

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1120/13-14  
(These minutes have been seen  
by the Administration)

Ref : CB2/BC/1/13

**Bills Committee on  
Rural Representative Election Legislation (Amendment) Bill 2013**

**Minutes of the 4<sup>th</sup> meeting  
held on Friday, 7 February 2014, at 8:30 am  
in Conference Room 3 of the Legislative Council Complex**

**Members present** : Hon IP Kwok-him, GBS, JP (Chairman)  
Hon Albert HO Chun-yan  
Hon TAM Yiu-chung, GBS, JP  
Hon YIU Si-wing  
Hon CHAN Han-pan  
Dr Hon Kenneth CHAN Ka-lok  
Hon LEUNG Che-cheung, BBS, MH, JP

**Members absent** : Dr Hon LAU Wong-fat, GBM, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Cyd HO Sau-lan  
Hon WONG Yuk-man  
Hon MA Fung-kwok, SBS, JP  
Hon Alice MAK Mei-kuen, JP

**Public Officers attending** : Item I  
  
Mr Patrick LI Pak-chuen, JP  
Deputy Director of Home Affairs (1)  
  
Miss Victoria TSE Wein-yin  
Assistant Director of Home Affairs (1) (Acting)  
  
Mr MA Kit-chi  
Principal Liaison Officer (1) 2  
Home Affairs Department

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) 2

**Staff in attendance** : Mr Bonny LOO  
Assistant Legal Adviser 3

Miss Josephine SO  
Senior Council Secretary (2) 6

Ms Camy YOONG  
Clerical Assistant (2) 2

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**I. Meeting with the Administration**

(LC Paper Nos. CB(2) CB(2)811/13-14(01) & (02),  
CB(3)151/13-14, CB(2)404/13-14(02), CB(2)575/13-14(01) to  
(03), CB(2)580/08-09(01), CB(2)2156/08-09(01) and  
CB(2)20/09-10)

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

Administration's response to issues raised at the last meeting  
(LC Paper Nos. CB(2)811/13-14(01) and (02))

2. Members noted the Administration's response to issues raised by  
members at the meeting on 13 January 2014, and raised no further  
questions.

Clause-by-clause examination of the Bill

3. The Bills Committee continued clause-by-clause examination of  
the Rural Representative Election Legislation (Amendment) Bill 2013  
("the Bill"), with the aid of the marked-up copy of the relevant

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provisions to be amended by the Bill prepared by the Legal Service Division (LC Paper No. CB(2)404/13-14(02)).

Follow-up action required of the Administration

4. On clause 62 of the Bill concerning the proposed amendments to the Maximum Amount of Election Expenses (Village Representative Election) Regulation (Cap. 554 sub. leg. B) ("the Election Expenses Regulation"), the Bills Committee was of the view that the Administration should consider amending section 2(b) of the Election Expenses Regulation to expressly specify that the \$28,000 limit applied only where there were more than 1 000 but not more than 5 000 electors for the Rural Area, so as to avoid doubt in the interpretation of the provision. The Administration was requested to consider and provide a written response on this suggestion of the Bills Committee.

Legislative timetable

5. The Bills Committee completed the scrutiny of the Bill.

6. Members noted that the Administration intended to resume the Second Reading debate on the Bill at the Council meeting of 26 March 2014. Members raised no objection to the resumption date proposed by the Administration.

7. Members agreed that the Bills Committee would make a report on its deliberations on the Bill to the House Committee on 14 March 2014.

8. Members also noted that the deadline for giving notice to move the Committee Stage amendments ("CSAs") was 17 March 2014, should the resumption of the Second Reading debate of the Bill take place on 26 March 2014.

9. Mr Albert HO said that he intended to propose a CSA to restrict the number of candidates that each elector might vote for at an election on Cheung Chau ("CC") or Peng Chau ("PC") to a number not exceeding a certain percentage of the number of the Kaifong Representative seats to be return for CC and PC.

10. The Chairman said that as the Administration would move a number of technical amendments to the Bill and provide its proposed CSAs to the Bills Committee in due course, he would decide whether it was necessary to hold a further meeting which had been tentatively

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scheduled for Monday, 24 February 2014, at 10:45 am after the Administration's CSAs had been circulated to members for consideration. Members agreed.

**II. Any other business**

11. There being no other business, the meeting ended at 9:19 am.

Council Business Division 2  
Legislative Council Secretariat  
20 March 2014

**Proceedings of the meeting of the  
Bills Committee on Rural Representative Election Legislation (Amendment) Bill 2013  
on Friday, 7 February 2014, at 8:30 am  
in Conference Room 3 of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000132 - 000339	Chairman	Chairman's opening remarks	
<i>Continuation of clause-by-clause examination of the Bill</i>			
000400 - 000408	Chairman	The Bills Committee continued clause-by-clause examination of the Rural Representative Election Legislation (Amendment) Bill 2013 ("the Bill"), with the aid of the marked-up copy of the relevant provisions to be amended by the Bill prepared by the Legal Service Division (LC Paper No. CB(2)404/13-14(02)).	
000409 - 000559	Chairman Admin ALA3	<u>Part 4 - Proposed amendments to Electoral Procedure (Village Representative Election) Regulation (Cap. 541 sub. leg. L) ("the Electoral Procedure Regulation")</u>  <u>Clauses 48 and 49</u>  The Administration's explanation on why there was a difference in the Chinese renditions for the same phrase "a number...exceeding" respectively in the proposed new sections 48(4)(a) (to be added by clause 49(2) of the Bill) which read as "選取人數...多於" and in the existing section 48(2)(a) which read as "人數...多於".	
000600 - 000731	Chairman Admin	<u>Part 4 - clauses 50 and 51</u>	
000732 - 000836	Chairman Admin	<u>Part 4 - clause 52</u>  The Administration's indication that it would move Committee Stage amendments ("CSAs") to amend the English text of clause 52 of the Bill to revise the English equivalent of "須" in the existing section 61(1)(a) and (b) of the Electoral Procedure Regulation from "shall be" to "is to be" or "are to be" to achieve consistency in wording within section 61(1).	
000837 - 001359	Chairman Mr Albert HO Admin	Mr Albert HO's indication of intention to move a CSA to the proposed section 48(4)(a) (as amended by clause 49 of the Bill) to restrict the	

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	ALA3	<p>number of candidates that each elector might vote for at an election on Cheung Chau ("CC") or Peng Chau ("PC") to a number not exceeding a certain percentage of the number of the Kaifong Representative ("KFR") seats to be returned for CC and PC.</p> <p>The Administration's reiteration that the legislative intent of the Bill was to bring the KFR elections under statutory regulation while respecting and retaining as far as possible the existing electoral arrangements that the residents were familiar with, including the eligibility requirements for electors, number of seats and voting system, etc.</p>	
001400 - 001958	Chairman ALA3 Admin	<p><u>Part 4 - clauses 52 and 53</u></p> <p>The Administration's explanation on how the amended sections 61(2) and 62 of the Electoral Procedure Regulation would apply when computer counting of ballot papers was adopted.</p>	
001959 - 002520	Chairman Admin ALA3	<p><u>Part 4 - clauses 54 and 59</u></p> <p>The Administration's indication of intention to move CSAs to amend the English text of clause 55 of the Bill to revise the English equivalent of "須" in the existing section 67(3)(a) to (c) of the Electoral Procedure Regulation from "shall be" to "is to be" or "are to be" to achieve consistency in wording within section 67(3).</p> <p>Regarding the forms of ballot papers, the Administration's explanation that the actual number of rows available for listing the names of candidates on the ballot paper would be the same as the actual number of candidates for the election concerned.</p>	
002201 - 003001	Chairman Admin ALA3	<p><u>Part 5 - Proposed amendments to Maximum Amount of Election Expenses (Village Representative Election) Regulation (Cap. 554 sub. leg. B) ("the Election Expenses Regulation")</u></p> <p><u>Clauses 60 to 62</u></p> <p>The Administration was requested to consider</p>	<b>Admin to</b>

Time marker	Speaker	Subject(s)	Action Required
		<p>the suggestion made by members and ALA3 to further amend clause 62 of the Bill to clarify the applicability of the second tier of election expenses (i.e. the \$28,000 limit) under the amended section 2(b) of the Election Expenses Regulation. ALA3 suggested that reference could be made to section 4(b)(ii) of the Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap. 554 sub. leg. D).</p>	<p><b>consider and provide a written response (para. 4 of the minutes refers)</b></p>
003002 - 003617	Chairman Admin	<p><u>Part 6 - Related and Consequential Amendments</u></p> <p><u>Clauses 63 to 79</u></p> <p>Part 6 of the Bill set out the related and consequential amendments, including textual amendments to the Electoral Affairs Commission Ordinance (Cap. 541), the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) and subsidiary legislation under the Village Representative Election Ordinance (Cap. 576).</p>	
003618 - 003652	Chairman	Commencement of the Bill as set out in Part 1 (Clause 1(2))	
003653 - 004052	Chairman Admin	The Administration's briefing on its response to issues raised by members at the meeting on 13 January 2014 (LC Paper Nos. CB(2)811/13-14(01) and (02))	
004053 - 004309	Chairman ALA3 Admin	Discussion on drafting matters - paragraph 9.2.18 of the " <i>Drafting Legislation in Hong Kong - A Guide to Styles and Practices</i> " published by the Law Drafting Division of the Department of Justice about the usage of "must" and "shall".	
004310 - 004606	Chairman ALA3 Admin	Discussion of the Administration's proposal to introduce computer counting for KFR elections; the new definition of "computer" in the proposed section 2(1) of the Electoral Procedure Regulation versus the existing definition of "computer" in section 1 of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I) ("the Election Committee Regulation"); and whether opportunity would be taken to correspondingly amend section 1 of the Election	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
		<p>Committee Regulation.</p> <p>The Administration's response that as the Election Committee Regulation was not related to this legislative exercise, it would not consider making amendment to the Election Committee Regulation at this stage. However, the Administration had taken note of the views of the legal adviser to the Bills Committee and would consider this matter when the necessity to amend the Election Committee Regulation arose.</p>	
004607 - 005015	Chairman Mr Albert HO Clerk Admin	<p>Completion of scrutiny of the Bill</p> <p>Mr Albert HO's indication of intention to move a CSA in respect of the voting system for the KFR elections for CC and PC.</p> <p>Legislative timetable - date of resumption of Second Reading debate proposed by the Administration, date of reporting to the House Committee and deadline for giving notice to move CSAs should the resumption of the Second Reading debate of the Bill take place at the Council meeting of 26 March 2014.</p> <p>Schedule of next meeting, if required.</p> <p>Chairman's closing remarks.</p>	