

**立法會**  
**Legislative Council**

Ref : CB2/BC/5/13

LC Paper No. CB(2)169/14-15  
(These minutes have been seen by  
the Administration)

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

**Minutes of the fifth meeting**  
**held on Thursday, 12 June 2014, at 8:30 am**  
**in Conference Room 1 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  
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  
Dr Hon Kenneth CHAN Ka-lok  
Hon LEUNG Che-cheung, BBS, MH, JP

**Members absent** : Hon Cyd HO Sau-lan  
Hon Alice MAK Mei-kuen, JP  
Hon Martin LIAO Cheung-kong, JP  
Dr Hon CHIANG Lai-wan, JP  
Hon CHUNG Kwok-pan

**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

Mr MA Kit-chi  
Principal Liaison Officer  
Home Affairs Department

Mr Frankie FONG Kai-kit  
Senior Liaison Officer  
Home Affairs Department

**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

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Action

**I. Meeting with the Administration**

[LC Paper Nos. CB(3)547/13-14, CB(2)1508/13-14(01), CB(2)1658/13-14(02), CB(2)1769/13-14(01) to (03) and CMAB C1/30/5/4]

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

Administration's responses to issues raised at the meetings on 26 and 31 May and 3 June 2014

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2. Principal Assistant Secretary for Constitutional and Mainland Affairs took members through the Administration's paper on its responses to the issues raised at the meetings on 26 and 31 May and 3 June 2014 [LC Paper No. CB(2)1769/13-14(01)].

Draft Committee stage amendments ("CSAs") proposed by the Administration

3. The Bills Committee completed scrutiny of the draft CSAs (in marked-up mode) proposed by the Administration to the Bill [LC Paper No. CB(2)1769/13-14(03)], and did not raise objection to the proposed CSAs. The Administration would provide a full set of the proposed CSAs (in conventional mode) to the Bills Committee as soon as possible.

Legislative timetable

4. The Bills Committee agreed that the Second Reading debate on the Bill be resumed at the Council meeting of 2 July 2014. Members noted that the deadline for giving notice of amendment(s) to the Bill was 21 June 2014.

5. Members noted that the Chairman would make a verbal report on the deliberations of the Bills Committee to the House Committee at its meeting on 13 June 2014.

**II. Any other business**

6. There being no other business, the meeting ended at 9:55 am.

**Proceedings of the fifth meeting of the  
Bills Committee on Electoral Legislation (Miscellaneous Amendments) Bill 2014  
on Thursday, 12 June 2014, at 8:30 am  
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000310 - 001136	Chairman Administration	Opening remarks  Briefing on the Administration's paper [LC Paper No. CB(2)1769/13-14(01)] which set out the Administration's response to issues raised by members at the meetings held on 26 and 31 May and 3 June 2014.	
001137 - 001536	Chairman Administration	The Chairman's expression of concern that there had been a precedent in which an elector had almost lost his/her elector status merely due to an error made by the Registration and Electoral Office ("REO") staff in the course of inputting the address of the elector for compiling the voter registers.  The Administration's response that it had followed up on the specific case referred to REO by the Chairman and the investigation results had been provided to his office. The Administration maintained the view that the existing arrangements had provided reasonable time and room for detection and rectification of faults of REO staff. Nevertheless, REO undertook that it would review its operational procedures from time to time with a view to ensuring a high level of data accuracy and reducing the chances of human error as far as practicable.	
001537 - 002008	Chairman Administration	Scrutiny of the proposed Committee stage amendments ("CSAs") to the Bill as set out in Annexes A to G of the Administration's paper [LC Paper No. CB(2)1769/13-14(03)].  Briefing on the Administration's proposed CSAs relating to the extension of electoral deadlines in case of inclement weather (Annex A to LC Paper No. CB(2)1769/13-14(03)).	

002009 - 003624	Chairman Administration Ms Emily LAU Assistant Legal Adviser ("ALA") Mr Alan LEONG	<p>Briefing on the Administration's proposed CSAs to change the Chinese title of omissions list ("OL") from "遭剔除者名單" to "取消登記名單" (Annex B to LC Paper No. CB(2)1769/13-14(03)).</p> <p>While expressing support for the proposal of inclusion of electors who had voluntarily requested voter de-registration in the OL, Ms Emily LAU asked what had prompted the Administration to initiate amendments in this area. The Administration responded that it had not received any complaints from electors concerning voter de-registration. The Administration explained that the proposed amendment just aimed to ensure consistency in the compilation of the provisional register and the OL.</p>	
003625 - 005246	Chairman Administration Ms Emily LAU Mr Alan LEONG	<p>Briefing on the Administration's proposed CSAs (Annex C to LC Paper No. CB(2)1769/13-14(03)). The Administration's clarification on the intended effect of the proposed new section 9(1)(ab) of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541A) in response to ALA's letter dated 28 May 2014 [LC Paper No. CB(2)1658/13-14(02)].</p> <p>Ms Emily LAU's enquiry and the Administration's explanation that in practice, upon receipt of a signed written notice of de-registration from an elector, the Electoral Registration Officer ("ERO") would issue a notification letter confirming the de-registration by registered post and informing the elector that his/her entry would not be included in the next final register ("FR"). If the registered mail was undelivered, ERO would find out the reason and follow up to seek further clarification from the elector. The general principle was that ERO would include an elector's entry in the OL on the basis of his/her request for de-registration if in the ERO's opinion the elector concerned had been informed of ERO's intention to omit the elector's entry from the next FR. Members noted that the CSAs proposed by the Administration were to make clear the above principle.</p> <p>In response to Ms Emily LAU's enquiry, the Administration advised that the number of</p>	

		<p>requests for voluntary de-registration was in the range of 100 to 200 annually in the past years (except in 2012 and 2013 which were about 1 800 and 500 respectively), and the number was about 200 in 2014.</p> <p>Ms Emily LAU's expression of concern that an illiterate elector might not know what to do upon receipt of ERO's notification letter. The Administration advised that members of the public who had difficulties in understanding the content of ERO's letter could contact REO through its enquiry hotline during office hours.</p>	
005247 - 010611	Chairman Administration Ms Emily LAU ALA	Briefing on the Administration's proposed CSAs to withdraw the proposed amendments in the Bill relating to removal of the requirement for prior notice of appointment of polling and counting agents, and to make certain technical amendments to the relevant provisions, e.g. clarifications on how such notices could be served (Annex D to LC Paper No. CB(2)1769/13-14(03)).	
010612 - 011734	Chairman Ms Emily LAU Administration	<p>Ms Emily LAU stressed that it was 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). The Administration explained that the sizes of 500-odd polling stations varied and 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> <p>The Bills Committee noted that owing to practical constraints, when a 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, a queuing system would be activated to ensure that all candidates concerned would each have at least one polling agent admitted (by taking turns) to the polling station. The Administration advised that PRO might exercise discretion and make the necessary arrangements for admission of candidates and their agents. So far, no complaint had been received from candidates that their agents had to wait for an unduly long time under</p>	

		<p>the queuing system before admission to the polling stations.</p> <p>The Chairman agreed that PRO should exercise flexibility to meet ad hoc needs and stressed the importance of upholding the transparency of the polling and counting process inside the polling and counting stations in order to safeguard the integrity of the electoral process. Ms Emily LAU called on the Administration to explore contingency plans to cater for the scenario that a number of candidates/agents requested admission to the polling station at the same time due to urgent needs and could not wait to take turns to enter it.</p>	
011735 - 012417	Chairman Administration	<p>Briefing on the Administration's proposed CSAs on the consequential amendments to Division 5 of Part 5 and Division 4 of Part 6 of the Bill (Annex E to LC Paper No. CB(2)1769/13-14(03)).</p> <p>Briefing on the Administration's proposed CSAs to make other refinements to the Bill to improve clarity (Annexes F and G to LC Paper No. CB(2)1769/13-14(03)).</p>	
012418 - 012624	Chairman	Legislative timetable	

Council Business Division 2  
Legislative Council Secretariat  
28 October 2014