

立法會
Legislative Council

Ref : CB2/BC/1/15

LC Paper No. CB(2)1151/15-16
(These minutes have been seen
by the Administration)

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

Minutes of the third meeting
held on Monday, 1 February 2016, at 10:45 am
in Conference Room 2 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 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 Kenneth LEUNG
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon SIN Chung-kai, SBS, JP
Hon IP Kin-yuen
- Members absent** : Hon Cyd HO Sau-lan, JP
Hon CHAN Han-pan, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon Elizabeth QUAT, JP
- 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

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. Application for late membership
[LC Paper No. CB(2)779/15-16(01)]

Members agreed to accept Mr Kenneth LEUNG's application for late membership.

II. Meeting with the Administration
[LC Paper No. CB(2)572/15-16(01)]

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

3. The Bills Committee continued clause-by-clause examination of the Bill and examined up to Clause 35.

Follow-up actions required of the Administration

- Admin 4. The Administration was requested to provide written response to the following issues raised by members -
- (a) various concerns raised by Mr WONG Yuk-man and Mr Kenneth LEUNG on the drafting of the proposed new section 37(1A) to (1G);
 - (b) address a member's concern about the incorporation status of the "Videotage" (a listed body of the Sports, Performing Arts, Culture and Publication functional constituency ("FC")); and
 - (c) provide a written explanation of the rationale for amending the names of seven listed bodies of the Sports, Performing Arts, Culture and Publication FC by substituting "Ltd" with "Limited".

Date of next meeting

- Admin 5. The Chairman said that members would be informed of the date and time of the next meeting by circulation of paper. To facilitate discussion at the next meeting, the Chairman requested members who intended to propose Committee stage amendments ("CSAs") to the Bill to forward their draft CSAs to the Clerk as early as possible. Members noted Mr SIN Chung-kai's draft CSAs tabled at the meeting. The Administration was requested to provide written response to the draft CSAs.

(Post-meeting note: The draft CSAs were issued vide LC Paper No. CB(2)816/15-16 on 4 February 2016. With the concurrence of the Chairman, the next meeting was scheduled for Wednesday, 24 February 2016, at 8:45 am.)

III. Any other business

6. There being no other business, the meeting ended at 12:45 pm.

**Proceedings of the third meeting of the
Bills Committee on Electoral Legislation
(Miscellaneous Amendments) (No. 2) Bill 2015
on Monday, 1 February 2016, at 10:45 am
in Conference Room 2 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000128 - 000229	Chairman	Mr Kenneth LEUNG's application for late membership	
<i>Clause-by-clause examination of the Bill</i>			
<u>Part 2 – Amendments relating to lodging of election returns (Cont'd)</u>			
000230 - 004638	Chairman Administration Mr WONG Yuk-man Mr Kenneth LEUNG Senior Assistant Legal Adviser ("SALA") Mr Paul TSE	<p><u>Clause 5</u></p> <p>Mr WONG Yuk-man expressed various concerns about the drafting of clause 5 -</p> <p>(a) "就為選出行政長官而舉行的選舉" in the proposed section 37(1A) should be simplified to "就行政長官選舉", and "就為選出立法會議員而舉行的選舉" in the proposed section 37(1B) should be simplified in the same way;</p> <p>(b) the Administration should specify who was to make the declaration when "the proceedings for the election are declared to have been terminated" was referred to in the proposed section 37(1A)(b) and the same issue also arose in the proposed section 37(1C)(b) and (c) and (1G)(b) and (c);</p> <p>(c) the drafting of the proposed section 37(1B)(a) and (b) should be reviewed to make it more concise and the two paragraphs might be combined; and</p> <p>(d) regarding the proposed section 37(1C), the Administration should explain the scenario in which more than one of the specified events might occur and why the reference to the occurrence of more than one of the specified events needed not similarly be provided in the proposed section 37(1G)</p>	Admin (para. 4 of minutes)

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>and (1K), and review whether the wording of the subsection could be improved to enhance the clarity.</p> <p>The Administration was also requested to consider Mr Kenneth LEUNG's view on improving the drafting of the English version of the proposed section 37(1B).</p>	
004639 - 005514	Chairman Administration	<u>Examination of clauses 5 to 7</u>	
<u>Part 3 – Amendments relating to composition of the Legislative Council functional constituency ("FCs") and Election Committee Subsector</u>			
005515 - 011539	Chairman Administration Mr Kenneth LEUNG Mr WONG Yuk-man Mr TAM Yiu-chung Mr James TIEN	<u>Examination of clauses 8 to 12</u> <i>Clause 12</i> <p>In reply to Mr James TIEN, the Administration advised that six transport bodies were proposed to be deleted because they had ceased operation.</p>	
011540 - 012134	Chairman Administration Mr WONG Yuk-man SALA	<i>Clause 13</i> <p>Mr WONG Yuk-man enquired about the incorporation status of "Videotage" (a listed body of the Sports, Performing Arts, Culture and Publication FC). The Administration explained that the proposed amendment was made based on the up-to-date voter registration information provided by that body. The Administration undertook to provide supplementary information in writing.</p> <p>Mr WONG further enquired about the rationale for amending the names of seven listed bodies of the Sports, Performing Arts, Culture and Publication FC by substituting "Ltd" with "Limited". The Administration responded that the proposed amendments were to tally the names of the listed bodies with their records in the Companies Registry or under the Societies Ordinance (Cap. 151). The Administration agreed to provide an explanation in writing.</p>	<p>Admin (para. 4 of minutes)</p> <p>Admin (para. 4 of minutes)</p>
<u>Part 4 – Amendments relating to effect of inclement weather on date and period</u>			
012135 - 014339	Chairman Administration Mr WONG Yuk-man	<u>Examination of clauses 14 to 24</u> <i>Clause 17</i>	

Time Marker	Speaker(s)	Subject(s)	Action required
	SALA	Mr WONG Yuk-man asked whether the inclement weather warning provisions in the Bill covered other weather warnings (e.g. cold weather warning or frost warning). The Administration explained that when those warnings were in force, there was no suspension of work. Those weather warnings were therefore not covered under the inclement weather warning provisions.	
014340 - 015837	Chairman Administration	<u>Examination of clauses 25 to 35</u>	
015838 - 020116	Chairman	Date of next meeting	

Council Business Division 2
Legislative Council Secretariat
22 March 2016