

# Electoral Legislation (Miscellaneous Amendments) Bill 2019

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# A BILL

## To

Amend electoral legislations to make technical amendments concerning the lists of persons comprising certain Legislative Council functional constituencies and an Election Committee subsector, the deadline for lodging election returns, the limit in relation to election returns, the way nomination forms are to be submitted, and the requirement for letters that may be sent free of postage; and to make other minor amendments.

Enacted by the Legislative Council.

### Part 1

#### Preliminary

##### 1. Short title

This Ordinance may be cited as the Electoral Legislation (Miscellaneous Amendments) Ordinance 2019.

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## **Part 2**

### **Amendments Relating to Composition of Legislative Council Functional Constituencies and Election Committee Subsector**

#### **Division 1—Enactments Amended**

**2. Enactments amended**

The enactments specified in Divisions 2 and 3 are amended as set out in those Divisions.

#### **Division 2—Amendments to Legislative Council Ordinance (Cap. 542)**

**3. Section 20E amended (composition of the education functional constituency)**

- (1) Section 20E(b)(xvii)—

**Repeal**

“the Hang Seng Management College”

**Substitute**

“The Hang Seng University of Hong Kong”.

- (2) Section 20E(b)(xx)—

**Repeal**

“and”.

- (3) After section 20E(b)(xx)—

**Add**

“(xxi) Board of Governors of Yew Chung College of Early Childhood Education; and”.

**4. Section 20W amended (composition of the import and export functional constituency)**

Section 20W(e)—

**Repeal subparagraph (vi).**

**5. Section 20X amended (composition of the textiles and garment functional constituency)**

(1) Section 20X(b)—

**Repeal subparagraph (iv).**

(2) Section 20X(b)(vii), English text—

**Repeal**

“Hong Kong Knitwear Exporters & Manufacturers Association Ltd.”

**Substitute**

“Hongkong Knitwear Exporters & Manufacturers Association Limited”.

**6. Section 20Z amended (composition of the information technology functional constituency)**

(1) Section 20Z(1)(k)(vi)—

**Repeal**

“External Telecommunications Services Providers”

**Substitute**

“Services-based Operators”.

(2) Section 20Z(1)(l)—

**Repeal subparagraph (i).**

(3) Section 20Z(1)(l)(ii)—

**Repeal**

“Licence (Class 3 Service)”

**Substitute**

“Licences”.

- (4) Section 20Z(1)(l)(vii)—

**Repeal**

“and”.

- (5) After section 20Z(1)(l)(vii)—

**Add**

“(viii) Wireless Internet of Things licences; and”.

**7. Schedule 1 amended (composition of the agriculture and fisheries functional constituency)**

- (1) Schedule 1, English text, item 55—

**Repeal**

“The”.

- (2) Schedule 1, English text, item 57—

**Repeal**

“The”.

- (3) Schedule 1—

**Repeal item 66.**

- (4) Schedule 1, after item 83—

**Add**

“84. 香港新界本地農協會.

85. The Hong Kong Veterinary Association Limited.”.



**8. Schedule 1A amended (composition of the transport functional constituency)**

- (1) Schedule 1A, Chinese text, item 22, after “船”—

**Add**

“務”.

- (2) Schedule 1A—

**Repeal items 52, 64, 112, 121 and 142.**

- (3) Schedule 1A, after item 228—

**Add**

“229. Chung Shing Taxi Limited.

230. Hong Kong Air Cargo Carrier Limited.

231. Hong Kong Dumper Truck Drivers Association.

232. Shun Fung Motors Investment Management Company Limited.

233. Taxi Drivers and Operators Association.”.

**9. Schedule 1B amended (composition of the sports, performing arts, culture and publication functional constituency)**

- (1) Schedule 1B, English text, Part 1, item 14—

**Repeal**

“Tai Po Sports Association Ltd.”

**Substitute**

“Taipo Sports Association Limited.”.

- (2) Schedule 1B, Part 3, item 35—

**Repeal**

“Hong Kong Philharmonic Orchestra.”

**Substitute**

“The Hong Kong Philharmonic Society Limited.”.

- (3) Schedule 1B, Part 3, item 40, after “Deaf”—

**Add**

“Company Limited”.

- (4) Schedule 1B, English text, Part 3, item 43, before “Hong”—

**Add**

“The”.

**10. Schedule 1C amended (composition of the wholesale and retail functional constituency)**

- (1) Schedule 1C, item 33, after “Association”—

**Add**

“Limited”.

- (2) Schedule 1C, Chinese text, item 42—

**Repeal**

“業總會”

**Substitute**

“委員”.

- (3) Schedule 1C—

**Repeal items 65, 66 and 76.**

**11. Schedule 1E amended (composition of the catering functional constituency)**

Schedule 1E, English text, item 1—

**Repeal**

“the”.

## **Division 3—Amendments to Chief Executive Election Ordinance (Cap. 569)**

### **12. Schedule, section 2 amended (how Election Committee is to be constituted)**

- (1) The Schedule, section 2, Table 5, item 5, column 3, paragraph (2)(q)—

**Repeal**

“the Hang Seng Management College”

**Substitute**

“The Hang Seng University of Hong Kong”.

- (2) The Schedule, section 2, Table 5, item 5, column 3, paragraph (2)(t)—

**Repeal the full stop**

**Substitute a semicolon.**

- (3) The Schedule, section 2, Table 5, item 5, column 3, after paragraph (2)(t)—

**Add**

“(u) the Board of Governors of Yew Chung College of Early Childhood Education.”.

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## **Part 3**

### **Amendments Relating to Election Returns**

**13. Elections (Corrupt and Illegal Conduct) Ordinance amended**

The Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) is amended as set out in this Part.

**14. Section 37 amended (candidate to lodge election return with appropriate authority)**

(1) Section 37(1A)—

**Repeal**

“30”

**Substitute**

“60”.

(2) Section 37(2)(b)(i)—

**Repeal**

“\$100”

**Substitute**

“\$500”.

**15. Section 41 amended (appropriate authority to keep election returns)**

(1) Section 41(6)(a)—

**Repeal**

“37(1A), (1D)”

**Substitute**

“37(1D)”.

- (2) Section 41(6)(b)—

**Repeal**

“37(1B)”

**Substitute**

“37(1A) or (1B)”.

**16. Schedule amended (limit prescribed for election concerned for purposes of section 37A)**

- (1) The Schedule, item 1—

**Repeal**

“\$5,000”

**Substitute**

“\$50,000”.

- (2) The Schedule, item 2—

**Repeal**

“\$5,000”

**Substitute**

“\$50,000”.

- (3) The Schedule, item 3—

**Repeal**

“\$3,000”

**Substitute**

“\$30,000”.

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- (4) The Schedule, item 4—  
**Repeal**  
“\$500”  
**Substitute**  
“\$5,000”.
- (5) The Schedule, item 5—  
**Repeal**  
“\$500”  
**Substitute**  
“\$5,000”.
- (6) The Schedule, item 6—  
**Repeal**  
“\$500”  
**Substitute**  
“\$3,000”.
- (7) The Schedule, item 7—  
**Repeal**  
“\$200”  
**Substitute**  
“\$600”.
- (8) The Schedule, item 8—  
**Repeal**  
“\$200”  
**Substitute**  
“\$600”.
- (9) The Schedule, item 9—

**Repeal**

“\$200”

**Substitute**

“\$600”.

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## **Part 4**

### **Amendments Relating to Submission of Nomination Forms**

**17. Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation amended**

The Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D) is amended as set out in this Part.

**18. Section 10 amended (how to nominate a candidate for a geographical constituency or District Council (second) functional constituency)**

(1) Section 10(2)—

**Repeal**

everything after “submitted” and before “in accordance”.

(2) After section 10(11)—

**Add**

“(12) The nomination form must be submitted by the candidate, or one of the candidates, on the nomination list—

(a) in person; or

(b) in a way authorized by the Chief Electoral Officer.”.

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## **Part 5**

### **Amendments Relating to Free Postage for Letters**

#### **Division 1—Enactments Amended**

**19. Enactments amended**

The enactments specified in Divisions 2 to 5 are amended as set out in those Divisions.

#### **Division 2—Amendments to Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D)**

**20. Section 101A amended (letters that may be sent free of postage by candidates)**

(1) Section 101A(1)(c)—

**Repeal**

“and”.

(2) Section 101A(1)(d)—

**Repeal**

“175”

**Substitute**

“165”.

(3) Section 101A(1)(d)—

**Repeal the full stop**

**Substitute**

“; and”.

(4) After section 101A(1)(d)—

**Add**

“(e) not exceed 5 mm in thickness at any part of the letter.”.

**Division 3—Amendments to Electoral Affairs Commission  
(Electoral Procedure) (District Councils) Regulation  
(Cap. 541 sub. leg. F)**

**21. Section 102 amended (letters that may be sent free of postage by candidates)**

(1) Section 102(2), Chinese text—

**Repeal**

“該信件必須”

**Substitute**

“上述信件須符合以下規定”.

(2) Section 102(2)(c)—

**Repeal**

“and”.

(3) Section 102(2)(d)—

**Repeal**

“175”

**Substitute**

“165”.

(4) Section 102(2)(d)—

**Repeal the full stop**

**Substitute**

“; and”.

(5) After section 102(2)(d)—

**Add**

“(e) not exceed 5 mm in thickness at any part of the letter.”.

**Division 4—Amendments to Electoral Affairs Commission  
(Electoral Procedure) (Election Committee) Regulation  
(Cap. 541 sub. leg. I)**

**22. Section 99 amended (letters that may be sent free of postage by candidates)**

(1) Section 99(1)(c)—

**Repeal**

“and”.

(2) Section 99(1)(d)—

**Repeal**

“175”

**Substitute**

“165”.

(3) Section 99(1)(d)—

**Repeal the full stop**

**Substitute**

“; and”.

(4) After section 99(1)(d)—

**Add**

“(e) not exceed 5 mm in thickness at any part of the letter.”.

**Division 5—Amendments to Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J)**

**23. Section 80 amended (provisions relating to free postage by candidates)**

(1) Section 80(1)(c)—

**Repeal**

“and”.

(2) Section 80(1)(d)—

**Repeal**

“175”

**Substitute**

“165”.

(3) Section 80(1)(d)—

**Repeal the full stop**

**Substitute**

“; and”.

(4) After section 80(1)(d)—

**Add**

“(e) not exceed 5 mm in thickness at any part of the letter.”.

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## **Explanatory Memorandum**

This Bill introduces amendments to various items of electoral legislation for the purposes set out in the long title of the Bill. The Bill comprises 5 parts.

2. Part 1 sets out the short title.
3. Part 2 updates the lists of persons comprising certain functional constituencies of the Legislative Council and the higher education subsector of the Election Committee.
4. Part 3 contains technical amendments concerning election returns. The deadline for lodging election returns for an election to elect the Chief Executive is extended from 30 days after the date on which the election becomes settled to 60 days after that date (clause 14). The limits in relation to relief for minor errors etc. in election returns are increased (clause 16).
5. Part 4 amends the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D) to allow a candidate to submit a nomination form in a way authorized by the Chief Electoral Officer.
6. Part 5 introduces technical amendments relating to the size and thickness of letters that may be sent free of postage by candidates.