

立法會
Legislative Council

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Paper for the House Committee meeting on 8 April 2016

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

Purpose

This paper reports the deliberations of the Bills Committee on Electoral Legislation (Miscellaneous Amendments) (No. 2) Bill 2015.

**The Electoral Legislation (Miscellaneous Amendments) (No. 2) Bill 2015
("the Bill")**

2. In order to improve the clarity of relevant provisions, and to align the electoral arrangements of different public elections, the Bill introduces technical amendments to various pieces of electoral legislation to –

- (a) align certain deadlines for filing election returns ("ERs");
- (b) update the electorate of the Election Committee ("EC") subsectors and the corresponding Legislative Council ("LegCo") functional constituencies ("FCs"); and
- (c) align the electoral arrangements of the EC subsector ("ECSS") elections and the Chief Executive ("CE") election with the other public elections.

Aligning the deadlines for filing ERs

3. At present, a candidate of an election is required to lodge under section 37(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) ("ECICO") an ER detailing the election expenses and the election donations received. However, the deadline for lodging ER is different for a candidate of a

contested election and that of an uncontested election owing to the different time of publication of the election results¹.

4. The Bill seeks to align the deadlines for submitting ERs for both contested and uncontested candidates such that all candidates in the same LegCo election would be subject to the same and later ER submission deadline. The proposal would also apply to elections of the District Councils ("DCs"), EC, Heung Yee Kuk, Rural Representatives, and the Chairman or Vice-Chairman or members of the Executive Committee of Rural Committees, as well as by-elections involving more than one vacancy, where candidates may also encounter similar situations in preparing their ERs.

Updating the electorate of ECSSs and the corresponding FCs

5. According to the Administration, in its preparation for the 2016 ECSS elections and in keeping with the established practice, the Administration has reviewed the delineation of the electorate of all ECSSs in consultation with relevant bureaux/departments and made reference to the recent updating exercise for the delineation of the electorate of LegCo FCs². The Administration's current proposals under the Bill involve making only necessary technical amendments concerning the lists of persons comprising certain ECSSs and their corresponding FCs. These technical amendments are to include one new body, change the names of 11 bodies, and remove seven bodies which have ceased operation since the last updating exercise³. Details are set out in Annex B to the LegCo Brief (File Ref: CMAB C1/30/5/4/1).

Aligning the electoral arrangements of ECSS Elections and CE Election with other public elections

6. The Bill seeks to align certain electoral arrangements for the ECSS

¹ For example, according to section 37(2) of ECICO, in the case of LegCo election, the candidate must ensure that his/her ER is submitted not later than 60 days after the date of publication of the result of the election. As the election results of uncontested constituencies must be published in the Gazette within 14 days of the expiry of the nomination period in accordance with section 22 of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D), that date of publication will be a few weeks earlier than the date when the election results of contested constituencies are published.

² Relevant updates to the electorate for FCs were included in the Electoral Legislation (Miscellaneous Amendments) Bill 2015 ("the EL(MA)Bill 2015"), which was passed and enacted in July 2015. The updates only involved necessary technical amendments to the electorates.

³ The last updating exercise was done in early 2015 alongside with other technical amendments in preparation for the 2016 LegCo election.

elections and the CE election with those introduced by the Electoral Legislation (Miscellaneous Amendments) Ordinance 2014. The major provisions of the Bill seek to provide for –

- (a) postponing a statutory deadline that falls on an inclement weather warning day (i.e. a day when a tropical cyclone warning or a gale or rainstorm warning is in force) to the next working day;
- (b) delivering documents for appointment or revocation of appointment of various agents by means of, among others, electronic means;
- (c) postponing or adjourning an election, poll or counting on the ground of, among others, danger to public health or safety, to a day not later than 14 days from the original day;
- (d) clarifying the authority of an election agent to act on behalf of a candidate; and
- (e) setting a time frame for giving notices designating polling stations and counting stations.

7. The Bill contains no commencement provision. By virtue of section 20(2) of the Interpretation and General Clauses Ordinance (Cap. 1), the Bill, if passed, would come into operation on the day the enacted Ordinance is published in the Gazette.

The Bills Committee

8. At the House Committee meeting on 18 December 2015, a bills committee was formed to scrutinize the Bill. The membership list of the Bills Committee is in **Appendix I**.

9. Under the chairmanship of Mr IP Kwok-him, the Bills Committee held four meetings with the Administration and received views from the public at one of the meetings. A list of the organizations and individuals which/who have given views to the Bills Committee is in **Appendix II**.

Deliberations of the Bills Committee

Requests for expanding the electorate of ECSSs/FCs

10. Some members including Ms Emily LAU, Mr Charles MOK, Mr Kenneth LEUNG and Mr SIN Chung-kai have expressed dissatisfaction with the Administration's failure to include any proposal in the Bill to expand the electorate of ECSSs and/or FCs. Mr James TIEN has also queried why the Administration has not put forth proposals, such as replacing the corporate votes by individual votes for ECSSs/FCs, which can be implemented by way of local legislation. Mr James TIEN and Ms Emily LAU are concerned whether the "principle of gradual and orderly progress" in Article 68⁴ of the Basic Law ("BL") is contravened with the lack of any proposed measure to enhance the democratic element of the method for forming LegCo in 2016. Mr James TIEN has expressed the view that while he supports retention of FCs, he sees no reason why the electorate of FCs could not be expanded to enhance representativeness.

11. The Administration has explained that the Government has made it clear on various occasions that the electorate of the existing 38 subsectors would remain largely unchanged for the 2016 ECSS elections, with only necessary technical amendments to be made. During discussion earlier on the Administration's proposals on the method for selecting CE, the Administration also explained to LegCo Members that in the absence of sufficient support in the community and clear consensus within the various subsectors, introducing major adjustments to the electorate would only lead to more controversies and was thus impracticable. Besides, there will not be enough time for introducing such major amendments before the ECSS elections which will be held by the end of 2016 – the necessary legislative amendment exercise would have to be completed well before 2 May 2016 (i.e. the voter registration ("VR") deadline), which would not be possible in terms of timing. The Administration also pointed out that the policy intention of the Bill does not include making substantive change to the electorate of ECSSs/FCs.

12. The Administration has further explained that "the principle of gradual and orderly progress" does not mean that substantial changes have to be made to the method for forming LegCo in each of its term. Under BL 68, "the actual situation in the Hong Kong Special Administrative Region" also has to be taken into account when considering whether Annex II to BL needs to be amended. The Administration has advised that the public consultation on the "Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016" conducted in 2013-2014 also sought the public's views on the composition and electorate of FCs. Among the written submissions received,

⁴ BL 68 stipulates that the method for forming the legislature has to be specified in the light of the actual situation in the Hong Kong Special Administrative Region ("HKSAR") and in accordance with the principle of gradual and orderly progress, with the ultimate aim of the election of all the Members of LegCo by universal suffrage.

there was relatively little discussion regarding the electorate of FCs. Besides, many people considered that given the substantial changes introduced to the method for forming LegCo in 2012, there was no need for more major changes regarding the method for forming LegCo in 2016. The public generally agreed that efforts should be focused on the proper handling of universal suffrage for the CE election. The Administration is of the view that in the absence of clear consensus in the community, no major adjustments should be made to the electorate of FCs. It is the Government's position that the existing delineation of the electorate of FCs will remain intact and that only necessary technical amendments will be made for the 2016 LegCo general election. The Bill to effect such technical amendments (i.e., the EL(MA)Bill 2015) was passed by LegCo in July 2015.

13. Ms Emily LAU, Mr SIN Chung-kai, Mr Charles MOK and Mr Kenneth LEUNG maintain their view that the electorate of FCs should be expanded to enhance representativeness, with the ultimate goal of abolishing all FCs. Mr SIN, Mr MOK and Mr LEUNG have provided for the consideration by the Bills Committee their respective proposed Committee stage amendments ("CSAs") to expand the electorates of the Financial Services FC, the Information Technology FC, the Insurance FC and the Finance FC.

CSAs proposed by Mr SIN Chung-kai to expand the electorate of the Financial Services FC

14. The CSAs proposed by Mr SIN seek to amend clause 10 of the Bill⁵ to expand the electorate of the Financial Services FC, specifically by –

- (a) including companies incorporated in Hong Kong under the Companies Ordinance (Cap. 622) (or the former Companies Ordinance as defined in the Companies Ordinance) which are licensed to carry on any regulated activities under section 116 of the Securities and Futures Ordinance (Cap. 571)("SFO"); and
- (b) including individuals who are permanent residents of HKSAR and licensed to carry on any regulated activities under section 120 of SFO.

15. Mr Christopher CHEUNG has expressed opposition to Mr SIN's proposed CSAs which, in his view, are impracticable and will substantively change the electorate of the Financial Services FC.

⁵ According to the Administration, clause 10 of the Bill originally seeks to make technical amendments to section 20U of the Legislative Council Ordinance (Cap. 542) ("LCO").

16. The Administration has advised that the CSAs proposed by Mr SIN Chung-kai would substantively change the electorate of the Financial Services FC as the CSAs seek to include all companies which are licensed to carry out any regulated activities under SFO and also individuals licensed to carry out any regulated activities under SFO, so that these companies and individuals would become eligible electors for the Financial Services FC. The Administration considers that this would greatly alter the electorate of the Financial Services FC, both in terms of the nature and the number of eligible electors. The Administration has advised that as stated clearly in the Long Title, the Explanatory Memorandum and the LegCo Brief of the Bill⁶, the speech of the Secretary for Constitutional and Mainland Affairs ("SCMA") in proposing the Second Reading of the Bill⁷, as well as other relevant statements in the past and documents of the Panel on Constitutional Affairs ("CA Panel")⁸, the amendments in the Bill to the list of persons comprising certain FCs only include necessary technical amendments, which are made on the premise that

⁶ The Administration has advised that the Long Title of the Bill sets out clearly the purpose of the Bill, i.e., "...to make technical amendments concerning the lists of persons comprising certain Legislative Council functional constituencies and an Election Committee subsector...". Besides, the Explanatory Memorandum of the Bill states that "Part 3 [of the Bill] updates the lists of persons comprising certain functional constituencies of the Legislative Council and the higher education subsector of the Election Committee". It is also explained in paragraph 6 of the LegCo Brief that the purpose of the Bill is to, among other things, "make 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 subsectors concerned intact."

⁷ The Administration has advised that in proposing the second reading of the Bill, SCMA stated clearly in his speech that "such amendments are technical in nature, mainly to update the names of certain bodies in the legislation, remove bodies which have ceased operation, and include an eligible body" (translation).

⁸ In April 2015, the Administration introduced the EL(MA)Bill 2015 and 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 EL(MA)Bill 2015 would only seek to make certain technical amendments in relation to the 2016 LegCo general election. The EL(MA)Bill 2015 was supported by LegCo, and was passed in July 2015 without any CSAs. Besides, SCMA stated on 18 June 2015 in his closing remarks for the motion on the amendment to the method for selecting CE that: "save from necessary technical amendments, the Government has no plan to introduce major changes to the two electoral methods, including the formation of the EC"(translation). On this basis, the Administration consulted the CA Panel on 19 October 2015 on the contents of the proposed technical amendments in the Bill, which included making only necessary technical amendments to the legislation concerning the electorate of the EC subsectors (and corresponding FCs) on the basis of applying the same electoral arrangements of the fourth term CE in 2012 and maintaining the original delineation of the subsectors concerned intact.

the existing delineation of electorate is kept intact. Specifically, in respect of the Financial Services FC (clause 10 of the Bill), the only change introduced in the Bill is to amend the Chinese name of "The Chinese Gold & Silver Exchange Society" by removing the characters "香港" to align the Chinese name of the body with the one registered under the Societies Ordinance (Cap. 151). The current delineation of the electorate of the Financial Services FC remains as only including exchange participants of a recognized exchange company and members of The Chinese Gold & Silver Exchange Society entitled to vote at general meetings of the Society.

17. The Administration takes the view that the CSAs proposed by Mr SIN are not technical in nature and go far beyond the scope of the 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. The Administration's response to Mr SIN's proposed CSAs is set out in LC Paper No. CB(2) 909/15-16(02).

CSAs proposed by Mr Charles MOK and Mr Kenneth LEUNG to expand the electorate of the Information Technology FC, the Insurance FC and the Finance FC

18. The CSAs proposed by Mr Charles MOK seek to add a new clause to the Bill to amend section 20Z of and Schedule 1D to LCO, so as to expand the electorate of the Information Technology 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 four years of experience in the information security field.

19. The CSAs proposed by Mr Kenneth LEUNG seek to add a new clause to the Bill to amend sections 20C and 20T of LCO, so as to expand the electorates of the Insurance FC and the Finance FC. Regarding the Insurance FC, the CSAs specifically seek to include –

- (a) insurance agents registered in accordance with section 66 of the Insurance Companies Ordinance (Cap 41) ("ICO");
- (b) members of approved bodies of insurance brokers under section 70 of ICO; 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 ICO.

20. Regarding the Finance FC, the CSAs proposed by Mr Kenneth LEUNG specifically seek to include –

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

21. The Administration considers that the CSAs proposed by Mr Charles MOK and Mr Kenneth LEUNG seek to amend the eligibility for registering as electors under the Information Technology FC, the Insurance FC, and the Finance FC by including bodies and individuals of various categories, thereby substantively altering both the nature and the scope of the electorate of the FCs concerned. The Administration has advised that, as the CSAs proposed by

Mr MOK and Mr LEUNG not only involve FCs that are not covered in the Bill but also drastically change the electorate of the FCs concerned, they are not technical in nature and go far beyond the scope of the Bill. The Administration takes the view that the proposed CSAs are 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. The Administration's response to the CSAs proposed by Mr MOK and Mr LEUNG is set out in LC Paper No. CB(2) 954/15-16(01).

Mechanism for handling requests for inclusion in ECSSs/FCs

22. Mr Charles MOK has expressed concern about the mechanism for handling requests from bodies for inclusion in the electorate of ECSSs/FCs. The Administration has explained that for a body to be added to an ECSS/FC, it should be a representative one and is active in supporting the development of the sector concerned. In line with the established practice, the advice of the relevant bureaux/departments will be sought in consideration of whether individual bodies fulfil such criteria.

23. Noting that the last updating exercise for the delineation of the electorate of FCs was carried out in early 2015 and relevant updates to the electorate for FCs were included in the EL(MA)Bill 2015⁹, Mr Charles MOK has enquired whether individual bodies which were rejected in the last updating exercise from being included in FCs would be considered again for inclusion in the corresponding ECSSs by consulting the relevant bureaux/departments. The Administration has advised that there is no need to do so because the last updating exercise took place only a short while ago. However, for new applications received after the last updating exercise, the Administration will handle them in accordance with the established procedures, i.e. seeking the advice of the relevant bureaux/departments in consideration of whether the bodies concerned fulfil the said criteria. Mr MOK considers that as there are differences in the delineation of electorates between certain ECSSs and the corresponding FCs¹⁰, it might be possible that a body, though not eligible for inclusion in an FC, is eligible for inclusion in the corresponding ECSS. He has suggested that the rejected applications for inclusion in FCs should be considered for inclusion in ECSSs by consulting the relevant bureaux/departments again.

⁹ The EL(MA)Bill 2015 was passed and enacted in July 2015.

¹⁰ Examples include –

- a. while the Social Welfare Subsector comprises both individual voters and corporate bodies, the Social Welfare FC only comprises individual electors; and
- b. while there is a Tourism FC in LegCo, there are both the Tourism Subsector and the Hotel Subsector in EC.

24. Mr Charles MOK further takes the view that the mechanism for handling requests for inclusion in the electorate of ECSSs/FCs lacks transparency and accountability. He has suggested that the advice provided by relevant bureaux/departments which the Constitutional and Mainland Affairs Bureau has consulted should be disclosed to the bodies concerned. Moreover, the Administration should meet with the bodies concerned to consider their requests, and report the outcome to the relevant Panels. The Administration has advised that it has all along handled such requests in line with the established practice, and will inform the relevant bodies of the outcome of their requests after completion of the relevant legislative exercise.

Clause 13 of the Bill - amendments related to the composition of the Sports, Performing Arts, Culture and Publication FC

25. Some members have enquired the reason for changing the name of a listed body under the Sports, Performing Arts, Culture and Publication FC from "Videotage" to "Videotage Limited" as set out in clause 13(9) of the Bill¹¹. The Administration has explained that at present, item 61 of Part 3 of Schedule 1B to LCO and section 12(2)(c) of the Schedule to the Chief Executive Election Ordinance (Cap. 569) specify "Videotage" as a body eligible to be registered as an elector of the Sports, Performing Arts, Culture and Publication FC, as well as a voter of the Culture sub-subsector of the relevant ECSS. In the course of handling the VR work in the 2015 VR cycle, the Registration and Electoral Office received information provided by "Videotage Limited", a registered elector/voter of the Sports, Performing Arts, Culture and Publication FC and the Culture sub-subsector of the relevant ECSS, confirming that "Videotage" and "Videotage Limited" are the same body. The body also confirmed that "Videotage Limited" is the correct name of the body registered in the Companies Registry in accordance with the Companies Ordinance. The Administration thus considers that there is a need to amend Schedule 1B to LCO to update the name of the body to "Videotage Limited" so as to maintain consistency of the name of the body with that registered in the Companies Registry. Such amendment is purely technical in nature, and does not affect the body's existing right to vote at LegCo and ECSS elections.

26. Regarding the remaining parts of clause 13 of the Bill, the English names of certain listed bodies of the Sports, Performing Arts, Culture and Publication FC are also amended. According to the Administration, the objective of making such amendments, similar to the case of "Videotage" mentioned above,

¹¹ Corresponding amendments are also made to the Chinese version from "錄影太奇" to "錄影太奇有限公司".

is to make necessary technical amendments to the names of the relevant bodies as listed in the English version of Schedule 1B to LCO, such as from "Ltd" to "Limited", so that they are consistent with the name of the bodies as registered in the Companies Registry or under the Societies Ordinance. The Administration has advised that these minor technical amendments do not affect such bodies' existing right to vote at LegCo and ECSS elections.

Drafting issues

27. Mr WONG Yuk-man has expressed various concerns about the drafting of clause 5 of the Bill and made the following suggestions for the Administration's consideration -

- (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;
- (b) the authority to make the declaration when "the proceedings for the election are declared to have been terminated" as referred to in the proposed section 37(1A)(b) should be specified (and the same issue also arises in the proposed section 37(1C)(b) and (c) and (1G)(b) and (c));
- (c) the drafting of the proposed section 37(1B)(a) and (b) should be reviewed to make it more concise and the two paragraphs may be combined; and
- (d) the expression "選舉在最後發生的事件發生當日" in the proposed section 37(1C) should be improved to enhance the clarity.

28. The Administration is of the view that the drafting approach of clause 5 of the Bill is appropriate, and has conveyed the policy objectives in a clear manner to avoid uncertainty in interpretation and application of the legislation. Therefore, the Administration does not consider it necessary to propose any CSA to clause 5 of the Bill. The Administration's detailed response is issued under LC Paper No. CB(2) 909/15-16(01).

29. Mr WONG Yuk-man has also requested the Administration to explain the need for specifying in the proposed section 37(1C) the scenario in which more than one of the specified events occur in relation to a constituency at a LegCo election, and why the reference to the occurrence of more than one of the specified events need not be similarly provided in the proposed section

37(1G). An explanation to Mr WONG's enquiry is provided by the Administration in its paper (LC Paper No. CB(2) 909/15-16(01)). In gist, the Administration has advised that the reference to the occurrence of more than one of the specified events need not be provided in the proposed section 37(1G) because this section deals with the DC election in which only one member is to be returned for each constituency. It will not be possible to have more than one of the specified events occur at the election for each constituency. Therefore, the situations and relevant wording of the proposed section 37(1C) of the Bill need not and should not apply to the proposed section 37(1G).

Resumption of Second Reading debate

30. At the last meeting of the Bills Committee on 24 February 2016, no members indicated objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 20 April 2016.

Committee stage amendments

31. The Administration and the Bills Committee have not proposed any CSA to the Bill.

32. The Bills Committee takes note that Mr SIN Chung-kai has indicated his intention to move CSAs to the Bill as detailed in paragraph 14 above. Mr Charles MOK and Mr Kenneth LEUNG have also indicated their intention to move CSAs to the Bill as detailed in paragraphs 18 to 20 above. The CSAs proposed by Mr SIN Chung-kai, Mr Charles MOK and Mr Kenneth LEUNG are in **Appendices III, IV and V** respectively.

Advice sought

33. Members are invited to note the deliberations of the Bills Committee.

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

Membership list

| | |
|----------------------|---|
| Chairman | Hon IP Kwok-him, GBS, JP |
| Members | 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 (since 1 February 2016) Hon Alice MAK Mei-kuen, BBS, JP Hon Christopher CHEUNG Wah-fung, SBS, JP Hon SIN Chung-kai, SBS, JP Hon IP Kin-yuen Dr Hon Elizabeth QUAT, JP |
| | Total : 18 Members |
| Clerk | Ms Joanne MAK |
| Legal Adviser | Mr Kelvin LEE |
| Date | 1 February 2016 |

《2015 年選舉法例(雜項修訂)(第 2 號)條例草案》委員會
Bills Committee on Electoral Legislation
(Miscellaneous Amendments) (No. 2) Bill 2015

曾向法案委員會表達意見的團體/個別人士名單
List of organizations/individuals which/who have
submitted views to the Bills Committee

| <u>名稱</u> | <u>Name</u> |
|---------------------------------------|---|
| * 1. 工程及科技學會香港分會 | The Institution of Engineering and Technology Hong Kong |
| 2. 保險起動 | Insurance Arise |
| 3. 思言財雋 | Financier Conscience |
| 4. 活力離島 | Dynamic Islands |
| * 5. 香港 2020 | Hong Kong 2020 |
| * 6. 專業資訊保安協會 | Professional Information Security Association |
| * 7. 莫曉峯先生 | Mr MOK Hiu-fung |
| 8. 陳清泉先生 | Mr CHAN Ching-chuen |
| 9. 葉旨崢先生 | Mr YIP Chi-tsang |
| 10. 精算思政 | Act Voice |
| * 只提交意見書 provided submissions only | |

(Revised)

Electoral Legislation (Miscellaneous Amendments) (No.2) Bill 2015

Committee Stage

Amendments to be moved by the Honourable Sin Chung-kai

| <u>Clause</u> | <u>Amendment Proposed</u> |
|---------------|--|
| 10 | <p>By deleting clause 10 and substituting -</p> <p>"(1) Section 20U(1)(a) —</p> <p>Repeal</p> <p>“and”.</p> <p>(2) Section 20U(1) (c), Chinese text —</p> <p>Repeal</p> <p>“香港”.</p> <p>(3) Section 20U(1), add —</p> <p>“(d) companies incorporated in Hong Kong under the Companies Ordinance (Cap. 622) or a former Companies Ordinance as defined in the Companies Ordinance (Cap. 622) which are licensed to carry on any regulated activities under section 116 of the Securities and Futures Ordinance (Cap. 571) ; and</p> <p>(e) individuals who are licensed to carry on any regulated activities under section 120 of the Securities and Futures Ordinance (Cap.571)" . "</p> |

Electoral Legislation (Miscellaneous Amendments) (No.2) Bill 2015

Committee Stage

Amendments to be moved by the Honourable Charles Peter Mok

| <u>Clause</u> | <u>Amendment Proposed</u> |
|---------------|--|
| NEW | <p>In the English text, Section 20Z subsection (1)(f):</p> <p>By deleting “who are either-</p> <p>(i) persons registered as Chartered Engineers with the Engineering Council UK; or</p> <p>(ii) Corporate Members of the Institution of Electrical Engineers Hong Kong (IEE Hong Kong) before 15 October 2002”.</p> <p>In the Chinese text, Section 20Z subsection (1)(f):</p> <p>By deleting “並符合以下其中一項說明”.</p> <p>By deleting “—</p> <p>(i) 獲英國工程委員會註冊為特許工程師的人；或</p> <p>(ii) 在2002年10月15日前為電機工程師學會香港分會的團體會員”.</p> <p>In the English text, Section 20Z subsection (1)(k):</p> <p>By deleting “; and” after (vi) The Society of Hong Kong External Telecommunications Services Providers Limited.</p> <p>By adding “</p> <p>(vii) The Hong Kong Retail Technology Industry Association Limited;</p> <p>(viii) The IT Service Management Forum Hong Kong Chapter;</p> <p>(ix) The Hong Kong Electronics & Technologies Association Limited; and”.</p> |

DRAFT

In the Chinese text, Section 20Z subsection (1)(k),

By deleting “ ; 及” after “(vi) 香港對外通訊服務聯會有限公司”.

By adding “

(vii) 香港零售科技商會有限公司 ;

(viii) 資訊科技服務管理協會香港分會 ;

(ix) 香港電子科技商會 ; 及”.

In the English text, Section 20Z subsection (1)(m):

By deleting the full stop and substituting “, and”.

In the Chinese text, Section 20Z subsection (1)(m):

By deleting the full stop and substituting “ ; 及”.

In the English text, Section 20Z subsection (1):

By adding “

(n) Individual Members of the IT Service Management Forum Hong Kong Chapter entitled to vote at general meetings of the Forum; and

(o) Members of the Government Information Technology Professionals Association entitled to vote at general meetings of the Association.”.

In the Chinese text, Section 20Z subsection (1):

By adding “

(n) 有權在資訊科技服務管理協會香港分會的大會上表決的個人會員; 及

(o) 有權在政府資訊科技專業人員協會的大會上表決的會員。”.

DRAFT

In the English text, Section 20Z Part 2 of Schedule 1D item 4(a):

By adding “or have had 4 years of experience in the information security field”.

In the Chinese text, Section 20Z Part 2 of Schedule 1D item 4(a):

By adding “或具有四年資訊保安經驗”.

Section 20Z Composition of the information technology functional constituency

- (1) The information technology functional constituency is composed of-
- (a) Distinguished Fellows, Fellows and Full Members of the Hong Kong Computer Society entitled to vote at general meetings of the Society; and
 - (b) Fellows, Members and Graduate Members of Information Technology Division of the Hong Kong Institution of Engineers who are entitled to vote at general meetings of the Division; and
 - (c) Professional Members of the Association for Computing Machinery, Hong Kong Chapter entitled to vote at general meetings of the Association; and
 - (d) Fellows, Senior Members and Full Members of the Institute of Electrical and Electronics Engineers, Inc., Hong Kong Section, Computer Chapter entitled to vote at general meetings of the Institute; and
 - (e) Fellows, Senior Members and Full Members of the Institute of Electrical and Electronics Engineers, Inc., Hong Kong Section, Hong Kong Joint Chapter on Circuits and Systems/Communications entitled to vote at general meetings of the Institute; and
 - (f) Honorary Fellows, Fellows and Members of The Institution of Engineering and Technology Hong Kong entitled to vote at general meetings of the Institution ~~who are either~~
 - ~~(i) persons registered as Chartered Engineers with the Engineering Council UK; or~~
 - ~~(ii) Corporate Members of the Institution of Electrical Engineers Hong Kong (IEE Hong Kong) before 15 October 2002;~~ and (Replaced 7 of 2008 s. 5)
 - (g) Fellows, Members and Associate Members of The British Computer Society (Hong Kong Section) Limited entitled to vote at general meetings of the Society; and (Amended 10 of 2006 s. 41)
 - (h) Fellows, Senior Professional Members and Professional Members of The Hong Kong Association for Computer Education entitled to vote at general meetings of the Association; and (Amended 25 of 2003 s. 14)
 - (i) Full Members (Information Technology) of the Hong Kong Society of Medical Informatics Limited entitled to vote at general meetings of the Society; and (Amended 25 of 2003 s. 14)
 - (ia) Full Members of the Information and Software Industry Association Limited entitled to vote at general meetings of the Association; and (Added 25 of 2003 s. 14)
 - (j) (Repealed 14 of 2015 s. 8)
 - (ja) the eligible persons of the following bodies-
 - (i) Hong Kong Software Industry Association Limited; (Amended 2 of 2011 s. 9)
 - (ii) Information Systems Audit and Control Association China Hong Kong Chapter Limited; (Amended 2 of 2011 s. 9)
 - (iii) Internet Professional Association Limited; (Amended 10 of 2006 s. 41)
 - (iv) Professional Information Security Association; and (Added 25 of 2003 s. 14)
 - (k) corporate members of each of the following bodies entitled to vote at general meetings of the body-
 - (i) Hong Kong Information Technology Federation Limited; (Amended 25 of 2003 s. 14)
 - (ii) Hong Kong Internet Service Providers Association Limited; (Amended 14 of 2015 s. 8)
 - (iii) Hong Kong Radio Paging Association Ltd.;
 - (iv) Communications Association of Hong Kong Limited; (Replaced 25 of 2003 s. 14. Amended 7

of 2008 s. 5)

(v) Hong Kong Wireless Technology Industry Association Limited; (Added 25 of 2003 s. 14)

(vi) The Society of Hong Kong External Telecommunications Services Providers Limited; ~~and~~
(Added 25 of 2003 s. 14)

(vii) The Hong Kong Retail Technology Industry Association Limited;

(ix) The IT Service Management Forum Hong Kong Chapter;

(x) The Hong Kong Electronics & Technologies Association Limited; and

(l) bodies that are holders of one or more of the following classes of licences granted by the Communications Authority under the Telecommunications Ordinance (Cap 106)- (Amended 36 of 2000 s. 28; 25 of 2003 s. 14; 17 of 2011 s. 28)

(i) Fixed Telecommunications Network Services licences; (Amended 36 of 2000 s. 28)

(ii) Services-Based Operator Licence (Class 3 Service); (Amended 2 of 2011 s. 9)

(iii) Public Radiocommunications Service licences; (Amended 36 of 2000 s. 28)

(iv) Satellite Master Antenna Television licences;

(v) Broadcast Relay Station licences;

(vi) Broadcast Radio Relay Station licences; (Amended 25 of 2003 s. 14)

(vii) carrier licences; and (Added 25 of 2003 s. 14)

(la) members of the Hong Kong Information Technology Joint Council Limited entitled to vote at general meetings of the Council; and (Added 2 of 2011 s. 9)

(lb) Fellows and Full Members of the Information Security and Forensics Society entitled to vote at general meetings of the Society; and (Added 14 of 2015 s. 8)

(m) the bodies named in Part 1 of Schedule 1D; ~~and~~-(Amended 25 of 2003 s. 14)

(n) Individual Members of the IT Service Management Forum Hong Kong Chapter entitled to vote at general meetings of the Forum; and

(o) Members of the Government Information Technology Professionals Association entitled to vote at general meetings of the Association.

(2) In subsection (1)(ja), eligible persons (合資格的人), in relation to a body, means the persons specified in Part 2 of Schedule 1D in respect of that body. (Added 25 of 2003 s. 14)

(3) To avoid doubt, for the purposes of subsection (1)(l), the reference to licences granted by the Communications Authority under the Telecommunications Ordinance (Cap 106) in that subsection includes licences covered by section 27(6) of the Communications Authority Ordinance (Cap 616). (Added 17 of 2011 s. 28)

(Added 48 of 1999 s. 13)

章：
條： 20Z 條文標題： 資訊科技界功能界別的 版本日期： 17/07/2015
組成

(1) 資訊科技界功能界別由下述者組成— (由 2003 年第 25 號第 14 條修訂)

- (a) 有權在香港電腦學會的大會上表決的該學會的院士、資深會員及正式會員；及 (由 2008 年第 7 號第 5 條修訂)
- (b) 有權在香港工程師學會資訊科技部的大會上表決的該部的資深會員、會員及初級會員；及
- (c) 有權在計算器學會—香港分會的大會上表決的該會的專業會員；及
- (d) 有權在電機暨電子工程師學會(香港電腦分會)的大會上表決的該會的資深會員、高級會員及正式會員；及
- (e) 有權在電機暨電子工程師學會(香港電路及系統兼電訊分會)的大會上表決的該會的資深會員、高級會員及正式會員；及
- (f) 有權在工程及科技學會香港分會的大會上表決並符合以下其中一項說明的該會的榮譽資深會員、資深會員及會員—
 - ~~(i) 獲英國工程委員會註冊為特許工程師的人；或~~
 - ~~(ii) 在 2002 年 10 月 15 日前為電機工程師學會香港分會的團體會員；~~及 (由 2008 年第 7 號第 5 條代替)
- (g) 有權在英國電腦學會(香港分會)有限公司的大會上表決的該會的資深會員、會員及附屬會員；及 (由 2006 年第 10 號第 41 條修訂)
- (h) 有權在香港電腦教育學會的大會上表決的該學會的院士、高級專業會員及專業會員；及
- (i) 有權在香港醫療資訊學會有限公司的大會上表決的該學會的資訊科技組別會員；及 (由 2003 年第 25 號第 14 條修訂)
- (ia) 有權在資訊及軟件業商會有限公司的大會上表決的該商會的正式會員；及 (由 2003 年第 25 號第 14 條增補)
- (j) (由 2015 年第 14 號第 8 條廢除)
- (ja) 以下團體的合資格的人—
 - (i) 香港軟件行業協會有限公司； (由 2011 年第 2 號第 9 條修訂)
 - (ii) 國際信息系統審計協會(中國香港分會)有限公司； (由 2011 年第 2 號第 9 條修訂)
 - (iii) 互聯網專業協會有限公司； (由 2006 年第 10 號第 41 條修訂)
 - (iv) 專業資訊保安協會；及 (由 2003 年第 25 號第 14 條增補)
- (k) 有權在以下任何團體的大會上表決的該團體的團體成員—
 - (i) 香港資訊科技商會有限公司； (由 2003 年第 25 號第 14 條代替。由 2011 年第 2 號第 9 條修訂)
 - (ii) 香港互聯網供應商協會有限公司； (由 2015 年第 14 號第 8 條修訂)

- (iii) 香港無線傳呼協會有限公司；
- (iv) 香港通訊業聯會有限公司；（由 2003 年第 25 號第 14 條代替。由 2008 年第 7 號第 5 條修訂）
- (v) 香港無線科技商會有限公司；（由 2003 年第 25 號第 14 條增補）
- (vi) 香港對外通訊服務聯會有限公司；及（由 2003 年第 25 號第 14 條增補。由 2008 年第 7 號第 5 條修訂）
- (vii) 香港零售科技商會有限公司；
- (ix) 資訊科技服務管理協會香港分會；
- (x) 香港電子科技商會；及

(l) 屬以下一個或多於一個類別牌照的持有人的團體(而該等牌照是由通訊事務管理局根據《電訊條例》(第 106 章)批給)—(由 2003 年第 25 號第 14 條修訂；由 2011 年第 17 號第 28 條修訂)

- (i) 固定電訊網絡服務牌照；
- (ii) 服務營辦商牌照(第三類服務)；（由 2011 年第 2 號第 9 條修訂）
- (iii) 公共無線電通訊服務牌照；
- (iv) 衛星電視共用天線牌照；
- (v) 廣播轉播電台牌照；
- (vi) 無線電廣播轉播電台牌照；（由 2003 年第 25 號第 14 條修訂）
- (vii) 傳送者牌照；及（由 2003 年第 25 號第 14 條增補）

(la) 有權在香港資訊科技聯會有限公司的大會上表決的該聯會的會員；及（由 2011 年第 2 號第 9 條增補。由 2015 年第 14 號第 8 條修訂）

(lb) 有權在資訊保安及法證公會的大會上表決的該會的會士及專家會員；及（由 2015 年第 14 號第 8 條增補）

(m) 名列附表 1D 第 1 部的團體一；及

(n) 有權在資訊科技服務管理協會香港分會的大會上表決的個人會員；及

(o) 有權在政府資訊科技專業人員協會的大會上表決的會員。

（由 2003 年第 25 號第 14 條修訂）

(2) 在第(1)(ja)款中，合資格的人 (eligible persons) 就某團體而言，指在附表 1D 第 2 部中就該團體而指明的人。（由 2003 年第 25 號第 14 條增補）

(3) 為免生疑問，就第(1)(l)款而言，在該款中提述由通訊事務管理局根據《電訊條例》(第 106 章)批給的牌照，包括《通訊事務管理局條例》(第 616 章)第 27(6)條涵蓋的牌照。（由 2011 年第 17 號第 28 條增補）

（由 1999 年第 48 號第 13 條增補）

Part 1


Item Body

1. APT Satellite Company Limited (Amended 10 of 2006 s. 42)

2. Asia Satellite Telecommunications Company Limited.

Part 2

| Item | Body | Eligible persons |
|------|---|--|
| 1. | Hong Kong Software Industry Association Limited (Amended 2 of 2011 s. 36) | Full Members- (a) the major business of which, as confirmed by the Association, has been in the research, development or application of information technology or computer software during the relevant period; and (b) which are entitled to vote at general meetings of the Association. |
| 2. | Information Systems Audit and Control Association China Hong Kong Chapter Limited (Amended 2 of 2011 s. 36) | Ordinary Members who are- (a) confirmed by the Association to have been holders of the Certified Information Systems Auditor Certification (CISA) during the relevant period; and (b) entitled to vote at general meetings of the Association. |
| 3. | Internet Professional Association Limited (Amended 10 of 2006 s. 42) | Members who are- (a) confirmed by the Association to have had experience in the information technology field, as specified in the constitution of the Association, during the relevant period; and (b) entitled to vote at general meetings of the Association. |
| 4. | Professional Information Security Association | Full Members who are- (a) confirmed by the Association to have been holders of the Certified Information Systems Security Professional Certification (CISSP) <u>or have had 4 years of experience in the information security field</u> during the relevant period; and (b) entitled to vote at general meetings of the Association. |

章： 542  標題： 《立法會條例》 憲報編號： 2 of 2011; G.N.
5176 of 2012
附表： 1D 條文標題： 資訊科技界功能界別的 版本日期： 01/10/2012
組成

[第 20Z 條]

第 1 部

團體

- 項
1. 亞太通信衛星有限公司。(由 2006 年第 10 號第 42 條修訂)
 2. 亞洲衛星有限公司。(由 2006 年第 10 號第 42 條修訂)

第 2 部

團體

合資格的人

1. 香港軟件行業協會有限公司 (由 2011 年第 2 號第 36 條修訂) (a) 由協會確認在有關期間內其主要業務是研究、發展或應用資訊科技或電腦軟件；及
(b) 有權在協會的大會上表決，
的正式會員。
2. 國際信息系統審計協會(中國香港分會)有限公司 (由 2011 年第 2 號第 36 條修訂) (a) 由協會確認在有關期間內是認可資訊系統審計師資格 (Certified Information Systems Auditor Certification) (CISA) 持有人；及
(b) 有權在協會的大會上表決，
的普通會員。
3. 互聯網專業協會有限公司 (由 2006 年第 10 號第 42 條修訂) (a) 由協會確認在有關期間內是具有協會的章程所指明的資訊科技界經驗；及
(b) 有權在協會的大會上表決，
的會員。
4. 專業資訊保安協會 (a) 由協會確認在有關期間內是認可資訊系統保安專業人員資格 (Certified Information Systems Security Professional Certification) (CISSP) 持有人 或具有四年資訊保安經驗；及
(b) 有權在協會的大會上表決，
的正式會員。

Electoral Legislation (Miscellaneous Amendments) (No.2) Bill 2015

Committee Stage

Amendments to be moved by the Honourable Kenneth Leung

Clause

Amendment Proposed

New Before clause 9

Add

"9A. **Section 20C amended (composition of insurance functional constituency)**

Repeal section 20C

Substitute

“The insurance functional constituency is composed of —

(a) bodies that are insurers authorized or deemed to be authorized under the Insurance Companies Ordinance (Cap 41);

(b) insurance agents registered in accordance with section 66 of the Insurance Companies Ordinance (Cap 41);

(c) members of approved bodies of insurance brokers under section 70 of the Insurance Companies Ordinance (Cap 41);

and

(d) associate members or fellow members of the Actuarial Society of Hong Kong employed by a body in (a) above.”

Electoral Legislation (Miscellaneous Amendments) (No.2) Bill 2015

Committee Stage

Amendments to be moved by the Honourable Kenneth Leung

| <u>Clause</u> | <u>Amendment Proposed</u> |
|---------------|--|
| 9A | <p>Section 20T amended (composition of the finance functional constituency) -</p> <p>(1) Section 20T(c) — Repeal “.” Substitute “;”.</p> <p>(2) After Section 20T (c) — Add “(d) chief executives and directors within the meaning of section 71 of the Banking Ordinance (Cap 155) ;</p> <p>(e) executive officers within the meaning of sections 71C and 71D of the Banking Ordinance (Cap 155);</p> <p>and</p> <p>(f) individuals whose names are entered in the register maintained by the Monetary Authority under section 20 of the Banking Ordinance (Cap 155).”</p> |