

立法會
Legislative Council

Ref : CB2/BC/3/14

LC Paper No. CB(2)2148/14-15
(These minutes have been seen
by the Administration)

Bills Committee on Electoral Legislation
(Miscellaneous Amendments) Bill 2015

Minutes of the fourth meeting
held on Monday, 15 June 2015, at 4:30 pm
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 WONG Ting-kwong, SBS, 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
Hon CHAN Han-pan, JP
Hon SIN Chung-kai, SBS, JP
Dr Hon Elizabeth QUAT, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

Members absent : Hon LEUNG Yiu-chung
Hon Cyd HO Sau-lan, JP
Hon Starry LEE Wai-king, JP
Hon WONG Yuk-man
Hon MA Fung-kwok, SBS, JP
Dr Hon Kenneth CHAN Ka-lok
Hon IP Kin-yuen
Hon CHUNG Kwok-pan

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

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

Miss Connie AU
Council Secretary (2) 3

Mrs Fonny TSANG
Legislative Assistant (2) 3

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 (02) and CMAB C1/30/5/4]

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

2. The Administration introduced its paper on the Administration's response to the issues raised by members at the last meeting on 9 June 2015 [LC Paper No. CB(2)1707/14-15(01)].

3. The Bills Committee completed the clause-by-clause examination of the Bill.

4. Mr Paul TSE suggested that consideration should be given to adding a provision to the Legislative Council Ordinance (Cap. 542) specifying that the registration eligibility of a specified body in a functional constituency ("FC") would not be affected even if it had changed name after its registration in that FC. The Administration agreed to give thought to the suggestion in future review.

Legislative timetable

5. Members noted that the Administration intended to resume the Second Reading debate on the Bill at the Council meeting of 8 July 2015 and raised no objection. Members noted that the deadline for giving notice to move Committee stage amendments to the Bill was 27 June 2015.

6. Members agreed that the Chairman would report the deliberations of the Bills Committee to the House Committee at its meeting on 19 June 2015.

II. Any other business

7. There being no other business, the meeting ended at 5:34 pm.

Council Business Division 2
Legislative Council Secretariat
29 September 2015

**Proceedings of the fourth meeting of the
Bills Committee on Electoral Legislation (Miscellaneous Amendments) Bill 2015
on Monday, 15 June 2015, at 4:30 pm
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000443 - 000705	Chairman Administration	Opening remarks Introduction of the Administration's paper on its response to the issues raised by members and deputations at the meeting on 9 June 2015 [LC Paper No. CB(2)1707/14-15(01)].	
000706 - 000929	Chairman Administration	<u>Clause by clause examination of the Bill</u> [LC Paper No. CB(2)1486/14-15(01)] <u>Part 1 of the Bill</u>	
000930 - 001735	Chairman Administration	<u>Part 2 of the Bill</u> Amendments to Legislative Council Ordinance (Cap. 542) ("LCO") The Administration explained that the Hong Kong Association of Professional Education Publishing Limited under section 20V(1)(g) of LCO was set up to replace two existing umbrella organizations in the Sports, Performing Arts, Culture and Publication functional constituency ("FC"), i.e., the Anglo-Chinese Textbook Publishers Organisation Limited and the Hong Kong Educational Publishers Association Limited, which had informed the Administration that they had ceased operation. Regarding the proposed inclusion of Hong Kong Recording Industry Alliance Limited ("HKRIAL") under section 20V(1)(i) of LCO, the Administration advised that by this amendment, members of HKRIAL entitled to vote at its general meetings would be included in the electorate of the Sports, Performing Arts, Culture and Publication FC.	
001736 - 002601	Chairman Mr Paul TSE Administration Mr Charles Peter MOK	Mr Paul TSE enquired how the Administration would collect updated information from the organizations and verify whether the relevant organizations had actually ceased operation or	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>only had their names changed. The Administration explained that upon receipt of updated information reported by an organization since the last updating exercise, the Administration would update the name of the body accordingly or remove its name if it notified the Administration that it had ceased operation. Separately, the Registration and Electoral Office would also write to relevant umbrella organizations to collect updated information on their corporate electors for voter registration ("VR") purpose.</p> <p>Noting that the Bill sought to amend the Chinese name of the Hong Kong Information Technology Joint Council Limited under section 20Z(1)(1a) of LCO by adding "有限公司", Mr Paul TSE expressed concerns about the incorporation status of the specified body and whether such changes might cast doubt on the eligibility of the members of that specified body to vote in the last round of the Legislative Council ("LegCo") election. The Administration responded that the proposed amendment was made based on the up-to-date information provided by the relevant organization, and the Administration confirmed that the information was accurate.</p>	
002602 - 003238	Chairman Mr WONG Ting-kwong Dr Priscilla LEUNG Mr Paul TSE Administration	<p>Mr WONG Ting-kwong pointed out that individual bodies had obtained approval to dispense with the word "Limited" and/or the characters "有限公司" in the name of a company under the Companies Ordinance (Cap. 622).</p> <p>Dr Priscilla LEUNG pointed out that the names of the specified bodies included in the Bill used "Limited" or "Ltd" in their names and asked why the usage was not standardized in the Bill. The Administration responded that the names of bodies/organizations as set out in the Bill were verified against supporting documents (e.g. business/company registration documents) from individual bodies/organizations.</p> <p>Mr Paul TSE considered that the Certificate of Incorporation of a company would provide useful reference on the name/status of incorporation of individual bodies/organizations. He suggested that the Administration should make reference to such information for VR purpose.</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
003239 - 004026	Chairman Mr Charles Peter MOK Administration Assistant Legal Adviser ("ALA")	Mr Charles Peter MOK expressed concern about the impact on the eligibility of a corporate elector which made changes to its registered name after an amendment exercise of Cap. 542 and before the conduct of the next LegCo election. The Administration advised that the issue would be considered on a case by case basis and where necessary, legal advice would be sought. The legal adviser to the Bills Committee considered that the implications of changes of names of specified bodies/umbrella organizations to their eligibility to vote had to be considered carefully and on a case by case basis.	
004027 - 004803	Chairman Mr Paul TSE Administration	Mr Paul TSE suggested that consideration should be given to adding a provision to LCO specifying that the registration eligibility of a specified body in a FC would not be affected even if it had changed name after its registration in that FC. The Administration agreed to give thought to the suggestion in future review. The Chairman agreed that the Administration should consider Mr TSE's suggestion.	Admin (Paragraph 4 of minutes)
004804 - 005240	Chairman Administration	<u>Part 3 of the Bill</u> Amendments to Chief Executive Election Ordinance (Cap. 569) ("CEEEO") The Administration's explanation of the corresponding amendments to be made to the Schedule to CEEEO.	
005241 - 010105	Chairman Mr SIN Chung-kai Administration ALA	<u>Part 4 of the Bill</u> Amendments to Electoral Affairs Commission (Electoral Procedure) (LegCo) Regulation (Cap. 541 sub. leg. D) In response to Mr SIN Chung-kai's enquiry on the changes to be made to the counting procedures of District Council (second) FC election under the proposed technical amendments, the Administration explained that the proposed amendments only sought to remove possible procedural ambiguities and better align with the policy objectives to speed up the counting process and to protect secrecy of votes.	

010106 - 010235	Chairman	Legislative timetable Closing remarks	
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Council Business Division 2
Legislative Council Secretariat
29 September 2015