

**立法會**  
**Legislative Council**

Ref : CB2/BC/3/14

LC Paper No. CB(2)1887/14-15  
(These minutes have been seen  
by the Administration)

**Bills Committee on Electoral Legislation**  
**(Miscellaneous Amendments) Bill 2015**

**Minutes of the second meeting**  
**held on Monday, 18 May 2015, at 4:30 pm**  
**in Conference Room 1 of the Legislative Council Complex**

**Members present** : Hon IP Kwok-him, GBS, JP (Chairman)  
Hon LEUNG Yiu-chung  
Hon WONG Ting-kwong, SBS, JP  
Hon Cyd HO Sau-lan, JP  
Hon Starry LEE Wai-king, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Alan LEONG Kah-kit, SC  
Hon Steven HO Chun-yin  
Hon Charles Peter MOK, JP  
Dr Hon Kenneth CHAN Ka-lok  
Hon SIN Chung-kai, SBS, JP  
Hon IP Kin-yuen  
Dr Hon Elizabeth QUAT, JP  
Ir Dr Hon LO Wai-kwok, BBS, MH, JP  
Hon CHUNG Kwok-pan  
Hon Tony TSE Wai-chuen, BBS

**Members absent** : Hon Emily LAU Wai-hing, JP  
Hon WONG Yuk-man  
Hon MA Fung-kwok, SBS, JP  
Hon CHAN Han-pan, JP

**Public Officers attending** : Mr LAU Kong-wah, JP  
Under Secretary for Constitutional and Mainland Affairs  
  
Mr Gordon LEUNG Chung-tai, JP  
Deputy Secretary for Constitutional and Mainland Affairs

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

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

Miss Candy MA Siu-hung  
Principal Electoral Officer  
Registration and Electoral Office

Mr Gilbert MO Sik-keung  
Deputy Law Draftsman  
Department of Justice

Miss Emma WONG  
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

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Action

- I. Meeting with the Administration**  
[LC Paper Nos. CB(3)597/14-15, LS59/14-15, CB(2)1486/14-15(01),  
CB(2)1490/14-15(01) to (03) and CMAB C1/30/5/4]

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

Follow-up actions required of the Administration

Admin 2. The Administration was requested to follow up on the following issues raised by members -

- (a) provide the lists of ranks of eligible staff members in relevant institutions for registration as electors of the Education functional constituency ("FC");
- (b) provide information on which bureaux/departments had been consulted in considering applications mentioned by Mr Charles Peter MOK for inclusion in the electorate of the Information Technology FC;
- (c) address Ms Cyd HO's concern that clinical psychologists graduated overseas were not eligible for registration in the Health Services FC; and
- (d) follow up on the cases mentioned by Mr CHUNG Kwok-pan that two organizations registered under the Textiles and Garment FC had been asked to be re-registered in either the Industrial (First) FC or Import and Export FC.

3. The Administration was also requested to re-consider the applications referred to by Mr Charles Peter MOK for registration as electors of the Information Technology FC as well as for addition of five other umbrella organizations to that FC.

**II. Any other business**

4. Members noted that the next meeting would be held on Tuesday, 9 June 2015, at 2:30 pm.

5. There being no other business, the meeting ended at 6:25 pm.

**Proceedings of the second meeting of the  
Bills Committee on Electoral Legislation (Miscellaneous Amendments) Bill 2015  
on Monday, 18 May 2015, at 4:30 pm  
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000420 - 000721	Chairman Administration	Opening remarks  Briefing by the Administration on the Electoral Legislation (Miscellaneous Amendments) Bill 2015 ("the Bill") [Legislative Council ("LegCo") Brief - File Ref: CMAB C1/30/5/4]	
000722 - 001522	Chairman Mr CHUNG Kwok-pan Administration	Mr CHUNG Kwok-pan requested the Administration to explain the relevant principles and criteria for renaming an existing functional constituency ("FC") and including the Hong Kong Recording Industry Alliance Limited ("HKRIAL") in the Sports, Performing Arts, Culture and Publication FC. The Administration explained that -  (a) a Member had raised at the meeting of the Panel on Constitutional Affairs on 16 March 2015 that the nomenclature of the Architectural, Surveying and Planning FC should be revised to reflect the fact that its constituents included landscape architects. After review, the Administration agreed that it was just a technical amendment to better reflect the existing composition of the FC (i.e. architects, surveyors, planners and landscape architects) without affecting the composition or the electorate of the FC; and  (b) the Administration had received a request from HKRIAL to include its members entitled to vote at its general meetings as electors for the Sports, Performing Arts, Culture and Publication FC. In line with the established procedures, the advice of the relevant bureau/department had been sought in consideration of the application. The Administration explained that HKRIAL was of the same nature as the International Federation of the Phonographic Industry	

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		<p>(Hong Kong Group) Limited, the members entitled to vote at the general meetings of which had already been included in the electorate of the Sports, Performing Arts, Culture and Publication FC. Having considered that, the Administration made the proposed technical amendment to add HKRIAL as an umbrella organization for the Sports, Performing Arts, Culture and Publication FC.</p> <p>Mr CHUNG further enquired -</p> <p>(a) why no response was received to a request made by an organization of his sector four years ago for inclusion in the Textiles and Garment FC; and</p> <p>(b) whether the name of the Textiles and Garment FC could be changed to be the Textiles, Garment and Fashion FC if the proposed change also would not affect the electorate of the FC.</p> <p>The Administration explained that -</p> <p>(a) Regarding the application referred to by Mr CHUNG, the advice of the relevant bureau/department had been sought in consideration of the application and an interim reply had been issued to the organization concerned. In line with the established practice, the Administration would update the electorate of all FCs under the Legislative Council Ordinance (Cap. 542) ("LCO") before every LegCo general election after taking into account the latest developments. Organizations concerned would be informed of the outcome of their applications after the legislative exercise;</p> <p>(b) regarding the change in nomenclature of the Architectural, Surveying and Planning FC, the Administration pointed out that this was a purely technical amendment that would not affect the existing definition of the electorate of the FC concerned; and</p> <p>(c) the Bill only sought to make necessary technical amendments, whilst maintaining</p>	

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		the existing delineation of the FCs concerned intact.	
001523 - 001833	Chairman Mr Tony TSE	Mr Tony TSE welcomed the proposed change in nomenclature of the Architectural, Surveying and Planning FC to better reflect the existing composition of the FC (i.e. architects, surveyors, planners and landscape architects). He confirmed that the proposal had the support of the four professional bodies concerned.	
001834 - 002620	Chairman Mr IP Kin-yuen Administration	<p>Referring to the proposed improvements to the formulation of the definition of electors of the Education FC under section 20E(aa) of LCO, Mr IP Kin-yuen considered that the interpretation of "full-time academic staff engaged in teaching or research and administrative staff of equivalent rank" by the institutions concerned seemed to vary. He suggested that each institution's own list of the ranks of eligible staff members who fell within the above definition should be provided for members' reference.</p> <p>The Administration advised that under Cap. 542, it was the responsibility of the institutions concerned to provide the relevant information regarding their eligible staff members who fell within the above definition to the Registration and Electoral Office ("REO") for voter registration purposes. The institutions concerned would decide on their respective lists of eligible staff in the light of their actual circumstances. Individual staff members who were not satisfied with the relevant decisions could lodge claims, which would be dealt with through the established channel. In reply to the Chairman's enquiry, the Administration confirmed that the proposed technical amendment concerning section 20E(aa) of LCO only sought to improve the formulation of the definition of electors for the Education FC and there was no change in policy involved.</p>	<b>Admin</b> (paragraph 2 of minutes)
002621 - 003334	Chairman Mr Charles Peter MOK Administration	Mr Charles Peter MOK said that he had proposed to the Administration to add six information technology ("IT") organizations to IT FC as umbrella organizations, but only the Information Security and Forensics Society was added under the Administration's current proposal. He	

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		<p>considered that the mechanism for determining which organizations could be added as a new elector to a FC lacked transparency and accountability. He also queried why only certain members of the Information Technology Division of the Hong Kong Institution of Engineers (i.e. Fellows, Members and Graduate Members) were eligible for registration as electors for IT FC, whereas its Associate Members were not. He pointed out that the anomaly also existed for registration of members of the Institution in the Engineering FC and urged the Administration to rectify the issue.</p> <p>The Administration explained that for an organization to be added to a FC, it should be a representative one and was active in supporting the development of the sector concerned. In line with the established practice, the advice of the relevant bureaux/departments would be sought in consideration of whether individual organizations fulfilled such criteria. The Administration would not comment on individual cases.</p>	
003335 - 004201	<p>Chairman Mr LEUNG Yiu-chung Administration Assistant Legal Adviser ("ALA")</p>	<p>Mr LEUNG Yiu-chung considered that the Administration should verify the trade unions registered under the Trade Unions Ordinance (Cap. 332) on a regular basis to confirm whether they had actually ceased operation after registration under Cap. 332. Mr LEUNG opined that for those which had ceased operation, their registration under Cap. 332 should be cancelled and accordingly, they should also cease to be eligible for registration as corporate electors for the Labour FC. He pointed out that some trade unions had become inactive or even ceased operation after getting registered under Cap. 332. They did not submit the necessary documents required by law (e.g. annual statements of account) to the Registry of Trade Unions ("RTU") to support that they were still eligible for registration under Cap. 332, and yet RTU had allowed them to continue to be registered under that ordinance.</p> <p>The Administration explained that under section 20L of LCO (Cap. 542), the Labour FC is composed of bodies that are trade unions registered under Cap. 332 of which all the voting</p>	

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		<p>members are employees. Further, under LCO, a body specified in section 20L is eligible to be registered as a corporate elector for the relevant FC only if it has been operating for the 12 months immediately before making its application for registration as an elector. The Administration explained that as long as a trade union continued to hold a valid registration under Cap. 332, it would retain its status as a registered corporate elector for the Labour FC. ALA confirmed this understanding with reference to relevant provisions of Cap. 332 and Cap. 542.</p>	
004202 - 004915	<p>Chairman Mr CHUNG Kwok-pan Administration</p>	<p>Mr CHUNG Kwok-pan expressed concern that while the Administration took only about two years' time to finish processing the application of HKRIAL for inclusion of its members entitled to vote at its general meetings in the Sports, Performing Arts, Culture and Publication FC, the application submitted by the organization of his sector had not received any response yet. The Administration reiterated the established procedures for processing such applications.</p>	
004916 - 005713	<p>Chairman Mr IP Kin-yuen Administration</p>	<p>With regard to the application of the definition of "full-time academic staff engaged in teaching or research and administrative staff of equivalent rank" in section 20E(aa) of Cap. 542, Mr IP Kin-yuen said he noted that the eligible teaching or research staff members of the institutions concerned ranged from senior to junior ranks, whereas their eligible administrative staff members were limited to those in senior ranks. This did not comply with the description "of equivalent rank" in the definition.</p> <p>The Administration agreed to follow up Mr IP's request for provision of the requisite lists.</p>	<p><b>Admin</b> (paragraph 2 of minutes)</p>
005714 - 010452	<p>Chairman Mr Charles Peter MOK Administration</p>	<p>Mr Charles Peter MOK expressed dissatisfaction for the lack of reasons provided by the Administration for rejecting the applications from the IT organizations concerned. He considered that the Administration had to be accountable for its decisions on the matter. He said that while there were some 70 000 members in the IT industry, there were only about 6 700 electors for the IT FC in the 2012 LegCo election.</p>	



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		In response to Mr MOK's enquiry, the Administration confirmed that the relevant bureau(x) had been consulted in considering the applications concerned. The Administration agreed to provide supplementary information on which bureau(x) had been consulted.	<b>Admin</b> (paragraph 2 of minutes)
010453 - 010749	Chairman Mr CHUNG Kwok-pan Administration	The Administration agreed to provide Mr CHUNG with a copy of the Administration's interim reply letter dated 27 January 2012 concerning the application referred to by Mr CHUNG.	
010750 - 011306	Chairman Ms Cyd HO Administration ALA	<p>Ms Cyd HO expressed concern that some clinical psychologists who had graduated from overseas universities were not eligible for registration for the Health Services FC unless they had become members of the Hong Kong Clinical Psychologists Association ("HKCPA"). She enquired about the rationale of the policy. She had also been told that HKCPA only accepted local graduates to be its members. The Administration agreed to provide written response after the meeting.</p> <p>ALA advised that according to section 20I(1) of Cap. 542, clinical psychologists who are in the service under the Government or are employed in specified hospitals/clinics in Hong Kong are eligible for registration as an elector for the Health Services FC. He pointed out that such eligibility was not linked to the membership of any psychologists' professional associations.</p>	<b>Admin</b> (paragraph 2 of minutes)
011307 - 011427	Chairman Mr IP Kin-yuen Administration	Mr IP Kin-yuen reiterated the need for provision of the existing lists of the institutions concerned of their ranks of eligible staff members who fell within the aforementioned definition.	
011428 - 012220	Chairman Mr Charles Peter MOK	<p>Mr Charles Peter MOK reiterated his concerns about the applications made by the following organizations -</p> <p>(a) <u>The IT Division of the Hong Kong Institution of Engineers</u>: Associate Members should also be eligible for registration as electors for IT FC. "Associate Members" were even more senior in rank than "Graduate Members";</p>	<b>Admin</b> (paragraph 3 of minutes)

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		<p>(b) <u>The Institution of Engineering and Technology Hong Kong ("IETHK")</u>: it was unreasonable that members of IETHK who were registered as non-Chartered Engineers with the Engineering Council UK were not eligible for registration as electors for IT FC; and</p> <p>(c) <u>Professional Information Security Association ("PISA") and Information Systems Audit and Control Association China Hong Kong Chapter Limited ("ISACA")</u> : PISA and ISACA were umbrella organizations in IT FC. Under section 20Z(1)(ja) and Part 2 of Schedule 1D to Cap. 542, eligible persons of ISACA and PISA were subject to a "relevant period" requirement before they could apply to be electors for the IT FC. (To be eligible as an IT FC elector, an ISACA member must have attained the Certified Information Systems Audit Certification for at least four years and a PISA member must have attained the Certified Information Systems Security Professional Certification for at least four years.) Mr MOK enquired about the rationale for the "relevant period" requirement.</p> <p>Mr MOK also proposed to add five other umbrella organizations to the electorate of IT FC</p> <p>-</p> <p>(d) Government Information Technology Professionals Association;</p> <p>(e) IT Service Management Forum Hong Kong Chapter;</p> <p>(f) Hong Kong Retail Technology Industry Association;</p> <p>(g) The Chamber of Hong Kong Computer Industry Co. Ltd.; and</p> <p>(h) The Hong Kong Electronic Industries Association.</p>	

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012221 - 012559	Chairman Mr CHUNG Kwok-pan Administration	<p>Mr CHUNG Kwok-pan said that he had visited a corporate elector of the Textiles and Garment FC according to the registered address of the organization concerned, and found that it was no longer engaged in textiles and garment business but other business. He shared Mr LEUNG Yiu-chung's concern about the lack of mechanism to verify whether or not a body which had been registered as a corporate elector for a FC subsequently ceased operation or changed to be engaged in other businesses, and should no longer be regarded as eligible for registration as a corporate elector for that FC.</p> <p>The Administration explained that there were clear provisions governing the registration of corporate electors of FC under LCO. Those who met the relevant stipulated requirements would continue to be eligible for such registration. Changes in the address of a corporate elector would not affect the elector's eligibility for maintaining its status as a corporate elector. Nevertheless, REO would update the addresses for correspondence purpose.</p>	
012600 - 014330	Chairman Mr Charles Peter MOK Administration ALA Mr CHUNG Kwok-pan	<p>Mr Charles Peter MOK expressed concern about the impact on the eligibility of a corporate elector which made changes to its registered name or to the criteria and conditions of membership of the body after an amendment exercise of Cap. 542 and before the conduct of the next LegCo election.</p> <p>Making reference to section 3(2A) and (2B) of Cap. 542, the Administration explained that any amendment to or substitution of the constitution of an umbrella organization which was related to its objects, criteria and conditions of membership, or the eligibility of its members to vote at a general meeting of the body had to be approved in writing by the Secretary for Constitutional and Mainland Affairs ("SCMA") for the purpose of defining the composition of the relevant FC. As regards whether a change in the organization's name would affect its voter registration status, the Administration advised that the issue would be considered on a case by case basis and where necessary, legal advice would be sought.</p>	

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014331 - 014653	Chairman Mr CHUNG Kwok-pan Administration	<p>Mr CHUNG Kwok-pan expressed concern that two corporate electors which had been registered for the Textiles and Garment FC in the past 18 years had recently received letters from the Administration advising them to change to be registered for either the Industrial (First) FC or the Import and Export FC.</p> <p>The Administration explained that the corporate members who were entitled to vote at their general meetings of the Textile Council of Hong Kong Limited and the corporate members of the 12 bodies specified in section 20X(b)(i) to (xii) of LCO were eligible to be registered as electors for the Textiles and Garment FC. However, the existing legislation stipulated that a corporate member of the Textile Council of Hong Kong Limited which was also listed under section 20X(b) as an umbrella organization could not be registered as an elector in the FC. Therefore, these umbrella organizations could not be themselves corporate electors in the FC. Nevertheless, the Administration undertook to look into the issue raised.</p>	<p><b>Admin</b> (paragraph 2 of minutes)</p>
014654 - 015124	Chairman Mr Charles Peter MOK Administration	<p>Mr Charles Peter MOK considered that the requirement of seeking SCMA's approval under section 3(2A) of Cap. 542 violated the principle of respecting the autonomy of professional organizations.</p> <p>Mr MOK also requested the Administration to explain the proposed deletion of "The Hong Kong Telemedicine Association" from the composition of the IT FC. The Administration responded that the Association had notified the Administration in writing that it had ceased operation.</p> <p>Mr MOK enquired how REO would come to know whether there were other similar cases if the institutions/bodies concerned did not take the initiative to inform REO of their cessation of operation. The Administration explained that as part of the annual voter registration campaign, REO would write to relevant corporate electors to collect updated information for voter registration purposes.</p>	

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
015125 - 015310	Chairman Ms Cyd HO	Meeting arrangement  Concluding remarks	

Council Business Division 2  
Legislative Council Secretariat  
9 July 2015