

立法會
Legislative Council

Ref : CB2/BC/5/13

LC Paper No. CB(2)2219/13-14
(These minutes have been seen by
the Administration)

Bills Committee on Electoral Legislation
(Miscellaneous Amendments) Bill 2014

Minutes of the second meeting
held on Monday, 26 May 2014, at 8:30 am
in Conference Room 3 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 Abraham SHEK Lai-him, GBS, JP
Hon Cyd HO Sau-lan
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon YIU Si-wing
Hon Charles Peter MOK
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Martin LIAO Cheung-kong, JP
Dr Hon CHIANG Lai-wan, JP
Hon CHUNG Kwok-pan
- Members absent** : Dr Hon Kenneth CHAN Ka-lok
Hon Alice MAK Mei-kuen, 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

Mr Gilbert MO Sik-keung
Deputy Law Draftsman (Bilingual Drafting & Administration)
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 Fanny TSANG
Legislative Assistant (2) 3

Action

I. Meeting with the Administration

[LC Paper Nos. CB(3)547/13-14, LS48/13-14 and CB(2)1599/13-14(01) and CMAB C1/30/5/4]

Members noted Mr WONG Yuk-man's letter dated 21 May 2014 informing the Bills Committee of his withdrawal of membership.

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

Administration's responses to issues raised at the last meeting on 14 May 2014

3. Principal Assistant Secretary for Constitutional and Mainland Affairs took members through the Administration's paper on its responses to the issues raised at the last meeting on 14 May 2014 [LC Paper No. CB(2)1599/13-14(01)].

Follow-up actions required of the Administration

Admin 4. The Bills Committee requested the Administration to provide written response to the following issues raised by members -

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

- (a) Mr CHUNG Kwok-pan suggested again categorizing the entries on OL by reasons of their omission to distinguish the electors for whom the Electoral Registration Officer was satisfied on reasonable grounds that they had ceased to be eligible for registration and those who had voluntarily requested voter de-registration;
- (b) the Chairman's proposal of introducing a mechanism to reinstate the elector status as soon as it was discovered that an elector was omitted from the final register solely due to an administrative error on the part of the Registration and Electoral Office ("REO") (e.g., erroneous input of address such that the elector was unable to receive enquiry/statutory inquiry letter from REO) without waiting for the next voter registration ("VR") cycle;

Removal of the requirement for prior notice of appointment of polling and counting agents

- (c) concern expressed by some members about the potential confusion and extra administrative burden on the Presiding Officer of a polling/counting station arising from the above proposal; and

Other issue

- (d) members' request for information on the total number of electors involved in VR claim and objection cases handled by REO from 2011 to 2013.

(Post-meeting note: The Administration's papers (LC Paper Nos. CB(2)1658/13-14(01) and CB(2)1769/13-14(01)) on its responses to issues raised at this meeting were issued on 30 May 2014 and 11 June 2014 respectively.)

5. The Administration would also review the work processes for handling VR and in the counting of ballot papers for functional constituencies from time to time to consider if there was any room for improvement in the future.

Date of next meeting

6. Members noted that the next meeting would be held on 31 May 2014 from 9:00 am to 12:00 noon to meet with deputations and the Administration.

II. Any other business

7. There being no other business, the meeting ended at 10:30 am.

Council Business Division 2
Legislative Council Secretariat
22 August 2014

**Proceedings of the second meeting of the
Bills Committee on Electoral Legislation (Miscellaneous Amendments) Bill 2014
on Monday, 26 May 2014, at 8:30 am
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000700 - 001636	Chairman Administration	Opening remarks The Administration's briefing on its response to the issues raised by members at the last meeting on 14 May 2014 [LC Paper No. CB(2)1599/13-14(01)].	
001637 - 002248	Chairman Dr Priscilla LEUNG Administration	Dr Priscilla LEUNG elaborated her earlier suggestion that extension of the electoral deadlines might be allowed if the relevant statutory deadlines were unable to be met for reasons of "force majeure". The Administration's explanation that, given the imprecise, broad and potentially boundless scope of "force majeure", introducing this concept into electoral legislation would give rise to considerable uncertainty and potential controversy in its application by the electoral authorities to specific cases. Under the current proposal, the Administration considered that the weather conditions reflected by a gale warning or black rainstorm warning issued by the Hong Kong Observatory, which recommended the public to stay indoors, would provide a clear and objective basis for extending the deadlines.	
002249 - 002512	Chairman Mr CHUNG Kwok-pan Administration	Mr CHUNG Kwok-pan welcomed the Administration's decision to change the Chinese title of the omissions list ("OL") to "取消登記名單" to better reflect the nature of OL. He suggested again categorizing the entries on OL by reasons of their omission to distinguish the electors for whom the Electoral Registration Officer was satisfied on reasonable grounds that they had ceased to be eligible for registration and those who had voluntarily requested voter de-registration. The Administration agreed to further consider the suggestion.	Admin (para. 4 of minutes)
002513 - 003000	Chairman Mr YIU Si-wing	Mr YIU Si-wing proposed that the Registration and Electoral Office ("REO") should review the	

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	Administration	<p>relevant work processes for handling voter registration ("VR"), such that staff handling applications/deletions from the electoral registers should not be responsible for processing claims/objections and that there should be a segregation of duties to provide the necessary checks and balances.</p> <p>The Administration assured members that all cases of claims and objections were referred to an independent Revising Officer for consideration. Nevertheless, the Administration agreed to consider in the future if there was room for improvement.</p>	<p>Admin (para. 5 of minutes)</p>
003001 - 005324	<p>Chairman Ms Cyd HO Administration Mr Paul TSE Ms Emily LAU</p>	<p>The Chairman noted that some electors were only aware of the removal of their names from the final register ("FR") on the polling day. He was aware of a case in which a registered elector was unable to receive a letter from REO because his residential address registered by REO was incorrect. The Chairman enquired about the possibility of introducing a mechanism to reinstate the elector status as soon as it was discovered that an elector was omitted from FR solely due to an administrative error on the part of REO (e.g., erroneous input of address such that the elector was unable to receive enquiry/statutory inquiry letter from REO) without waiting for the next VR cycle.</p> <p>The Administration's explanation that the design of the VR system had carefully struck a proper balance between the need to maintain a clear annual VR cycle to achieve certainty in the electorate for various elections to maintain the integrity of the elections, and the need to provide a clear avenue for electors to make corrections irrespective of the reasons for such mistakes, supported by proper checks and balances to ensure a due process for the exercise of the statutory power to include or omit an elector from the electoral registers. The Administration's preliminary view was that if the VR system was to be changed to allow FR to be amended at any time after publication, it would bring about much uncertainty to the entire VR system, which might compromise the integrity, certainty and transparency of the existing VR system and risk</p>	

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		<p>The Administration advised that for the purpose of maintaining order at the polling station and ensuring that polling was conducted smoothly, the Presiding Officer ("PRO") of a polling station might regulate the number of candidates and their agents to be admitted to the polling station at any one time as and when necessary.</p>	
010715 - 011825	<p>Chairman Dr CHIANG Lai-wan Mr Alan LEONG Administration</p>	<p>Dr CHIANG Lai-wan was concerned about the potential confusion and extra administrative burden on PRO of a polling/counting station arising from the above captioned proposal, and the possible impact on the order of the polling or counting stations on the polling day.</p> <p>The Administration's explanation that, as per existing procedures, the identity of polling and counting agents would be verified by PRO by inspecting the agent's ID card against the notice of appointment, and the agents were required to strictly observe the rules and regulations of the polling/counting stations. The Administration further explained that if the current proposal was implemented, the administrative burden on the part of PRO had been assessed to be manageable.</p> <p>In response to Dr CHIANG's enquiry, the Administration advised that each candidate or each list of candidates could appoint not more than two polling agents for each polling station in an election.</p> <p>Mr Alan LEONG considered that the current proposal might give rise to the risk of a person impersonating an agent and upsetting the order of the polling/counting stations. Besides, he was concerned about the extra administrative burden on PRO of a polling/counting station under the proposal.</p>	
011826 - 013318	<p>Chairman Ms Emily LAU Administration Ms Cyd HO</p>	<p>Members discussed the administrative arrangements for polling agents to take turns to stay inside a polling station to monitor the polling process when a large number of agents requested admission to the polling station at the same time and they could not all be accommodated in the designated area in the polling station. Members noted that in such circumstances, a queuing system would be activated to ensure that all</p>	

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		<p>candidates concerned would each have at least one polling agent admitted (by taking turns) to the polling station. So far, no complaints had been received from candidates that their agents had to wait for an unduly long time under the queuing system before admission to the polling stations.</p> <p>Ms Emily LAU's expression of strong view that the legitimate right of each candidate/list of candidates to appoint a polling agent to stay inside a polling station to monitor the polling process (if the candidate so wished) had to be safeguarded. She also considered that in case the Administration, owing to practical constraints (e.g. difficulty in finding large venues for setting up polling stations), was unable to make the necessary arrangements to let each candidate/list of candidates have a polling agent stay inside a polling station to monitor the polling process, the Administration should let the public know this situation and what would be done to resolve the problem.</p>	
013319 - 014123	Chairman Dr CHIANG Lai-wan Administration Ms Cyd HO Ms Emily LAU	<p>Dr CHIANG Lai-wan indicated preference for retention of the existing prior notification arrangements which, in her view, had been operating smoothly. She was concerned that any new changes might bring about unanticipated problems to the operation at the polling/counting stations on the polling day. Having regard to the reservations expressed by members, Ms Cyd HO asked the Administration to consider withdrawing the proposed revised arrangements.</p> <p>The Chairman considered that the Administration's proposal had merit of allowing greater flexibility to candidates in appointing agents on the polling day. Nevertheless, the Administration undertook to consider members' concerns and revert later.</p>	Admin (para. 4 of minutes)
(5) Requirement for an elector to cast all his ballot papers at one time in the Legislative Council ("LegCo") elections			
014124 - 014759	Chairman Administration Dr Priscilla LEUNG Dr CHIANG Lai-wan Ms Emily LAU	Members' expression of support for the proposed amendment to ensure that an elector would cast all his ballot papers at one time in the LegCo elections.	

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(6) Rationalization of counting procedures at main counting stations ("MCS")			
014800 - 015356	Chairman Ms Cyd HO Administration	<p>Ms Cyd HO was concerned if the proposal would make it more difficult in ensuring that the numbers of ballot papers issued and collected (including those cast in a small polling station ("SPS") or a dedicated polling station ("DPS") and the MCS polling station) tallied.</p> <p>The Administration's explanation that before the mixing of the ballot papers at MCS, the number of ballot papers received from SPSs/DPSs would first be counted and verified, and verification of the number of ballot papers cast in the ballot boxes of MCS polling station would be carried out at the end of the counting process.</p>	
015357 - 015818	Chairman Mr CHUNG Kwok-pan Administration	<p>Mr CHUNG Kwok-pan's view that the Administration should speed up the counting of votes for functional constituencies ("FCs") election. The Administration explained that while electronic counting of votes was adopted in the Election Committee subsector elections, there were practical difficulties in adopting a similar system for the counting of FC votes (e.g. different sizes of ballot papers for respective FCs). There were also other reasons for the long lead time for the counting of votes (e.g. delivery of ballot boxes from individual polling stations and sorting of ballot papers for different FCs). The Administration would review the arrangements from time to time to consider if there was any room for improvement for future elections.</p>	Admin (para. 5 of minutes)
015819 - 020005	Chairman Mr Martin LIAO	Date of next meeting	