to members, Senior Assistant Legal Adviser 2 said that the proposed amendments had reflected the spirit of the modified proposal on vote counting arrangements. However, he needed more time to scrutinize the drafting of the proposed amendments. He would liaise with the Administration on the matter.

5. The Subcommittee requested the Administration to consider -

- (a) amending the Chinese text of the proposed new section 56A(5)(b);
- (b) amending the Chinese text of the proposed amendment to the heading of section 63;
- (c) whether the place for drawing lots in the event of equal number of votes needed to be specified in new section 80C(2);

- (d) whether the place for declaration of election result needed to be specified in section 81(1); and
- (e) retaining section 98(2)(j) but deleting the words "time and" in the provision.

6. Noting that the proposed new section 75(1A)(a) had used the expression "his or her" and referring to section 7(1) of the Interpretation and General Clauses (Cap. 1), members were of the view that the word "his" also included the feminine and neuter genders. Members requested the Administration to consider amending the expression to "his". Senior Government Counsel responded that the Electoral Affairs Commission Ordinance and its Regulations used the expression "his or her". Any changes to the expression "his or her" in the Amendment Regulation would necessitate consequential amendments to be made to the other legislation. The Chairman said that the Administration should consider adopting a consistent drafting approach for the same expression in the laws of Hong Kong.

7. Members completed scrutiny of the Amendment Regulation and the proposed amendments. The majority of the members present at the meeting supported the Administration's modified proposal on vote counting arrangements. Mr Andrew WONG did not support the modified proposal and said that he would move a motion to repeal the Amendment Regulation. Proposed wording of his motion was tabled at the meeting (LC Paper Nos. CB(2) 2586/02-03(01)).

8. The Chairman said that he would move a motion to extend the scrutiny period of the Amendment Regulation to the Council meeting on 9 July 2003. Members discussed the timetable for the Subcommittee to report its deliberations to the House Committee, and the Administration's proposal to move the motion to amend the Amendment Regulation at the Council meeting on 2 July 2003 instead of 9 July 2003. Members agreed that a written report of the Subcommittee should be submitted to the House Committee on 27 June 2003 and the Administration should move the motion at the Council meeting on 9 July 2003.

9. There being no other business, the meeting ended at 10:47 am.

**Proceedings of the meeting of the Subcommittee on
subsidiary legislation relating to District Councils election gazetted on 16 May 2003
on Tuesday, 18 June 2003 at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000241	Chairman	Opening remarks Scrutiny of the Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2003 (the Amendment Regulation)	
000242 - 000706	Administration	Briefing on the proposed amendments to the Amendment Regulation to reflect the modified proposal on vote counting arrangements (Annex A to LC Paper No. CB(2) 2500/02-03(01))	
000707 - 001007	Mr LEUNG Fu-wah Administration Chairman SALA2	Clarification on the definition of "small polling station" Views on the drafting of the proposed amendments to reflect the modified proposal on vote counting arrangements	
001008 - 001142	Mr WONG Yung-kan Chairman Administration	Number of small polling stations	
001143 - 001430	Chairman Mr Andrew WONG Administration	Scrutiny of the proposed amendments to the principal Regulation (Annex B to LC Paper No. CB(2) 2500/02-03(01)) Proposed amendments to sections 2 and 12	
001431 - 002431	Chairman Administration SALA2 Mr Andrew WONG Mr WONG Yung-kan	Proposed amendments to section 31 Definition of "not less than 200" of the proposed new section 31(1E) Vote counting arrangements in small polling stations	

Time marker	Speaker	Subject(s)	Action Required
002432 - 003026	Mr Andrew WONG Chairman Administration SALA2	Motion to repeal the Amendment Regulation to be proposed by Hon Andrew WONG (LC Paper No. CB(2) 2586/02-03(01)) Order of moving motions to amend and repeal the Amendment Regulation by the Administration and Hon Andrew WONG respectively	
003027 - 003739	Chairman Administration Mr WONG Yung-kan	Definition and function of main counting stations Arrangements for declaration of vote count results	
003740 - 004026	Mr Howard YOUNG Administration Mr WONG Yung-kan Chairman	Time to conduct vote count Arrangements for recounting of votes	
004027 - 004434	Chairman Administration SALA2	Proposed amendments to sections 43, 44, 45, 47 and 48 Proposed new section 56A Views on the Chinese drafting of new section 56A(5)(b)	Admin to consider amending the Chinese text of the proposed new section 56A(5)(b)
004435 - 004843	Chairman Administration SALA2 Mr WONG Yung-kan	Proposed amendments to section 63 Views on the Chinese drafting of the heading of section 63	Admin to consider amending the Chinese text of the proposed amendment to the heading of section 63
004844 - 005229	Chairman Administration SALA2	Proposed new section 63A Views on the expression of "送遞予" in proposed new section 63A(3)	
005230 - 005513	Chairman Administration SALA2	Clarification on the drafting of the proposed amendments to section 64(1)	
005514 - 005705	Chairman Administration	Proposed amendments to section 65	
005706 - 005857	Chairman Administration Mr WONG Yung-kan	Reasons for amending section 66(4)	

Time marker	Speaker	Subject(s)	Action Required
005858 - 010318	Chairman Administration SALA2	Proposed amendments to sections 67 and 68 Reasons for amending section 68(5)	
010319 - 010335	Chairman Administration	Proposed amendments to sections 69 - 71	
010336 - 010543	Chairman Administration Mr LEUNG Fu-wah	Proposed amendments to section 72 Views on the order of subsection of section 72	
010544 - 011225	Chairman Administration Mr Wong Yung-kan	Proposed amendments to sections 74 and 75 Views on the expression "his or her" in proposed new section 75(1A)(a)	
011226 - 011914	Chairman Administration	Proposed amendments to sections 76 - 80 Proposed new sections 80A and 80B	
011915 - 012450	Chairman Administration Mr LEUNG Fu-wah	Proposed new section 80C Views on the need to specify the place for drawing lots in the event of equal number of votes under new section 80C(2)	Admin to consider whether to specify the place for drawing lots in the event of equal number of votes under new section 80C(2)
012451 - 013011	Chairman Administration SALA2	Views on the need to specify the place for the Returning Officer to declare election result under the proposed amendment to section 81(1) Whether "the office of the Returning Officer" has been defined in the Regulation	Admin to consider whether to repeal the proposed amendment to section 81(1)
013012 - 014210	Chairman Administration SALA2 Mr WONG Yung-kan	Arrangements to inform candidates of the result of election under section 82 The need to display the result of election at the dominant counting station	

Time marker	Speaker	Subject(s)	Action Required
014211 - 014518	Chairman Administration Mr Howard YOUNG	Proposed amendments to sections 83, 84, 90, 93 and 95	
014519 - 015816	Chairman Administration SALA2 Mr WONG Yung-kan	Views on the proposed deletion of section 98(2)(j)	Admin to consider retaining section 98(2)(j) but deleting the words "time and" in the provision
015817 - 015938	Chairman Administration	Proposed deletion of section 99 and proposed amendments to section 103 Proposed amendments to section 6 of Schedule 1	
015939 - 020136	SALA2 Administration	Clarification on the classification of ballot paper not returned by an elector who has become incapacitated from voting under proposed new section 56A(5)	
020137 - 021824	Chairman Administration SALA2 Mr Howard YOUNG Mr LEUNG Fu-wah Mr WONG Yung-kan Clerk	Timetable for the Subcommittee to report its deliberations to the House Committee and the Administration to move the motion to amend the Amendment Regulation	