

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

**The Government's response to two Members'
Proposed Committee Stage Amendments**

Purpose

This paper sets out for Members' reference the Government's response to the Committee Stage Amendments ("CSAs") to the Electoral Legislation (Miscellaneous Amendments) (No. 2) Bill 2015 ("the No. 2 Bill") proposed by the Hon. Charles MOK and the Hon. Kenneth LEUNG.

CSAs proposed by the Hon. Charles MOK and the Hon. Kenneth LEUNG

2. The CSAs proposed by the Hon. Charles MOK (LC Paper No. CB(2)909/15-16(03)) seek to add a new clause to the No. 2 Bill to amend section 20Z of and Schedule 1D to the Legislative Council Ordinance (Cap. 542) ("LCO"), so as to expand the electorate of the Legislative Council ("LegCo") Information Technology Functional Constituency ("FC") by:

- (a) removing the requirement under the existing legislation that Honorary Fellows, Fellows and Members of The Institution of Engineering and Technology Hong Kong entitled to vote at general meetings of the Institution have to be also either persons registered as Chartered Engineers with the Engineering Council UK or Corporate Members of The Institution of Electrical Engineers Hong Kong (IEE Hong Kong) before 15 October 2002 in order to be eligible to register as an elector under the Information Technology FC;
- (b) including corporate members of each of the Hong Kong Retail Technology Industry Association Limited; the IT Service Management Forum Hong Kong Chapter; and the Hong Kong Electronics & Technologies Association Limited, that are entitled to vote at their general meetings;
- (c) including individual members of the IT Service Management Forum Hong Kong Chapter entitled to vote at general meetings

of the Forum;

- (d) including members of the Government Information Technology Professionals Association entitled to vote at general meetings of the Association; and
- (e) including full members of the Professional Information Security Association who are entitled to vote at general meetings of the Association and have had 4 years of experience in the information security field.

3. The CSAs proposed by the Hon. Kenneth LEUNG (LC Paper No. CB(2)932/15-16(01)) seek to add a new clause to the No. 2 Bill to amend sections 20C and 20T of the LCO, so as to expand the electorates of the Insurance FC and the Finance FC in LegCo. Regarding the Insurance FC, it specifically seek to include:

- (a) insurance agents registered in accordance with section 66 of the Insurance Companies Ordinance (Cap 41);
- (b) members of approved bodies of insurance brokers under section 70 of the Insurance Companies Ordinance (Cap 41); and
- (c) associate members or fellow members of the Actuarial Society of Hong Kong employed by bodies that are insurers authorized or deemed to be authorized under the Insurance Companies Ordinance (Cap 41).

Regarding the Finance FC, it specifically seek to include:

- (a) chief executives and directors within the meaning of section 71 of the Banking Ordinance (Cap 155);
- (b) executive officers within the meaning of sections 71C and 71D of the Banking Ordinance (Cap 155); and
- (c) individuals whose names are entered in the register maintained by the Monetary Authority under section 20 of the Banking Ordinance (Cap 155).

The Government's response to the CSAs proposed by the Hon. Charles MOK and the Hon. Kenneth LEUNG

4. The policy intention of the No. 2 Bill is to maintain the existing delineation of the electorate of Election Committee ("EC") subsectors, and not to make any substantive change. As such, the Long Title of the No. 2 Bill sets out clearly that the objective of the No. 2 Bill is to make only necessary technical amendments to the electorate of the EC subsectors (and respective FCs). The relevant arguments and justifications are already set out in detail in paragraphs 3 to 6 of the Government's response to the draft CSAs proposed by the Hon. SIN Chung-kai (LC Paper No. CB(2)909/15-16(02)), and hence not repeated here.

5. In fact, the No. 2 Bill does not introduce any amendment to the Information Technology FC, the Insurance FC, or the Finance FC at all. The CSAs proposed by the Hon. Charles MOK and the Hon. Kenneth LEUNG seek to amend the eligibility of registering as electors under the Information Technology FC, the Insurance FC, and the Finance FC by including bodies and individuals of various categories, thereby evidently and substantively altering, in terms of both nature and scope, the electorate base of the FCs concerned. The Government is of the view that the CSAs proposed by the Hon. MOK and the Hon. LEUNG not only involve FCs that are not covered in the No. 2 Bill, but also drastically change the electorate base of the FCs concerned, including the nature and the number of eligible electors. The CSAs proposed by the two Members are obviously not technical in nature and go far beyond the scope of the No. 2 Bill.

6. In summary, as stated clearly in the Long Title, the Explanatory Memorandum and the LegCo Brief of the No. 2 Bill, the speech of the Secretary for Constitutional and Mainland Affairs in proposing the second reading of the No. 2 Bill, as well as other relevant statements in the past and documents of the relevant LegCo Panel, the amendments in the No. 2 Bill to the list of persons comprising certain FCs only include necessary technical amendments, which are made on the premise that the existing delineation of electorate is kept intact. As regards the CSAs proposed by the Hon. Charles MOK and the Hon. Kenneth LEUNG, the Government is of the view that they are obviously and substantively beyond the scope of the No. 2 Bill, hence not relevant to the subject matter of the Bill and to the subject matter of the clause to which it relates as required by Rule 57(4)(a) in the Rules of Procedure.