

立法會
Legislative Council

Ref : CB2/BC/1/15

LC Paper No. CB(2)1071/15-16
(These minutes have been seen
by the Administration)

Bills Committee on Electoral Legislation
(Miscellaneous Amendments) (No. 2) Bill 2015

Minutes of the second meeting
held on Wednesday, 27 January 2016, at 8:45 am
in Conference Room 3 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 Cyd HO Sau-lan, JP
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon WONG Yuk-man
Hon James TIEN Pei-chun, GBS, JP
Hon YIU Si-wing, BBS
Hon Charles Peter MOK, JP
Hon CHAN Han-pan, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon SIN Chung-kai, SBS, JP
Dr Hon Elizabeth QUAT, JP
- Member attending** : Hon Kenneth LEUNG
- Member absent** : Hon IP Kin-yuen
- Public Officers attending** : Mr Ronald CHAN Ngok-pang, JP
Under Secretary for Constitutional and Mainland Affairs

Mr Ryan CHIU Pit-ming
Principal Assistant Secretary for Constitutional and
Mainland Affairs

Mr Martin WONG Yick-hang
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 Henry CHAN Ngai-him
Senior Government Counsel
Department of Justice

Mrs Pauline CHAN YUEN Po-yee
Principal Liaison Officer
Home Affairs Department

**Attendance by :
Invitation**

Dynamic Island

Mr Felix WU Pat-lun
Spokesperson

Mr CHAN Ching-chuen

Financier Conscience

Mr Edward CHAN Hon-fai
Spokesperson

Mr YIP Chi-tsang

Insurance Arise

Mr LEE Chun-hei
Spokesperson

Act Voice

Mr FUNG Wai-shing
Member

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (2) 3

Staff in attendance : Mr Kelvin LEE
Senior Assistant Legal Adviser 3

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(2)717/15-16(01) and CB(2)572/15-16(01) and CMAB C1/30/5/4/1]

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

2. The Bills Committee received views from six deputations/individuals attending the meeting, and three written submissions provided by individuals/organizations who/which did not attend the meeting. The Bills Committee noted the response of the Administration to various issues raised by the deputations and members.

Clause-by-clause examination

3. The Bills Committee commenced clause-by-clause examination of the Bill. The Bills Committee examined up to the proposed new section 37(1A) in clause 5 of the Bill.

4. Members agreed that the next meeting would be held on Monday, 1 February 2016, at 10:45 am.

II. Any other business

5. There being no other business, the meeting ended at 10:45 am.

Council Business Division 2
Legislative Council Secretariat
14 March 2016

**Proceedings of the second meeting of the Bills Committee on Electoral
Legislation (Miscellaneous Amendments) (No. 2) Bill 2015
on Wednesday, 27 January 2016, at 8:45 am
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000247 - 000629	Chairman Administration	Opening remarks	
000630 - 000944	Dynamic Islands	Presentation of views	
000945 - 001301	Mr CHAN Ching-chuen	Presentation of views	
001302 - 001605	Financier Conscience	Presentation of views [LC Paper No. CB(2)717/15-16(02)]	
001606 - 001905	Mr YIP Chi-tsang	Presentation of views	
001906 - 002214	Insurance Arise	Presentation of views [LC Paper No. CB(2)717/15-16(03)]	
002215 - 002527	Act Voice	Presentation of views [LC Paper No. CB(2)717/15-16(03)]	
002528 - 013133	Chairman Mr Kenneth LEUNG Act Voice Mr Charles Peter MOK Mr CHAN Ching-chuen Ms Cyd HO Mr SIN Chung-kai Financier Conscience Insurance Arise Mr James TIEN Dynamic Island Mr Christopher CHEUNG Mr WONG Yuk-man Ms Emily LAU Mr YIP Chi-tsang Administration	Discussion on the following proposals made by some deputations/individuals - (a) expanding the electorate of the Insurance functional constituency ("FC")/Election Committee subsector ("ECSS") from corporate votes to individual votes; and (b) expanding the electorate of the Finance FC /ECSS and the Financial Services FC/ECSS from corporate votes to individual votes. Mr WONG Yuk-man urged the Administration to consider the above proposals detailed in the relevant submissions. He considered that the proposals were in conformity with the Basic Law ("BL"). Speaking from his experience of following up requests from individual bodies for inclusion in the Information Technology FC, Mr Charles Peter MOK considered that the mechanism for handling such requests lacked transparency and accountability. He suggested	

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		<p>that the following improvements should be made -</p> <p>(a) the views provided by relevant bureaux which the Constitutional and Mainland Affairs Bureau had consulted on updating the electorate of FCs should be disclosed; and</p> <p>(b) the Administration should meet with the bodies concerned in handling their requests for inclusion in FCs and the outcome should be reported to the relevant Panel of the Legislative Council ("LegCo").</p> <p>Mr James TIEN considered that while the existing FCs should be retained, the Administration should make proposals to enhance the representativeness of FCs and broaden their electorate base, such as by replacing corporate votes with director's votes, at the local legislation level. Ms Cyd HO invited views from deputations on the proposal of replacing corporate votes with director's votes. Some deputations considered that the proposal would only bring about a slight increase in the number of electors of the FCs concerned and have little impact on enhancing the representativeness of FCs.</p> <p>Mr James TIEN and Ms Emily LAU expressed concern whether the "principle of gradual and orderly progress" in BL 68 was contravened as the Administration had made no proposal to enhance the democratic element of the electoral method of LegCo.</p> <p>Mr Christopher CHEUNG considered that the electorate of the Financial Services FC could be suitably expanded but not to such extent as to include all the practitioners of the sector concerned given their high turnover and some might not really know the industry very well.</p>	
012356 - 013133	Chairman Administration	<p>The Administration made the following response -</p> <p>(a) it should be noted that "the principle of gradual and orderly progress" did not mean</p>	

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		<p>that substantial changes had to be made to the method for forming LegCo in each of its terms. It was stipulated in BL 68 that "the actual situation in the Hong Kong Special Administrative Region" also had to be taken into account in considering whether Annex II to BL was to be amended. In fact, with the passage of the 2012 constitutional reform package, substantial changes had been introduced to the method for forming LegCo in 2012;</p> <p>(b) the method for forming LegCo was among the issues covered in the Consultation Document on the Methods for Selecting the Chief Executive ("CE") in 2017 and for Forming LegCo in 2016. However, the Administration did not receive many views from the public on the issue, and the public generally agreed that efforts should be focused on the proper handling of universal suffrage for the CE election. Against this background, the Administration considered that it was not in contravention of BL even though no substantial amendments were to be made to the method for forming LegCo in 2016;</p> <p>(c) on the suggestion of expanding the electorate of FCs, the Administration was of the view that in the absence of clear consensus in the community, no major adjustments should be made to the electorate base of FCs. It was the Government's position that the existing delineation of FCs would remain intact and that only necessary technical amendments would be made for the 2016 LegCo election. In April 2015, the Administration introduced the Electoral Legislation (Miscellaneous Amendments) Bill 2015. The Government had already made clear at that time that, in view of the absence of consensus on whether there was a need to make significant changes to the electorate of FCs, the Bill would only seek to make certain technical amendments in relation to the 2016 LegCo general election. The Bill was supported by LegCo, and was passed in July 2015 without any Committee</p>	

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		<p>stage amendments. Besides, there would not be enough time to introduce legislative amendments to make significant changes to the electorate of FCs for the 2016 LegCo election, because a new bill would need to be introduced for that purpose as the policy intention of the present Bill did not include any element of making substantive change to the electorate of the FCs/ECSSs. Should such changes be made, the necessary legislative amendment exercise would have to be completed prior to 2 May 2016 (i.e. the voter registration deadline), which would not be possible in timing.</p>	
013134 - 014030	<p>Chairman Mr SIN Chung-kai Administration</p>	<p>Referring to the submission of The Institution of Engineering and Technology Hong Kong ("ITEHK") [LC Paper No. CB(2)762/15-16(02)], Mr SIN Chung-kai urged the Administration to explain why it had rejected ITEHK's application last time and why it was not reconsidered in this updating exercise. The Administration reiterated that the policy intention of the present Bill did not include making any substantive change to the electorate of ECSSs.</p> <p>In response to Mr SIN, the Administration explained that a new body was added to the higher education subsector because the body was a post secondary college recently registered under the Post Secondary Colleges Ordinance (Cap. 320).</p>	
014031 - 014459	<p>Chairman Mr Charles Peter MOK Administration</p>	<p>Mr Charles Peter MOK called on the Administration to consider the requests from Professional Information Security Association [LC Paper No. CB(2)762/15-16(01)] and The Hong Kong Electronics & Technologies Association Limited in this updating exercise.</p> <p>In response to Mr MOK, the Administration explained that the present Bill proposed making only necessary technical amendments to the legislation concerning the electorate of ECSSs, on the basis of applying the same electoral arrangements of the fourth term CE in 2012 and maintaining the original delineation of the ECSSs concerned intact. These technical</p>	

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		amendments were to include one new body, change the name of eleven bodies, and remove seven bodies which had ceased operation since the last updating exercise. Corresponding amendments would also be made to the relevant FCs which had the same electorate.	
<i>Clause-by-clause examination of the Bill</i>			
<u>Part 1 - Preliminary</u>			
<u>Part 2 - Amendments relating to lodging of election returns</u>			
014500 - 015933	Chairman Administration Mr WONG Yuk-man Senior Assistant Legal Adviser	<u>Clauses 1 to 5</u> <i>Clause 5</i> Mr WONG Yuk-man raised various concerns about the drafting of clause 5 - (a) the wording "就為選出行政長官而舉行的選舉" should be simplified to "就行政長官選舉" in the Chinese text of the proposed section 37(1A); and (b) the Administration should specify who was to make the declaration when "the proceedings for the election are declared to have been terminated" in the proposed section 37(1A)(b). <i>(Post-meeting note: The Administration's response to Mr WONG's views and concerns was set out in LC Paper No. CB(2)909/15-16(01).)</i>	
015934 - 020024	Chairman	Date of next meeting	