

**立法會**  
**Legislative Council**

Ref : CB2/BC/5/13

LC Paper No. CB(2)131/14-15  
(These minutes have been seen  
by the Administration)

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

**Minutes of the third meeting**  
**held on Saturday, 31 May 2014, at 9:00 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 Abraham SHEK Lai-him, 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
  - Dr Hon Kenneth CHAN Ka-lok
  - Hon LEUNG Che-cheung, BBS, MH, JP
  - 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 Paul TSE Wai-chun, JP
  - Hon Charles Peter MOK
- 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

**Attendance by :  
invitation**

Dynamic Island

Mr Felix WU Pat-lun  
Spokesperson

Mr Peter SHIU

Member of Eastern District Council

Liberal Party Youth Committee

Mr Dominic LEE  
Chairperson

選舉條例關注組

Mr Horris YEUNG  
Member

Mr KWOK Chung-man

Democratic Alliance for the Betterment and Progress of  
Hong Kong

---

Mr Frankie NGAN  
Deputy Spokesperson

**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 deputations and the Administration**

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

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

2. The Bills Committee received views from representatives of six deputations/individuals on the Bill.

3. At the request of the Chairman, the Administration would provide a paper setting out its response to concerns raised in the submissions received by the Bills Committee.

*(Post-meeting note: The Administration's written response was set out in the Annex to LC Paper No. CB(2)1769/13-14(01).)*

Administration's responses to issues raised at the last meeting on 26 May 2014

4. 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 26 May 2014 [LC Paper No. CB(2)1658/13-14(01)].

Clause-by-clause examination

5. The Bills Committee commenced clause-by-clause examination of the Bill. The legal adviser to the Bills Committee was requested to examine the English text of the Bill from the drafting point of view.

Follow-up actions required of the Administration

- Admin 6. The Bills Committee requested the Administration to -
- (a) take into account various members' views on the Administration's proposal of removal of the requirement for prior notice of appointment of polling and counting agents and propose whether to maintain the status quo or to proceed with the current proposal; and
  - (b) amend the proposed new section 2A(4) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) and other similar provisions in Part 2 of the Bill to make clear the exact specific provisions, such as the existing provisions for postponing or adjourning an election, poll or a count, that the proposed general inclement weather provisions would be subject to.

*(Post-meeting note: The Administration's papers (LC Paper Nos. CB(2)1769/13-14(01) and (03)) on its responses to the above issues were issued on 11 June 2014.)*

7. Members noted that the next meeting would be held on 3 June 2014 at 10:45 am.

**II. Any other business**

8. There being no other business, the meeting ended at 12:05 pm.

Council Business Division 2  
Legislative Council Secretariat  
21 October 2014

**Proceedings of the third meeting of the  
Bills Committee on Electoral Legislation (Miscellaneous Amendments) Bill 2014  
on Saturday, 31 May 2014, at 9:00 am  
in Conference Room 2 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000128 - 000455	Chairman	Opening remarks	
000456 - 000822	Chairman Dynamic Island	Presentation of views as detailed in the submission [LC Paper No. CB(2)1687/13-14(01)]	
000823 - 001126	Chairman Mr Peter SHIU	While expressing support for the proposed amendments to improve the electoral legislation, concern was raised as to whether people who assisted eligible electors in filling out voter registration ("VR") application forms would be held liable for any inaccuracy of information provided therein under Cap. 541A and Cap. 541B.	
001127 - 001432	Chairman Liberal Party Youth Committee	It was suggested that other VR and electoral arrangements should be explored with reference to relevant measures adopted overseas so as to boost the voter turnout rate, e.g. allowing VR on the polling day, making voting compulsory, and minimizing the time gap between the deadline for VR and the polling day, etc.	
001433 - 001735	Chairman 選舉條例關注組	While expressing support for the proposed amendments to relevant electoral legislation, it was suggested that the Administration should explore the feasibility of implementing an automatic VR system and compulsory voting system.	
001736 - 002042	Chairman Mr KWOK Chung-man	Expression of views regarding the existing manner of listing electors who had requested voluntary de-registration in the omissions list ("OL").	
002043 - 002327	Chairman Democratic Alliance for the Betterment and Progress of Hong Kong Administration	Presentation of major views -  (a) some people had lost their voting rights inadvertently as the electors were unable to receive enquiry/statutory inquiry letter from the Registration and Electoral Office ("REO") because of erroneous input of address; and	

Time Marker	Speaker(s)	Subject(s)	Action required
		(b) the Administration should expedite handling of complaints against vote-rigging in the run-up to elections in order to maintain public confidence in the integrity of the electoral system.	
002328 - 005001	Chairman Administration Members Deputations	<p>Discussion with deputations on the Bill and related issues.</p> <p>The Administration's initial response to the views of the deputations -</p> <p>(a) the Administration would change the Chinese title of OL from "遭剔除者名單" to "取消登記名單" to better reflect the nature of OL. On balance of relevant considerations, it was considered that the existing arrangement of making available OL for public inspection without stating the specific reasons for omission was sufficient for serving the intended purpose;</p> <p>(b) regarding the concerns of members and deputations that a person who reached the age of 18 after the publication of the final register ("FR") up to the polling day could only be registered in the next VR cycle, the Administration would take into account members' views when next reviewing the VR system; and</p> <p>(c) REO would take into account the views of members and deputations when reviewing the practical electoral arrangements and would consult the relevant Panel on any proposed amendments.</p>	
005002 - 005225	Chairman Dr CHIANG Lai-wan Administration	Dr CHIANG Lai-wan suggested computerization of the relevant electoral and polling/counting arrangements to streamline/expedite the relevant processes. The Administration explained the practical constraints envisaged and advised that the relevant arrangements were kept under constant review for enhancement.	
005226 - 010306	Chairman Mr CHUNG Kwok-pan Administration	Mr CHUNG Kwok-pan called on the Administration to explore the feasibility of implementing an automatic VR system and	

Time Marker	Speaker(s)	Subject(s)	Action required
	Dr Priscilla LEUNG Mr KWOK Chung-man Mr Martin LIAO	<p>compulsory voting system for the Chief Executive ("CE") election in 2017.</p> <p>Dr Priscilla LEUNG considered that every effort should be made to tackle the accessibility problem of polling stations faced by elderly electors, and to clarify the voting eligibility of Hong Kong permanent residents who resided outside Hong Kong but still commuted to Hong Kong for work or studies. Dr LEUNG suggested that REO should be authorized to handle cases of minor breaches of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) such as minor omissions and irregularities. The Administration agreed that relevant issues could be followed up at the relevant Panel at a suitable juncture.</p> <p>Mr Martin LIAO considered that implementing compulsory voting would prompt the need for introduction of sanctions and exemptions on specific grounds and therefore had to be considered carefully.</p>	
010307 - 011351	Chairman Mr YIU Si-wing Administration Miss Alice MAK Dynamic Island	In response to Mr YIU Si-wing's enquiry, the Administration advised that in order to be eligible for VR, a person had to be ordinarily residing in Hong Kong. The person's continuing connections with Hong Kong would be taken into account based on the merits of each case.	
011352 - 012344	Chairman Administration Dr Kenneth CHAN	<p>The Administration's briefing on its response to the issues raised by members at the last meeting on 26 May 2014 [LC Paper No. CB(2) 1658/13-14(01)].</p> <p>The Chairman considered that the Administration's proposal of removal of the requirement for prior notice of appointment of polling and counting agents had merit of allowing greater flexibility to candidates in appointing agents on the polling day. The Administration agreed to give thought to the Chairman's views and revert at the next meeting.</p>	<b>Admin</b> (paragraph 6 of minutes)
012345 - 015416	Chairman Administration Dr CHIANG Lai-wan Mr LEUNG Che-cheung	Mr LEUNG Che-cheung asked about the considerations of the Electoral Affairs Commission ("EAC") in deciding to declare the postponement/adjournment of an election under	

Time Marker	Speaker(s)	Subject(s)	Action required
	Mr YIU Si-wing	<p>the electoral law. The Administration explained the considerations and advised that the relevant procedures were stipulated in the electoral law.</p> <p>Mr YIU Si-wing suggested that to minimize possible controversy and maintain the overall fairness of the electoral system, the Administration should lay down objective criteria on when it would adopt extension of polling hours only instead of postponement or adjournment of the poll after a black rainstorm warning was issued. The Administration noted members' views and would consider drawing up suitable contingency measures.</p> <p>In response to Mr YIU's further enquiry, the Administration advised that under the electoral legislation, in the case of an adjourned poll, the polling hours to be appointed for the resumed poll must be such that the aggregate polling hours, when combined with the polling hours spent in the adjourned poll, was not less than the total polling time originally designated for the poll.</p>	
015417 - 020452	Chairman Ms Cyd HO Administration	<p>While noting the importance of allowing flexibility in deciding the exact time to resume the adjourned poll, the Chairman and Ms Cyd HO both expressed the view that an adjourned poll should ideally be resumed at the same hour when the poll was adjourned on the original polling day. In the scenario that a poll was adjourned at 4 pm on the original polling day, the poll on the rescheduled polling day should be resumed at 4 pm. They pointed out that some people had to work long hours on Sundays and would not be able to vote, if an adjourned poll was resumed only in the morning and closed before afternoon. The Administration was requested to relay members' view to EAC for consideration.</p>	
020453 - 020902	Chairman Administration	<p><i>Inclusion of other minor or technical amendments</i></p> <p>The Administration's explanation on the proposed minor or technical amendments as set out in Annex C to the Legislative Council ("LegCo") Brief.</p>	



Time Marker	Speaker(s)	Subject(s)	Action required
020903 - 021941	Chairman Administration Mr YIU Si-wing Assistant Legal Adviser ("ALA")	<p>The Administration drew members' attention to typographical errors in Annex D to the LegCo Brief (Chinese version), i.e. the proposed statutory deadline for the public to make an objection to or make a claim on the registration in the provisional register, or to apply for updating the registration particulars in FR should be revised to read "25 June" and "25 Aug" in a non-District Council ("DC") election year and DC election year respectively. Also, "section 42" in line 3 of paragraph 19 the LegCo Brief (both English and Chinese versions) should be deleted.</p> <p>Mr YIU Si-wing's concern on whether volunteers who assisted eligible electors in filling out VR application forms would be held liable for any inaccuracy of information provided therein under Cap. 541A and Cap. 541B. The Administration advised that most of the time inaccuracies were not results of fraudulence and REO would provide assistance to the elector concerned to update his particulars as far as possible. The mens rea of "knowingly or recklessly" would have to be proven when a criminal charge was instituted.</p> <p>In response to Mr YIU's further enquiry, ALA explained that making false or incorrect statement knowingly or recklessly, or making material omissions knowingly in relation to the VR of another person, was already an offence under the current statute. The Administration's proposed amendment sought to make these offences indictable.</p>	
021942 - 022951	Chairman Ms Cyd HO Administration	<p><b><u>Clause by clause examination of the Bill</u></b> [LC Paper No. CB(2)1508/13-14(01)] <b><u>Part 1 of the Bill</u></b></p>	
022952 - 023955	Chairman ALA Dr CHIANG Lai-wan Ms Cyd HO Administration	<p><b><u>Part 2 of the Bill</u></b> <b>Amendments relating to effect of inclement weather on date and period</b></p> <p><i>Clause 3</i> The Bills Committee noted the ALA's letter to the Administration regarding the drafting aspect of the Chinese rendition of Clause 3 (proposed new section 2A to Cap. 541A) and other issues as detailed in LC Paper No.CB(2)1658/13-14(02).</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>ALA undertook to further report to the Bills Committee once the Administration's response was available.</p> <p>Ms Cyd HO's enquiry about adding "(而非訂明或訂定該日期)" towards the end of the proposed section 2A(2) while the English rendition contained no similar expression.</p>	
023956 - 024250	<p>Chairman ALA Administration Ms Cyd HO</p>	<p><u>Clause 4</u> The Bills Committee noted that provisions relating to the Election Committee register or OL were not covered in this exercise pending a later legislative amendment exercise to introduce the electoral arrangements for the 2017 Chief Executive election.</p>	
024251 - 030305	<p>Chairman Dr CHIANG Lai-wan Ms Cyd HO Administration ALA Dr CHIANG Lai-wan</p>	<p><u>Clause 5</u> Ms Cyd HO was concerned about the use of the term "bad weather" in the proposed new section 2A(4) of the EAC (Electoral Procedure) (LegCo) Regulation (Cap. 541D) while "inclement weather" was used in the proposed section 2A(1) to (3).</p> <p>In the light of the views expressed by members and ALA, the Administration would consider amending the proposed new section 2A(4) of Cap. 541D to make clear the exact specific provisions that the proposed general inclement weather provisions would be subject to.</p>	<p><b>Admin</b> (paragraph 6 of minutes)</p>
030306 - 030350	<p>Chairman</p>	<p>Closing remarks</p> <p>Date of next meeting</p>	