

**立法會**  
**Legislative Council**

Ref : CB2/BC/1/15

LC Paper No. CB(2)1343/15-16  
(These minutes have been seen  
by the Administration)

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

**Minutes of the fourth meeting**  
**held on Wednesday, 24 February 2016, at 8:45 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 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 Kenneth LEUNG  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Hon SIN Chung-kai, SBS, JP  
Hon IP Kin-yuen  
Dr Hon Elizabeth QUAT, JP
- Member attending** : Hon KWOK Wai-keung
- Member absent** : Hon Alice MAK Mei-kuen, BBS, 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

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Action

**I. Meeting with the Administration**

[LC Paper Nos. CB(2)572/15-16(01), CB(2)816/15-16(01),  
CB(2)909/15-16(01) to (03), CB(2)932/15-16(01) and  
CB(2)954/15-16(01)]

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

Action

2. The Bills Committee completed the clause-by-clause examination of the Bill at this meeting.

Draft Committee stage amendments ("CSAs") proposed by members

3. The Bills Committee noted the draft CSAs proposed by Mr SIN Chung-kai, Mr Kenneth LEUNG and Mr Charles Peter MOK in relation to the electorate of the Financial Services functional constituency ("FC"), the Information Technology FC, the Insurance FC and the Finance FC [LC Paper Nos. CB(2)816/15-16(01), CB(2)909/15-16(03) and CB(2)932/15-16(01)]. The three members briefed members on their proposed CSAs. Under Secretary for Constitutional and Mainland Affairs then briefed members on the Administration's response to the proposed CSAs as detailed in its papers [LC Paper Nos. CB(2)909/15-16(02) and CB(2)954/15-16(01)]. Mr Christopher CHEUNG expressed his opposing views to Mr SIN's proposed CSAs.

4. Mr SIN Chung-kai, Mr Kenneth LEUNG and Mr Charles Peter MOK requested the Chairman to move their proposed CSAs on behalf of the Bills Committee. Mr SIN further requested the Chairman to put the matter to vote. The Chairman drew members' attention to paragraph 2.21 of the Handbook for Chairmen of Bills Committee before putting the matter to vote. Mr SIN claimed a division of the votes. The voting results were as follows:

The following members voted in favour of Mr SIN Chung-kai's proposal that the Chairman should move his proposed CSAs on behalf of the Bills Committee

Ms Emily LAU, Ms Cyd HO, Mr WONG Yuk-man, Mr Charles Peter MOK, Mr Kenneth LEUNG and Mr SIN Chung-kai (six members)

The following members voted against Mr SIN's above proposal

Mr TAM Yiu-chung, Mr Paul TSE, Mr YIU Si-wing, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Mr Christopher CHEUNG and Dr Elizabeth QUAT (seven members)

The following members voted in favour of Mr Kenneth LEUNG's proposal that the Chairman should move his proposed CSAs on behalf of the Bills Committee

Ms Emily LAU, Ms Cyd HO, Mr WONG Yuk-man, Mr Charles Peter MOK, Mr Kenneth LEUNG and Mr SIN Chung-kai (six members)

Action

The following members voted against Mr LEUNG's above proposal

Mr TAM Yiu-chung, Mr Paul TSE, Mr YIU Si-wing, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Mr Christopher CHEUNG and Dr Elizabeth QUAT (seven members)

The following members voted in favour of Mr Charles Peter MOK's proposal that the Chairman should move his proposed CSAs on behalf of the Bills Committee

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Ms Emily LAU, Ms Cyd HO, Mr WONG Yuk-man, Mr Charles Peter MOK, Mr Kenneth LEUNG and Mr SIN Chung-kai (six members)

The following members voted against Mr MOK's above proposal

Mr TAM Yiu-chung, Mr Paul TSE, Mr YIU Si-wing, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Mr Christopher CHEUNG and Dr Elizabeth QUAT (seven members)

Legislative timetable

5. Members raised no more issues on the Bill and the Chairman declared that the Bills Committee completed its scrutiny work. The Administration proposed to resume the Second Reading debate on the Bill at the Council meeting of 20 April 2016. No members raised objection. The Chairman said that accordingly, he would report the deliberations of the Bills Committee to the House Committee on 8 April 2016. Members noted that the deadline for giving notice to move CSAs to the Bill was 11 April 2016.

**II. Any other business**

6. There being no other business, the meeting ended at 10:30 am.

Council Business Division 2  
Legislative Council Secretariat  
20 April 2016

**Proceedings of the fourth meeting of the  
Bills Committee on Electoral Legislation  
(Miscellaneous Amendments) (No. 2) Bill 2015  
on Wednesday, 24 February 2016, at 8:45 am  
in Conference Room 2 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
<b><u>Clause-by-clause examination of the Bill (Cont'd)</u></b>			
000252 - 011007	Chairman Administration Mr WONG Yuk-man Senior Assistant Legal Adviser	<p><b><u>Part 5 – Amendments relating to documents for appointment of various agents and delivery of documents</u></b></p> <p><u>Clauses 37 to 71</u></p> <p><i>Clause 37</i></p> <p>Mr WONG Yuk-man enquired how the notice of appointment of a polling agent and a counting agent in the specified form was to be submitted through electronic means. Specifically, he asked whether a scanned copy of the form could be submitted by email, or whether an e-form would be provided online by the Registration and Electoral Office. He also asked how data security would be protected against unauthorized access.</p> <p>The Administration explained that under the existing arrangement, the notice of appointment must be in the specified form, and delivered by hand, by electronic mail, by facsimile transmission or by post to the Returning Officer ("RO"), at least seven days before the polling day. If the notice of appointment was given on the polling day, it should not be delivered to RO by post. The Administration advised that a candidate might submit either a scanned copy of the form signed by both the candidate and the agent, or an e-form completed online with electronic signature. The Administration advised that information security would be ensured according to the established arrangement of systems administration of the Government.</p> <p>The Administration's response to Mr WONG's enquiries on other clauses of the Bill.</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p><i>Clause 41</i> The Chairman enquired about the purpose of the proposed amendment to section 64(5)(a) of Cap. 541I to substitute "1 week" with "7 days". The Administration explained that the proposed amendment aimed to enhance the clarity of the provision regarding the time for delivery of a notice of appointment.</p> <p><b><u>Part 6 – Amendments relating to postponement or adjournment of election, poll or counting</u></b></p> <p><i>Clause 51</i> Mr WONG Yuk-man expressed concern about the proposed amendment (under section 1(3)(b) of Schedule 1 to Cap. 541I) to substitute "other occurrence of public danger" with "any danger to public health or safety" and requested the Administration to explain more clearly the meaning of the proposed new wording.</p> <p>The Administration explained that when it conducted consultation with the Panel on Constitutional Affairs in April 2013, there was an enquiry as to whether the existing provisions (provided for postponement of an election and adjournment of poll/count caused by "occurrence of public danger") could cater for the postponement of an election and adjournment of poll or count caused by a major outbreak of disease. After review, the Administration proposed spelling out more clearly in the law to cater for postponement of an election and adjournment of poll/count owing to an occurrence of public health danger of such severity as to obstruct, disrupt, undermine or seriously affect an election, poll or count. The Administration then introduced the Electoral Legislation (Miscellaneous Amendments) Bill 2014 which included amendments to cater for the postponement of an election and adjournment of poll/count owing to an occurrence of public health danger in relation to the District Council, the Legislative Council and Rural Representative elections. The Bill was passed in July 2014.</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>In response to Mr WONG's concern about the definition of "riot" and "open violence" in the existing provision under Cap. 541I, the Administration advised that no review had been conducted on the terms and their meaning was not affected by this amendment exercise.</p> <p><b><u>Part 7 – Amendments relating to election agent's authority to act on behalf of candidate</u></b></p> <p><b><u>Part 8 – Amendments relating to notices designating polling stations and counting stations, etc.</u></b></p> <p><b><u>Part 9 – Other technical amendments</u></b></p> <p><b><u>Briefing by the Administration on its response to the issues raised at the last meeting on 1 February 2016 [LC Paper No. CB(2)909/15-16(01)]</u></b></p> <p>Mr WONG Yuk-man reiterated his proposals to simplify the wording of the proposed sections 37(1A) and 37(1C) under clause 5.</p>	
<b><i>Draft Committee stage amendments ("CSAs") proposed by individual members</i></b>			
011008 - 012222	Chairman Mr Charles Peter MOK Administration	Briefing by Mr Charles Peter MOK on his proposed CSAs to the Bill [LC Paper No. CB(2)909/15-16(03)]. The Administration briefed members on its response to the proposed CSAs [LC Paper No. CB(2)954/15-16(01)].	
012223 - 012951	Chairman Mr SIN Chung-kai Administration Mr Christopher CHEUNG	Briefing by Mr SIN Chung-kai on his proposed CSAs to the Bill [LC Paper No. CB(2)816/15-16(01)]. The Administration briefed members on its response to the proposed CSAs [LC Paper No. CB(2)909/15-16(02)]. Mr Christopher CHEUNG expressed opposition to Mr SIN's proposed CSAs which, in his view, were impracticable and would substantively change the electorate of the Financial Services FC.	
012952 - 013531	Chairman Mr Kenneth LEUNG Administration	Briefing by Mr Kenneth LEUNG on his proposed CSAs to the Bill [LC Paper No. CB(2)932/15-16(01)]. The Administration briefed members on its response to the proposed CSAs [LC Paper No. CB(2)954/15-16(01)].	

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
013532 - 014348	Chairman	Voting	
014349 - 014510	Chairman Administration	Legislative timetable  Closing remarks	

Council Business Division 2  
Legislative Council Secretariat  
20 April 2016