

**Electoral Legislation (Miscellaneous Amendments)  
Bill 2015**

**Contents**

Clause	Page
<b>Part 1</b>	
<b>Preliminary</b>	
1.	Short title ..... C799
2.	Enactments amended ..... C799
<b>Part 2</b>	
<b>Amendments to Legislative Council Ordinance (Cap. 542)</b>	
3.	Section 20 amended (establishment of functional constituencies) ..... C801
4.	Section 20E amended (composition of the education functional constituency) ..... C801
5.	Section 20K amended (composition of the architectural, surveying and planning functional constituency) ..... C803
6.	Section 20V amended (composition of the sports, performing arts, culture and publication functional constituency) ..... C805
7.	Section 20X amended (composition of the textiles and garment functional constituency) ..... C807

Clause	Page
8. Section 20Z amended (composition of the information technology functional constituency) .....	C807
9. Section 25 amended (who is eligible to be registered as an elector: functional constituencies) .....	C807
10. Section 37 amended (who is eligible to be nominated as a candidate) .....	C809
11. Schedule 1A amended (composition of the transport functional constituency) .....	C809
12. Schedule 1B amended (composition of the sports, performing arts, culture and publication functional constituency) .....	C811
13. Schedule 1C amended (composition of the wholesale and retail functional constituency) .....	C813
14. Schedule 1E amended (composition of the catering functional constituency) .....	C813

### **Part 3**

#### **Amendments to Chief Executive Election Ordinance (Cap. 569)**

15. Schedule, section 2 amended (how Election Committee is to be constituted) .....	C815
16. Schedule, section 12 amended (who is eligible to be registered as a voter) .....	C819

Clause

Page

**Part 4**

**Amendments to Electoral Affairs Commission (Electoral Procedure)  
(Legislative Council) Regulation (Cap. 541 sub. leg. D)**

**Division 1—Amendments Relating to Counting Procedure**

17. Section 74AAA amended (arrangements for separating ballot papers and verifying ballot paper account at central counting station: District Council (second) functional constituency) ..... C821
18. Section 77A amended (counting of votes for District Council (second) functional constituency) ..... C823

**Division 2—Textual Amendment**

19. Section 74AA amended (arrangements for sorting of GC ballot papers in ballot paper sorting stations) ..... C823

# A BILL

## To

Amend electoral legislation to make technical amendments concerning the lists of persons comprising certain functional constituencies, the name of a functional constituency and a subsector, the list of constituents of a subsector, the registration of voters for a subsector and the counting procedure for a functional constituency; and to make other minor amendments.

Enacted by the Legislative Council.

### Part 1

#### Preliminary

**1. Short title**

This Ordinance may be cited as the Electoral Legislation (Miscellaneous Amendments) Ordinance 2015.

**2. Enactments amended**

The enactments specified in Parts 2, 3 and 4 are amended as set out in those Parts.

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## **Part 2**

### **Amendments to Legislative Council Ordinance (Cap. 542)**

**3. Section 20 amended (establishment of functional constituencies)**

Section 20(1)(k)—

**Repeal**

“and planning”

**Substitute**

“, planning and landscape”.

**4. Section 20E amended (composition of the education functional constituency)**

(1) Section 20E—

**Repeal paragraph (aa)**

**Substitute**

“(aa) full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in the institutions which—

(i) offer post secondary education leading to the award of any qualification entered into the Qualifications Register established under the Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 592); and

(ii) are set up by—

(A) an institution of higher education funded through the University Grants Committee;

(B) The Hong Kong Academy for Performing Arts; or

(C) The Open University of Hong Kong; and”.

(2) Section 20E(b)(xi), Chinese text, after “校董會”—

**Add**

“成員”.

(3) Section 20E(b)(xiii)—

**Repeal**

“and”.

(4) After section 20E(b)(xiii)—

**Add**

“(xiv) Board of Governors of the Chu Hai College of Higher Education;

(xv) Board of Governors of the Centennial College;

(xvi) Board of Governors of the Tung Wah College;

(xvii) Board of Governors of the Hang Seng Management College;

(xviii) Board of Governors of the Hong Kong Nang Yan College of Higher Education;

(xix) Board of Governors of the HKCT Institute of Higher Education; and”.

**5. Section 20K amended (composition of the architectural, surveying and planning functional constituency)**

(1) Section 20K, heading—

**Repeal**

“and planning”

**Substitute**

**“, planning and landscape”.**

(2) Section 20K—

**Repeal**

**“and planning”**

**Substitute**

**“, planning and landscape”.**

**6. Section 20V amended (composition of the sports, performing arts, culture and publication functional constituency)**

(1) Section 20V(1)(g)—

**Repeal subparagraphs (ii) and (iii).**

(2) Section 20V(1)(g)(vi)—

**Repeal**

**“; and”**

**Substitute a semicolon.**

(3) After section 20V(1)(g)(vi)—

**Add**

**“(vii) The Hong Kong Association of Professional Education Publishing Limited; and”.**

(4) Section 20V(1)(i)(vi)—

**Repeal**

**“and”.**

(5) After section 20V(1)(i)(vi)—

**Add**

**“(vii) Hong Kong Recording Industry Alliance Limited; and”.**

**7. Section 20X amended (composition of the textiles and garment functional constituency)**

Section 20X(b)—

**Repeal subparagraph (xi).**

**8. Section 20Z amended (composition of the information technology functional constituency)**

(1) Section 20Z(1)—

**Repeal paragraph (j).**

(2) Section 20Z(1)(k)(ii), after “Association”—

**Add**

“Limited”.

(3) Section 20Z(1)(la), Chinese text, after “科技聯會”—

**Add**

“有限公司”.

(4) After section 20Z(1)(la)—

**Add**

“(1b) Fellows and Full Members of the Information Security and Forensics Society entitled to vote at general meetings of the Society; and”.

**9. Section 25 amended (who is eligible to be registered as an elector: functional constituencies)**

(1) Section 25(1)(a)(xi)—

**Repeal**

“and planning”

**Substitute**

“, planning and landscape”.



(2) Section 25(6)—

**Repeal**

“20Z(1)(a) to (j)”

**Substitute**

“20Z(1)(a) to (ia)”.

**10. Section 37 amended (who is eligible to be nominated as a candidate)**

Section 37(3)(d)—

**Repeal**

“and planning”

**Substitute**

“, planning and landscape”.

**11. Schedule 1A amended (composition of the transport functional constituency)**

(1) Schedule 1A, item 4—

**Repeal**

“Articulated & Commercial Vehicle’s Instructors Union”

**Substitute**

“Hong Kong Driver’s Training Association”.

(2) Schedule 1A—

**Repeal items 9 and 39.**

(3) Schedule 1A, item 50—

**Repeal**

“Hong Kong Kowloon Taxi & Lorry Owners Association Ltd”

**Substitute**

“Hong Kong Taxi Owners’ Association Limited”.

- (4) Schedule 1A—

**Repeal item 69.**

- (5) Schedule 1A, English text, item 74—

**Repeal**

“The”.

- (6) Schedule 1A—

**Repeal items 89 and 148.**

- (7) Schedule 1A, item 164—

**Repeal**

“New World First Ferry Services (Macau) Limited”

**Substitute**

“Shun Tak-China Travel Macau Ferries Limited”.

- (8) Schedule 1A, item 169—

**Repeal**

“Container Truck Drivers Union”

**Substitute**

“Logistics Industry & Container Truck Drivers Union”.

- (9) Schedule 1A, after item 226—

**Add**

“227. TIML MOM Limited.

228. Hong Kong Taxi Association.”.

**12. Schedule 1B amended (composition of the sports, performing arts, culture and publication functional constituency)**

- (1) Schedule 1B, Part 2, item 2, after “Council”—

**Add**

“Limited”.

- (2) Schedule 1B, Part 3, after item 65—

**Add**

“66. The Federation of Motion Film Producers of Hong Kong Limited.”.

**13. Schedule 1C amended (composition of the wholesale and retail functional constituency)**

- (1) Schedule 1C, Chinese text, item 42—

**Repeal**

“食品委員會”

**Substitute**

“食品業總會”.

- (2) Schedule 1C—

**Repeal items 50 and 68.**

**14. Schedule 1E amended (composition of the catering functional constituency)**

Schedule 1E—

**Repeal item 3.**

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## Part 3

### Amendments to Chief Executive Election Ordinance (Cap. 569)

15. **Schedule, section 2 amended (how Election Committee is to be constituted)**
- (1) The Schedule, section 2, Table 2, item 2, column 2—  
**Repeal**  
“and planning”  
**Substitute**  
“, planning and landscape”.
- (2) The Schedule, section 2, Table 5, item 5, column 3, paragraph (1)(e)—  
**Repeal the semicolon**  
**Substitute a full stop.**
- (3) The Schedule, section 2, Table 5, item 5, column 3, paragraph (1)—  
**Repeal subparagraphs (f), (g), (h), (i), (j), (k), (l) and (m).**
- (4) The Schedule, section 2, Table 5, item 5, column 3, after paragraph (1)—  
**Add**  
“(1A) Full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in the institutions which—

- (a) offer post secondary education leading to the award of any qualification entered into the Qualifications Register established under the Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 592); and
  - (b) are set up by—
    - (i) an institution of higher education funded through the University Grants Committee;
    - (ii) The Hong Kong Academy for Performing Arts; or
    - (iii) The Open University of Hong Kong.”.
- (5) The Schedule, section 2, Table 5, item 5, column 3, paragraph (2)(m)—

**Repeal the full stop****Substitute a semicolon.**

- (6) The Schedule, section 2, Table 5, item 5, column 3, after paragraph (2)(m)—

**Add**

- “(n) the Board of Governors of the Chu Hai College of Higher Education;
- (o) the Board of Governors of the Centennial College;
- (p) the Board of Governors of the Tung Wah College;
- (q) the Board of Governors of the Hang Seng Management College;
- (r) the Board of Governors of the Hong Kong Nang Yan College of Higher Education;
- (s) the Board of Governors of the HKCT Institute of Higher Education.”.

**16. Schedule, section 12 amended (who is eligible to be registered as a voter)**

The Schedule, section 12(2)(b)—

**Repeal**

“or 64”

**Substitute**

“, 64 or 66”.

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## **Part 4**

# **Amendments to Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D)**

## **Division 1—Amendments Relating to Counting Procedure**

- 17. Section 74AAA amended (arrangements for separating ballot papers and verifying ballot paper account at central counting station: District Council (second) functional constituency)**

Section 74AAA(2)—

**Repeal paragraphs (a), (b) and (c)**

**Substitute**

- “(a) before counting the votes for the FC ballot papers from any small polling station or dedicated polling station in accordance with section 77A—
- (i) count and record the number of FC ballot papers from each of those polling stations; and
  - (ii) verify the number by comparing it with the ballot paper account;
- (b) after counting the votes for the FC ballot papers from each polling station (other than a small polling station or dedicated polling station) in accordance with section 77A, verify the number of the FC ballot papers recorded in the counting process by comparing the number with the ballot paper account;
- (c) prepare a statement in writing as to the respective result of the verification under paragraphs (a) and (b);”.

**18. Section 77A amended (counting of votes for District Council (second) functional constituency)**

(1) Section 77A(1)—

**Repeal**

“the number of which is recorded under section 74AAA(2)(a)”

**Substitute**

“in the ballot boxes given into the Returning Officer’s charge under section 72”.

(2) After section 77A(1)—

**Add**

“(1A) In relation to the ballot papers from any small polling station or dedicated polling station, the Returning Officer must, before counting the votes recorded on those ballot papers, mix those ballot papers together with the ballot papers in at least one of the ballot boxes from a polling station (other than a small polling station or dedicated polling station).”.

**Division 2—Textual Amendment**

**19. Section 74AA amended (arrangements for sorting of GC ballot papers in ballot paper sorting stations)**

Section 74AA(h), Chinese text, before “點票站”—

**Add**

“大”.

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## **Explanatory Memorandum**

The object of this Bill is to amend the Legislative Council Ordinance (Cap. 542), the Chief Executive Election Ordinance (Cap. 569) and the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D) for the purposes set out in the long title.

### **Part 1 of the Bill**

2. Part 1 sets out the short title.

### **Part 2 of the Bill**

3. Part 2 amends the Legislative Council Ordinance (Cap. 542)—
  - (a) to update the lists of persons comprising certain functional constituencies; and
  - (b) to change the name of the architectural, surveying and planning functional constituency.

### **Part 3 of the Bill**

4. Part 3 amends the Schedule to the Chief Executive Election Ordinance (Cap. 569).
5. Clause 15 changes the name of the architectural, surveying and planning subsector and updates the list of constituents of the higher education subsector.
6. Clause 16 introduces a technical amendment concerning the registration of voters for the sports, performing arts, culture and publication subsector.

## **Part 4 of the Bill**

7. Part 4 amends the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D).
8. Division 1 of Part 4 streamlines the counting procedure for the District Council (second) functional constituency at the central counting station.
9. Division 2 of Part 4 contains a textual amendment.