

**立法會**  
**Legislative Council**

Ref : CB2/BC/5/13

LC Paper No. CB(2)2166/13-14  
(These minutes have been seen  
by the Administration)

**Bills Committee on Electoral Legislation**  
**(Miscellaneous Amendments) Bill 2014**

**Minutes of the first meeting**  
**held on Wednesday, 14 May 2014, at 8:30 am**  
**in Conference Room 2 of the Legislative Council Complex**

**Members present** : Hon IP Kwok-him, GBS, JP (Chairman)  
Hon Emily LAU Wai-hing, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Cyd HO Sau-lan  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Alan LEONG Kah-kit, SC  
Hon YIU Si-wing  
Hon Charles Peter MOK  
Dr Hon Kenneth CHAN Ka-lok  
Hon Alice MAK Mei-kuen, JP  
Hon Martin LIAO Cheung-kong, JP  
Dr Hon CHIANG Lai-wan, JP  
Hon CHUNG Kwok-pan

**Members absent** : Hon Abraham SHEK Lai-him, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon WONG Yuk-man  
Hon LEUNG Che-cheung, BBS, MH, JP

**Public Officers attending** : Mr LAU Kong-wah, JP  
Under Secretary for Constitutional and Mainland Affairs

Miss Helen CHUNG Chi-ching  
Principal Assistant Secretary for Constitutional and  
Mainland Affairs

Ms Carmen KONG Ka-man  
Assistant Secretary for Constitutional and Mainland Affairs

Mr Henry KEUNG Pit-kai  
Assistant Secretary for Constitutional and Mainland Affairs

Mr LI Pak-hong  
Chief Electoral Officer  
Registration and Electoral Office

Mr SHUM Nam-lung  
Deputy Chief Electoral Officer (Operations)  
Registration and Electoral Office

Miss Emma WONG  
Senior Government Counsel  
Department of Justice

Mr Henry CHAN Ngai-him  
Acting Senior Government Counsel  
Department of Justice

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

**Staff in attendance** : Mr Kelvin LEE  
Assistant Legal Adviser 1

Miss Cindy HO  
Senior Council Secretary (2) 3

Mrs Fonny TSANG  
Legislative Assistant (2) 3

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Action

**I. Election of Chairman**

Mr IP Kwok-him was elected Chairman of the Bills Committee. Members agreed that election of a deputy chairman was not necessary.

**II. Meeting with the Administration**

[LC Paper Nos. LS48/13-14 and CB(2)1509/13-14(01)]

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

Follow-up actions required of the Administration

Admin 3. The Bills Committee requested the Administration to provide written response to the following issues raised by members -

Extension of electoral deadlines in case of inclement weather

- (a) some members proposed that similar arrangements of deadline extension should also be introduced to cater for other unforeseen circumstances, such as in case of a landslip warning, thunderstorm warning, regional flooding, etc. Dr Priscilla LEUNG proposed adding a new category under which extension of the electoral deadlines was allowed if the deadline of the relevant acts or proceedings was unable to be met for "reasons of force majeure";

Inclusion of electors who have voluntarily requested voter de-registration in the omissions list ("OL")

- (b) Mr CHUNG Kwok-pan queried whether the Chinese rendition of the name of OL "遭剔除者名單" should be changed as the name was not meant to include the category of electors who had voluntarily requested voter de-registration; and
- (c) Mr CHUNG Kwok-pan's suggestion of categorizing the entries on OL by reasons of their omission.

Admin 4. The Administration was also requested to follow up on individual cases related to voter registration brought up by some members –

- (a) a case involving a registered elector who discovered that a letter from the Registration and Electoral Office ("REO") was sent to an incorrect address, and, if administrative error on the part of REO was involved, the handling of similar cases;
- (b) case(s) allegedly involving elector(s) who had each been issued four ballot papers in the 2012 Legislative Council ("LegCo") Election; and
- (c) case(s) allegedly involving electors of the Textiles and Garment functional constituency who did not engage in textiles and garment business but other businesses.

*(Post-meeting note: The Administration's follow up on issues raised at the meeting on 14 May 2014 was issued on 23 May 2014 vide LC Paper No. CB(2)1599/13-14(01).)*

Meeting schedule

5. Members agreed that the next two meetings would be held as follows –
  - (a) 26 May 2014 (Monday) from 8:30 am to 10:30 am; and
  - (b) 31 May 2014 (Saturday) from 9:00 am to 1:00 pm.

Invitation for public views

6. Members agreed to receive public views on the Bill at the meeting on 31 May 2014. In this connection, a general notice to invite submissions would be posted on the website of the LegCo. In line with the usual practice, the 18 District Councils would also be invited to submit views on the Bill.

**III. Any other business**

7. There being no other business, the meeting ended at 10:20 am.

Council Business Division 2  
Legislative Council Secretariat  
31 July 2014

**Proceedings of the first meeting of the  
Bills Committee on Electoral Legislation (Miscellaneous Amendments) Bill 2014  
on Wednesday, 14 May 2014, at 8:30 am  
in Conference Room 2 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000230 - 000353	Mr TAM Yiu-chung Mr Martin LIAO Mr CHUNG Kwok-pan Mr YIU Si-wing Mr IP Kwok-him	Election of Chairman	
000354 - 001046	Chairman Administration	Opening remarks  Briefing by the Administration on the Bill.	
001047 - 001732	Chairman Ms Cyd HO Mr TAM Yiu-chung Mr Martin LIAO	Discussion on the approach to scrutinise the Bill.  Arrangements for receiving public views.	
<b><i>(1) Extension of electoral deadlines in case of inclement weather</i></b>			
001733 - 002323	Chairman Ms Cyd HO Mr Martin LIAO Mr TAM Yiu-chung Mr YIU Si-wing Administration Mr CHUNG Kwok-pan	Ms Cyd HO's enquiry on the current arrangement for extension of electoral deadlines in case of inclement weather and the Administration's response.	
002324 - 003001	Chairman Mr YIU Si-wing Administration Dr Priscilla LEUNG	Dr Priscilla LEUNG proposed adding a new category under which extension of electoral deadlines was allowed if the deadline of the relevant acts or proceedings was unable to be met for "reasons of force majeure".  The Administration responded that the deadline extension mechanism should be introduced based on clear and objective gale and black rainstorm warnings. Nevertheless, the Administration agreed to consider members' suggestions.	<b>Admin</b> (para. 3 of minutes)
003002 - 003658	Chairman Ms Cyd HO Administration	Ms Cyd HO was concerned whether the submission of voter registration ("VR") applications by electronic means might also be affected in case of a major system failure and whether extension of the relevant deadline would be considered in such situation.	

Time Marker	Speaker(s)	Subject(s)	Action required
		The Administration's response that in the event of a major system failure, submission of documents could still be made through alternative means such as submission in person or by fax transmission.	
003659 - 004230	Chairman Ms Emily LAU Administration	Ms Emily LAU asked whether the electoral laws provided an "appeal" mechanism whereby any aggrieved applicant whose VR application was not accepted could lodge a claim. The Administration explained the mechanism for making claims and objections.	
<b><i>(2) Inclusion of electors who have voluntarily requested voter de-registration in the omissions list</i></b>			
004231 - 004952	Chairman Administration Ms Cyd HO	<p>Ms Cyd HO expressed concern that some electors were only aware of the removal of their names from final register ("FR") on the polling day. Her enquiry on whether an elector would be notified before his name was to be included in the omissions list ("OL").</p> <p>The Administration advised that in the course of the statutory inquiry, electors would be issued inquiry letters by registered mails, and electors would also be contacted by telephone if phone numbers were provided. On the other hand, upon receipt of a signed written notice on de-registration, Registration and Electoral Office ("REO") would issue a notice confirming the de-registration by registered post to his registered address in the existing FR to inform him that his entry would not be included in the next FR. If the registered mail was undelivered, REO would find out the reason and follow up to seek further clarification from the elector.</p> <p>Ms HO's suggestion that, in the VR publicity campaign, electors should be reminded that they might lose their VR status if they failed to update their registration particulars and they might lodge claims for reinstatement of VR if they considered themselves eligible to be so registered.</p>	
004953 - 005245	Chairman Mr CHUNG Kwok-pan Administration	Mr CHUNG Kwok-pan queried whether the Chinese rendition of the name of OL "遭剔除者名單" should be changed as the name was not meant to include the category of electors who had voluntarily requested voter de-registration. He also suggested categorizing the entries on OL by reasons of their omission.	

Time Marker	Speaker(s)	Subject(s)	Action required
		In response to the Chairman and Mr CHUNG, the Administration explained the existing arrangement but undertook to further consider the suggestion.	<b>Admin</b> (para. 3 of minutes)
005246 - 005508	Chairman Mr YIU Si-wing Administration	Mr YIU Si-wing's enquiry on whether a person had to provide reasons for his application for re-registration or de-registration. The Administration responded that it was not required.	
005509 - 010237	Chairman Mr TAM Yiu-chung Administration	Mr TAM Yiu-chung expressed concern that some elderly people had lost their voting rights inadvertently because they did not know that they needed to respond to the inquiry letters sent to them during the random checking conducted by REO.  Discussion on the follow-up actions taken by REO in response to complaints against vote-rigging in the run-up to the by-election for Eastern District Council ("DC") Nam Fung Constituency scheduled for 18 May 2014.	
010238 - 011115	Chairman Ms Emily LAU Administration	Ms Emily LAU's enquiry on the rationale of the proposal of inclusion of electors who had voluntarily requested voter de-registration in OL. The Administration responded that the proposed arrangement would enhance transparency in the electoral procedure and show a complete picture of all electors who were on the existing FR but would be omitted from the next FR.	
011116 - 011641	Chairman Administration	The Chairman expressed concern that a registered elector was unable to receive a letter from REO because his residential address registered by REO was incorrect. His enquiry about the handling of similar cases if administrative error on the part of REO was involved.	<b>Admin</b> (para. 4 of minutes)
011642 - 012010	Chairman Mr CHUNG Kwok-pan Administration	Mr CHUNG Kwok-pan's enquiry about the eligibility criteria for registration of functional constituency ("FC") electors having regard to case(s) allegedly involving electors of the Textiles and Garment FC who did not engage in textiles and garment business but other businesses.	<b>Admin</b> (para. 4 of minutes)
012011 - 012829	Chairman Ms Emily LAU Administration	Ms Emily LAU called on the Administration to address members' concern on issues related to the administration of membership of specified bodies in FCs.	

Time Marker	Speaker(s)	Subject(s)	Action required
<b>(3) Handling of applications by existing geographical constituency ("GC") electors for registration in the DC (second) FC</b>			
012830 - 013326	Chairman Administration Mr CHUNG Kwok-pan	Mr CHUNG Kwok-pan's concern about case(s) allegedly involving elector(s) who had each been issued four ballot papers in the 2012 Legislative Council ("LegCo") Election.  The Administration's response that while human errors could not be precluded, such could not possibly happen according to the electoral law and polling arrangements. The Administration explained that a GC elector who was also an individual elector of a FC and an Authorized Representative of a corporate elector of another FC could cast three votes; and some 14 000 to 15 000 electors were entitled to cast three votes in the 2012 LegCo Election.	<b>Admin</b> (para. 4 of minutes)
013327 - 014319	Chairman Ms Cyd HO Administration	Ms Cyd HO called on REO to enhance staff training on the issuing of ballot papers. She asked about the procedures for an elector to switch between DC (second) FC and traditional FC.	
014320 - 014831	Chairman Dr Kenneth CHAN Administration	Dr Kenneth CHAN noted that there were cases where some electors had been issued with two FC ballot papers in the 2012 LegCo Election.	
014832 - 015008	Chairman	Closing remarks  Scheduling of the next two meetings of the Bills Committee.	