

立法會
Legislative Council

Ref : CB2/BC/5/18

LC Paper No. CB(2)1609/18-19
(These minutes have been seen
by the Administration)

Bills Committee on Electoral Legislation
(Miscellaneous Amendments) Bill 2019

Minutes of the second meeting
held on Friday, 26 April 2019, at 8:30 am
in Conference Room 2 of the Legislative Council Complex

Members present : Hon CHEUNG Kwok-kwan, JP (Chairman)
Hon LUK Chung-hung, JP (Deputy Chairman)
Hon WONG Ting-kwong, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon YIU Si-wing, BBS
Hon Steven HO Chun-yin, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon Kenneth LEUNG
Hon KWOK Wai-keung, JP
Dr Hon Helena WONG Pik-wan
Hon POON Siu-ping, BBS, MH
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon SHIU Ka-fai
Hon CHAN Chun-ying, JP
Hon LAU Kwok-fan, MH

Member attending : Hon AU Nok-hin

Members absent : Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon CHAN Han-pan, BBS, JP
Hon IP Kin-yuen
Hon Alvin YEUNG
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP

- Public Officers :** Mr Andy CHAN Shui-fu, JP
attending Under Secretary for Constitutional and Mainland Affairs
- Ms Cherie YEUNG Lok-sze
Principal Assistant Secretary for Constitutional and Mainland
Affairs
- Mr Carlton MAN Cheuk-him
Assistant Secretary for Constitutional and Mainland Affairs
- Mr WONG See-man
Chief Electoral Officer
Registration and Electoral Office
- Mr Raymond WANG Man-chiu
Principal Electoral Officer
Registration and Electoral Office
- Mr SHUM Nam-lung
Deputy Chief Electoral Officer (Voter Registration)
Registration and Electoral Office
- Ms Angie LI Sau-lee
Senior Government Counsel
Department of Justice
- Clerk in :** Ms Joanne MAK
attendance Chief Council Secretary (2) 3
- Staff in :** Ms Clara TAM
attendance Assistant Legal Adviser 9
- Mr Dennis HO
Council Secretary (2) 3
- Mrs Fonny TSANG
Legislative Assistant (2) 3
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Action

I. Meeting with the Administration

[File Ref: CMAB C1/30/5/4, LC Paper Nos. CB(3)427/18-19, LS57/18-19, CB(2)1276/18-19(01) and CB(2)1277/18-19(01)]

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

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

Follow-up actions required of the Administration

Admin

3. The Administration was requested to:

- (a) advise whether in the past there were cases where new umbrella organizations were added to functional constituencies as electors and the criteria adopted by the Administration for processing such cases; and

(Post-meeting note: The Administration's written response was issued to members on 31 May 2019 vide LC Paper No. CB(2)1579/18-19(01).)

- (b) to consider the Legal Adviser to the Bills Committee's recommendation to make a textual amendment to the English version of the long title of the Bill by deleting "s" in "legislations" so as to align with the usage of the word "legislation" in the long title of other ordinances concerning miscellaneous amendments to various electoral legislation.

(Post-meeting note: The draft amendment to the Bill proposed by the Administration was issued to members on 6 May 2019 vide LC Paper No. CB(2)1364/18-19(01).)

Date of next meeting

4. Members agreed that the next meeting would be held on Friday, 3 May 2019, at 10:45 am to receive public views on the Bill.

II. Any other business

5. There being no other business, the meeting ended at 9:52 am.

**Proceedings of the second meeting of the
Bills Committee on Electoral Legislation
(Miscellaneous Amendments) Bill 2019
on Friday, 26 April 2019, at 8:30 am
in Conference Room 2 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000400 - 000855	Chairman Administration	Opening remarks Briefing by the Administration on the Electoral Legislation (Miscellaneous Amendments) Bill 2019 ("the Bill") [Legislative Council ("LegCo") Brief - File Ref. CMAB C1/30/5/4]	
000856 - 001443	Chairman Mr Charles MOK Administration	Mr Charles MOK expressed concern that certain corporates in the information technology ("IT") sector, including professional institutions and trade associations, were not included in the IT functional constituency ("FC") despite their repeated requests over the years. He criticized that the Innovation and Technology Bureau ("ITB") had failed to follow up with those requests and the mechanism of ITB for determining which corporates could be added as a new elector to IT FC lacked transparency. He said that only a small proportion of IT practitioners were eligible to vote in IT FC and the Administration should come up with proposals to broaden the electorate of IT FC. The Administration explained that in line with the established practice, the advice of the relevant bureaux/departments ("B/Ds") would be sought in consideration of whether individual corporates would be added to an FC. Meanwhile, ITB was exploring the establishment of a common benchmark on eligibility of different IT professionals in Hong Kong for registration as electors in IT FC, and planned to consult the IT sector in the second half of this year.	
001444 - 002111	Chairman Mr YIU Si-wing Administration	Mr YIU Si-wing enquired and the Administration responded that corporates specified under relevant sections of the existing legislation would be removed if they had ceased operation and been removed from the final register after the previous updating exercise.	

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		<p>For a corporate to be added to an FC, it should be a representative one and was active in supporting the development of the sector concerned.</p> <p>Mr YIU asked if the Administration intended to review the current system of corporate votes in the Tourism FC so as to broaden its electorate. The Administration advised that the composition of and the eligibility for registration as electors of various FCs were specified in the Legislative Council Ordinance (Cap. 542) ("LCO"). Electors of some FCs included specified bodies and members of specified umbrella organizations. If adjustments were made to change significantly the electorate of FCs, substantial implication would be involved which would require careful consideration and was outside the scope of the present Bill.</p>	
002112 - 002740	Chairman Mr Steven HO Administration	<p>Mr Steven HO expressed support for the proposed changes to the composition of the Agriculture and Fisheries ("A&F") FC under the Bill. He considered that umbrella organizations representing newly emerged trades (e.g. small craft fishing and organic farming) should in future be included to A&F FC so as to keep up with the structural changes in A&F sectors. He also called on the Administration to review the composition of A&F FC to ensure balanced participation of stakeholders of various A&F sectors and enhance representativeness of A&F FC.</p> <p>The Administration replied that the Constitutional and Mainland Affairs Bureau ("CMAB") would work closely with the Food and Health Bureau to keep in view the developments of the sectors concerned and review the composition of A&F FC where necessary.</p>	
002741 - 003352	Chairman Mr MA Fung-kwok Administration	<p>While supporting in principle the proposed technical amendments for FCs under the Bill, Mr MA Fung-kwok expressed concern that the Hong Kong Printers Association ("HKPA") was not included in the Sports, Performing Arts, Culture, and Publication ("SPCP") FC despite HKPA's repeated requests over the years. He</p>	

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		<p>said that HKPA had originally been registered as an elector of the Insurance FC but had already ceased to be an association of underwriters approved by the Insurance Authority a few years ago. In Mr MA's view, since HKPA was closely associated with the publication sector, its inclusion in SPCP FC would only be a technical amendment to the relevant legislation.</p> <p>The Administration advised that CMAB would work closely with the Home Affairs Bureau and the Commerce and Economic Development Bureau to keep in view the developments of the SPCP sectors and would follow up on HKPA's request in accordance with the established practice. The Administration added that the inclusion of HKPA as an umbrella organization in SPCP FC would involve a significant change to the existing electorate of the FC concerned, while the Bill only sought to make necessary technical amendments.</p>	
003353 - 003943	Chairman Mr Charles MOK Administration	Noting that the review of the delineation of the electorate of FCs was conducted in consultation with relevant B/Ds, Mr Charles MOK considered that this mechanism lacked transparency. He said that the relevant B/Ds had not contacted the bodies which applied to be included in IT FC to follow up their requests. The Administration reiterated that ITB planned to consult the IT sector on establishing a common benchmark on eligibility of different IT professionals in Hong Kong for registration as electors in IT FC later this year.	
003944 - 004305	Chairman Mr YIU Si-wing Administration	In response to Mr YIU Si-wing's request, the Administration undertook to advise whether in the past there were cases where new umbrella organizations were added to FCs as electors and the criteria adopted by the Administration for processing such cases.	Admin. (para. 3 of minutes)
004306 - 004903	Chairman Mr AU Nok-hin Administration	Mr AU Nok-hin declared that he was a candidate of the Wholesale and Retail ("W&R") FC in the 2016 LegCo General Election. He considered it unfair that while he was eligible to be nominated as a candidate in the W&R FC election because he was considered to have a substantial connection with the relevant sectors,	

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		<p>he was not eligible to be registered as an elector for the FC concerned. Noting that W&R FC was composed of members of the 85 corporates listed in Schedule 1C to LCO, he asked if the Administration would broaden the electorate of W&R FC.</p> <p>The Administration reiterated the established practice regarding the review on the delineation of the electorate of FCs as detailed in paragraph 3 of the LegCo Brief.</p>	
Clause-by-clause examination of the Bill			
004904 - 005637	Chairman Administration Assistant Legal Adviser ("ALA")	<p><u>Long title of the Bill</u></p> <p>ALA recommended the Administration to make one textual amendment to the English version of the Bill by deleting "s" in "legislations" so as to align with the usage of the word "legislation" (which is an uncountable noun) in the long title of other ordinances concerning miscellaneous amendments to various electoral legislation. The Administration undertook to consider ALA's recommendation.</p> <p><u>Part 1 - Preliminary</u></p> <p><u>Examination of clause 1</u></p>	Admin. (para. 3 of minutes)
005638 - 010040	Chairman Mr Charles MOK Mr AU Nok-hin Clerk	<p>Mr Charles MOK enquired and the Administration responded that in preparation for the 2021 Election Committee subsector ("ECSS") elections, technical amendments to the legislation concerning the electorate of ECSSs would be proposed in due course if necessary.</p> <p>Discussion on the arrangement of receiving public views on the Bill.</p>	
010041 - 010950	Chairman Administration Ir Dr LO Wai-kwok Mr AU Nok-hin	<p><u>Part 2 - Amendments relating to composition of LegCo FCs and ECSS</u></p> <p><u>Examination of clauses 2 to 12</u></p> <p><i>Clause 10</i></p> <p>The Administration advised that the corporates proposed to be removed from Schedule 1C to LCO had ceased operation. Upon passage of</p>	

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		<p>the Bill, the Administration would inform all the corporates/their members that they would no longer be eligible to register as electors in the relevant FC. There was currently no registered elector under "Kowloon Fresh Meat Retailers' Association Ltd.", which was proposed to be removed from the W&R FC.</p>	
<p>010951 - 011625</p>	<p>Chairman Administration Mr POON Siu-ping Mr Charles MOK</p>	<p><u>Part 3 - Amendments relating to election returns</u></p> <p><u>Examination of clauses 13 to 16</u></p> <p><i>Clause 16</i></p> <p>In reply to Mr POON Siu-ping's enquiry, the Administration advised that the proposed limits prescribed for rectifying minor errors or omissions in election returns under the de minimis arrangement would be no more than 5% of the respective election expense limits.</p> <p>Pointing out that since the electorate sizes for different FCs varied significantly, Mr Charles MOK asked why a uniform limit of \$5,000 was proposed for all FC elections (except for the District Council (second) FC). The Administration advised that the existing limit was also adopted across the board and such arrangement had worked smoothly according to past experience.</p>	
<p>011626 - 011847</p>	<p>Chairman Administration Mr Charles MOK</p>	<p><u>Part 4 - Amendments relating to submission of nomination forms</u></p> <p><u>Examination of clauses 17 to 18</u></p> <p><i>Clause 18</i></p> <p>In response to Mr Charles MOK's enquiry on the proposal of allowing candidates in candidate lists of geographical constituencies and the District Council (second) FC of the LegCo general election or by-election to submit the nomination form in a way authorized by the Chief Electoral Officer, the Administration explained that the proposal would allow the candidates of the aforesaid constituencies, who were unable to submit nomination forms in</p>	

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		<p>person for any justifiable reasons during the nomination period, to submit nomination forms through their appointed representatives. In line with existing practices for public elections, the arrangement would be detailed in the relevant Guidelines on Election-related Activities.</p>	
<p>011848 - 012516</p>	<p>Chairman Administration Mr AU Nok-hin Ir Dr LO Wai-kwok Mr Charles MOK</p>	<p><u>Part 5 - Amendments relating to free postage for letters</u></p> <p><u>Examination of clauses 19 to 23</u></p> <p><i>Clause 20</i></p> <p>Mr AU Nok-hin enquired why the Administration proposed to tighten the size of postage-free letters in future elections. He considered that Hongkong Post should exercise discretion in treating candidates' letters. The Administration explained that the new requirement would align with the size limit of "small letters" according to Hongkong Post's definition, and the change was only minimal. Ir Dr LO Wai-kwok and Mr Charles MOK considered that the Administration should publicize the new requirement to candidates of upcoming elections.</p>	
<p>012517 - 012555</p>	<p>Chairman Administration</p>	<p>Date of next meeting</p> <p>Closing remarks</p>	