

立法會
Legislative Council

Ref : CB2/PL/CA

LC Paper No. CB(2)708/19-20
(These minutes have been seen
by the Administration)

Panel on Constitutional Affairs

**Minutes of policy briefing cum meeting
held on Monday, 16 December 2019, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

Members present : Hon CHEUNG Kwok-kwan, JP(Chairman)
Hon Kenneth LAU Ip-keung, BBS, MH, JP (Deputy Chairman)
Hon James TO Kun-sun
Hon Abraham SHEK Lai-him, GBS, JP
Hon WONG Ting-kwong, GBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Kin-por, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Mrs Regina IP LAU Suk-yea, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon WU Chi-wai, MH
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, BBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Hon Dennis KWOK Wing-hang
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Hon Martin LIAO Cheung-kong, GBS, JP
Dr Hon CHIANG Lai-wan, SBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Alvin YEUNG
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, BBS, JP

Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon Tanya CHAN
Hon LUK Chung-hung, JP
Hon LAU Kwok-fan, MH
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Gary FAN Kwok-wai
Hon AU Nok-hin

Members absent : Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Steven HO Chun-yin, BBS
Hon CHUNG Kwok-pan
Hon HUI Chi-fung

Public Officers attending : Item IV

Mr Patrick NIP Tak-kuen, JP
Secretary for Constitutional and Mainland Affairs

Mr Roy TANG Yun-kwong, JP
Permanent Secretary for Constitutional and Mainland Affairs

Mr Andy CHAN Shui-fu, JP
Under Secretary for Constitutional and Mainland Affairs

Miss Rosanna LAW Shuk-pui, JP
Deputy Secretary for Constitutional and Mainland Affairs

Ms Elizabeth TAI Ka-pui, JP
Deputy Secretary for Constitutional and Mainland Affairs

Item V

Mr Patrick NIP Tak-kuen, JP
Secretary for Constitutional and Mainland Affairs

Miss Rosanna LAW Shuk-pui, JP
Deputy Secretary for Constitutional and Mainland Affairs

Ms Cherie YEUNG Lok-sze
Principal Assistant Secretary for Constitutional and
Mainland Affairs

Mr Raymond WANG Man-chiu
Chief Electoral Officer (Acting)
Registration and Electoral Office

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (2) 3

Staff in attendance : Mr Bonny LOO
Senior Assistant Legal Adviser 3 (Acting)

Ms Jasmine TAM
Senior Council Secretary (2) 3

Mr Dennis HO
Council Secretary (2) 3

Mrs Fonny TSANG
Legislative Assistant (2) 3

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I. Confirmation of minutes of meeting
[LC Paper No. CB(2)372/19-20]

The minutes of the meeting held on 3 December 2019 were confirmed without amendments.

II. Information paper(s) issued since the last meeting

2. Members noted that no information paper had been issued after the last meeting.

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III. Items for discussion at the next meeting

[LC Paper Nos. CB(2)380/19-20(01) and (02)]

3. Members agreed to discuss the following items proposed by the Administration at the next regular meeting on 20 January 2020 at 2:30 pm:

- (a) 2020 Voter Registration Campaign; and
- (b) review of the Personal Data (Privacy) Ordinance.

IV. Briefing on the Chief Executive's 2019 Policy Address

[LC Paper No. CB(2)19/19-20(01)]

4. The Secretary for Constitutional and Mainland Affairs ("SCMA") briefed members on the salient points of the Administration's paper [LC Paper No. CB(2)19/19-20(01)].

(Post-meeting note: the speaking note of SCMA was issued vide LC Paper No. CB(2)415/19-20(01) on 17 December 2019.)

Discussion

Constitutional development

5. Members including Dr KWOK Ka-ki, Mr AU Nok-hin, Dr Helena WONG and Mr KWONG Chun-yu urged the Administration to respond to the Five Demands of protestors, which included implementing universal suffrage of "one person, one vote" for selecting the Chief Executive ("CE") and electing all Legislative Council ("LegCo") Members ("dual universal suffrage"). They considered it imperative for the current-term Government to take active steps to address the public demand for dual universal suffrage as stipulated in the Basic Law. Mr AU Nok-hin opined that the Hong Kong Special Administrative Region ("HKSAR") Government should convey to the Central People's Government that the lack of universal suffrage was the most urgent deep-seated problem in Hong Kong that needed to be resolved. Dr Helena WONG said that Articles 45 and 68 of the Basic Law had already provided the legal basis for implementing dual universal suffrage in Hong Kong. She and Mr KWONG Chun-yu stressed that the HKSAR Government had a constitutional responsibility to formulate concrete plans for achieving the aim of dual universal suffrage as set out in the Basic Law. They considered that it was the Government's failure to address

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the demands repeatedly raised by the public that had led to the eruption of violent incidents.

6. Dr Priscilla LEUNG, Mr CHAN Han-pan and Mr LUK Chung-hung said that while they also hoped that progress could be made towards achieving dual universal suffrage in accordance with the Basic Law, they were not optimistic that political reform could be carried out in the current social and political climate. Dr CHIANG Lai-wan said she hoped that SCMA could proactively gauge the views of the Central People's Government officials on the conditions under which universal suffrage could be implemented in Hong Kong and truthfully relay such views to Hong Kong people.

7. SCMA said that the Government of the previous term had put forward a universal suffrage package for selecting CE after conducting extensive public consultations but the relevant proposal was voted down by LegCo. SCMA explained that while the Government fully understood the aspirations of the community for universal suffrage, any amendment to the methods for selecting CE and electing all members of LegCo would require tripartite consensus among LegCo, CE and the Standing Committee of the National People's Congress ("NPCSC"). It was therefore necessary to narrow differences by dialogues with a view to attaining a consensus agreeable to all sides. The discussion on constitutional development should be conducted in a pragmatic manner having due regard to the legal basis and in a peaceful atmosphere conducive to mutual trust. SCMA assured members that the Government would continue to create a social atmosphere conducive to taking forward political reform, consider all related factors, size up the situation and carry out constitutional development in accordance with the Basic Law and the relevant Interpretation and Decisions of NPCSC.

8. In reply to Dr KWOK Ka-ki's question, SCMA said that arrangements relating to the election of Election Committee members representing the District Council ("DC") subsectors would be made in accordance with the Basic Law and the relevant legislation.

Electoral matters

9. Ms Starry LEE, Dr Priscilla LEUNG and Mr Christopher CHEUNG considered that the fairness and impartiality of the 2019 DC Ordinary Election ("the DC Election") had been seriously undermined by incidents of violence that occurred before and during the election period. They stressed that both candidates and electors should be free from threats of violence and

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enquired about the measures to be taken to ensure that the upcoming 2020 LegCo General Election ("the upcoming LegCo election") would be conducted in a fair and just manner.

10. SCMA conceded that the DC Election was held in the midst of instability in society and faced with unprecedented challenges. SCMA said that the Electoral Affairs Commission ("EAC"), the Constitutional and Mainland Affairs Bureau ("CMAB") and the Registration and Electoral Office ("REO") would spare no effort in making necessary preparations and taking preventive measures to ensure the smooth conduct of the upcoming LegCo election. Besides, as provided for in the law, an election could be postponed or the polling or counting of votes could be adjourned if CE was of the opinion that the election or polling/counting of votes was likely to be obstructed, disrupted, undermined or seriously affected by riot or open violence or any danger to public health or safety. SCMA added that the Administration and EAC would evaluate the situation carefully and make the best endeavour to ensure that the upcoming LegCo election would be conducted in a fair, open and honest manner in accordance with the law.

11. Mr Holden CHOW and Mr LEUNG Che-cheung expressed concern about the lack of facilitation measures for elderly electors to cast their votes. They requested that a dedicated queue be arranged for elderly electors and those with mobility difficulties to obtain the ballot papers and cast their votes in future elections. Mr LEUNG said that some people queued up repeatedly outside polling stations on the polling day of the DC Election, resulting in many electors, including elderly persons and persons with mobility difficulties, having to wait for hours to cast their votes. He considered it problematic that different approaches had been adopted by the Presiding Officers at different polling stations in handling the long queues of electors.

12. SCMA explained that as the cumulative voter turnout rate of the DC election reached a record high of 71.2 per cent, queues were observed in a number of polling stations. SCMA said that CMAB would review the polling arrangements and the operational guidelines with REO to identify room for improvements in future elections. The suggestion of designating a dedicated queue for electors with special needs would also be explored. SCMA added that EAC would submit a report to CE by the end of February 2020 to review the electoral arrangements and make recommendations.

13. Ms Starry LEE, Mr CHAN Han-pan and Mr AU Nok-hin expressed grave concern that some registered electors were unable to exercise their

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voting rights in the DC Election because their particulars had already been crossed out in the poll register and they were issued only with a "tendered" ballot paper which would not be counted. They requested the Administration to follow up and take effective measures to prevent the recurrence of similar incidents. SCMA said that according to REO's records, a total of 98 "tendered" ballot papers were issued on the polling day. The number was small as compared with the total number of ballot papers issued which were close to three million. Nevertheless, SCMA undertook that REO would follow up and look into the incidents.

14. Mr LUK Chung-hung expressed concern about frequent complaints from registered electors that they had lost their voting rights because they were not aware of REO's inquiry letters or the need to respond to such letters. He asked whether REO would take all necessary steps, such as making phone calls and conducting home visits, to remind the electors concerned to respond to the inquiry letters. SCMA explained that apart from sending inquiry letters by post with envelopes stamped with the prominent message to remind the electors concerned to take immediate action with regard to their voting right, REO would also use mobile phone calls, short message service or electronic mail (if available) to remind the electors concerned to respond to the inquiry letters before the statutory deadline. SCMA said that home visits had been conducted before but it was not considered an effective means. He undertook that REO would explore ways to improve the current arrangements of carrying out the inquiry process.

15. Mr LUK Chung-hung said that some electors in the DC Election had complained that they were unable to see whether their particulars on the poll register had been crossed out after they had been issued with a ballot paper. He asked whether the Administration would consider video-recording the processes of verifying electors' identity and vote counting so as to guard against fraudulent acts and enhance the public's confidence in the credibility of the election. Ms Starry LEE also expressed concern that due to overcrowding in counting stations after the close of poll, many candidates' agents and staff were unable to monitor the counting of votes.

16. SCMA said that the existing counting arrangements were conducted in an open and transparent manner under the scrutiny of candidates and their agents, members of the public and reporters. That said, the Administration would review the arrangements with a view to making improvements in future elections. As regards the suggestion of installing closed-circuit

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televisions in polling stations to monitor the polling process, SCMA said that it had to be considered prudently given the privacy issues involved. The Administration would examine whether the transparency of the process of verifying electors' identity could be enhanced without compromising the privacy of individual electors.

17. Some members including Ms Starry LEE, Mr CHAN Han-pan, Mr Holden CHOW and Mr LUK Chung-hung took the view that the existing arrangements, under which verification of electors' identity, issuance of ballot papers and making of relevant records on the poll register were conducted manually, did not keep pace with the development of modern technology and were error-prone. They urged the Administration to make use of electronic devices to facilitate the voting process. Mr LUK suggested requiring electors to insert their smart identity cards into relevant electronic facilities to be installed at the polling stations for identity verification. SCMA said that the Administration was open-minded to members' suggestions. SCMA further said that, after consulting the Panel in the last legislative session, the Administration aimed to conduct a demonstration of electronic counting in some traditional functional constituencies in the upcoming LegCo election. Besides, REO was exploring the use of an electronic poll register with a view to enhancing the efficiency when issuing ballot papers.

18. Mr CHAN Han-pan enquired about the number of polling staff who were recruited on temporary terms and the measures in place to ensure that the polling staff would uphold the principles of political neutrality and impartiality in discharging their duties. SCMA replied that as in previous elections, more than 20 000 civil servants had been recruited to serve as polling staff for the DC Election. According to the existing mechanism, REO would, as far as possible, avoid deploying polling staff to work in the polling station where they would cast their votes. REO would also require each polling staff to disclose if he/she had any close relationship with any candidates, and if so, he/she would not be assigned to work at any of the polling stations concerned. Mr CHAN said he learnt that some polling staff of the DC Election had been assigned to work in polling stations close to their home and they knew the residents in the relevant districts. SCMA responded that information relating to such cases could be provided to REO for follow-up.

19. Dr CHENG Chung-tai said that pursuant to a judicial review ("JR") application filed by the Junior Police Officers' Association earlier, the Court of Appeal ("CoA") in CACV 489/2019 granted an interim injunction order restraining REO from making available the final register of electors for the

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DC Election for public inspection and providing relevant extracts or information to members of the public. Pointing out that inspection of registers of electors/voters was the only means for members of the public to identify and report suspected vote-rigging cases, he was concerned whether the public would again be denied access to the register of electors for the upcoming LegCo Election.

20. SCMA responded that he would not comment on the JR case concerned as the relevant proceedings were still in progress. However, he wished to clarify that the aforementioned interim injunction order did not restrain REO from providing extracts of the relevant register of electors to validly nominated candidates pursuant to section 38 of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F) or individual electors from accessing their own registration particulars. He noted that CoA had stated in its judgement that the decision to grant the interim injunction order had struck a balance between the privacy interest against doxxing and the public interest of upholding the integrity and regularity of the DC Election. SCMA added that the Administration would keep in view the outcome of the JR case concerned and take appropriate follow-up actions.

21. Dr Priscilla LEUNG expressed concern that in the run-up to and during the DC Election, there had been a torrent of fake news in relation to the Police circulating widely on the Internet, which in her view would agitate the social atmosphere. Mr CHU Hoi-dick said he also noted that fake news in relation to protesters in Hong Kong had been published and spread by China's official media outlets since June this year. SCMA responded that when it was spotted that unverified information circulating widely online was stirring up negative sentiments in the community, irrespective of the source of such information, the Government would make clarifications via multiple channels as soon as possible to allay concerns. With regard to the DC Election, SCMA said that he himself had clarified relevant rumours on various occasions. REO had also made clarifications and disseminated important messages about the DC Election through issuing statements on the Election website. In reply to Dr Priscilla LEUNG's enquiry, SCMA said while he agreed that the issue of fake news should be handled seriously, the need for enacting legislation against the publication and dissemination of fake news would require further discussion in the community.

Promotion of the Constitution and the Basic Law

22. Mr Christopher CHEUNG and Dr Junius HO expressed concern that

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some people emphasized only the "two systems" and neglected the "one country" principle, or even attempted to let "two systems" override the "one country" principle. Mr CHEUNG asked whether the Administration had, in the light of the recent social disturbances, explored more effective ways to be adopted in its promotion work.

23. SCMA said that the Basic Law Promotion Steering Committee ("BLPSC"), chaired by the Chief Secretary for Administration ("CS"), steered the work of its five working groups in promoting the Basic Law to the respective sectors. He further said that the Government attached great importance to the education and promotion work for students/young people, public officers and the local community. Moreover, the Government would step up efforts in promoting the Constitution and the Basic Law via different channels, including the Internet and social media platforms. In reply to Mr Christopher CHEUNG's enquiry, SCMA said that the financial provisions earmarked in 2019-2020 to promote the Constitution and the Basic Law were increased to \$21 million.

24. Dr Junius HO asked whether the Administration would consider requiring primary and secondary schools to teach the Constitution and the Basic Law as an independent subject or allocate a specified number of teaching hours on the Constitution and the Basic Law under the Liberal Studies curriculum. SCMA responded that to his understanding, the Education Bureau ("EDB") had been providing relevant curriculum guidelines as well as learning and teaching resources to schools to support the implementation of Basic Law education at primary and secondary levels. EDB had also stepped up training efforts targeting principals and teachers to enhance their knowledge and understanding of the Constitution and the Basic Law. SCMA further said that promoting education on the Constitution and the Basic Law would be a special focus of BLPSC's work in the coming year. In this connection, the relevant working group under BLPSC would formulate strategies and action plans.

25. Mr Holden CHOW asked whether youth uniformed groups had been involved in promoting the Constitution and the Basic Law through their training programmes. He considered that the Administration should strengthen collaboration with them in this regard. SCMA replied that the Home Affairs Bureau ("HAB") had provided funding to uniformed groups for organizing various activities to youth members for enhancing their understanding of "one country, two systems", the Basic Law and national affairs. SCMA said that Mr CHOW's views would be relayed to HAB and the Working Group on Local Community under BLPSC for consideration.

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Eliminating discrimination on grounds of sexual orientation and gender identity

26. Mr CHAN Chi-chuen considered that the Administration should conduct public consultation on the proposal to enact legislation to prohibit discrimination on grounds of sexual orientation and gender identity. Noting that the Administration had, instead, proposed to establish a communication platform to follow up on the findings of the relevant study, he asked how the Administration would take forward the legislative exercise. He also sought details of the communication platform to be set up.

27. SCMA said that the study on the experience of other jurisdictions in eliminating discrimination against sexual minorities was near completion and the draft report was being prepared. SCMA said that in the current social and political climate, the Administration considered it more pragmatic and practicable to establish a communication platform to facilitate discussion with stakeholders and implement feasible anti-discrimination proposals based on the findings of the study. SCMA added that stakeholders holding different views on the issue would be invited to join the communication platform.

28. Mr CHAN Chi-chuen expressed concern that some police officers had made discriminatory remarks about the sexual orientation of Mr Jimmy SHUM, convenor of Civil Human Rights Front, at a recent rally. He considered such remarks unacceptable and asked whether disciplinary actions would be taken against the police officers concerned. SCMA said that as a new initiative, CMAB had commenced the development of training resources for the Government disciplined services and would incorporate such resources into the regular training courses to enhance frontline officers' knowledge of and sensitivity towards sexual minorities.

Promotion of children's rights

29. Mr IP Kin-yuen expressed disappointment that there was little mention of policy initiatives relating to promotion of children's rights in the Administration's paper and SCMA's speech. He expressed concern that the Police had filed applications for issuance of care or protection orders to three children arrested in late August this year. He noted that the children concerned, though not charged with any offence, were subsequently detained in Tuen Mun Children and Juvenile Home, for 27 days in the longest case, while the court was awaiting reports from the Social Welfare Department. He considered such an arrangement unreasonable and asked what measures

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the Administration would take, as part of its efforts in promoting children's rights, to improve the treatment of arrested children.

30. SCMA said that a high-level Commission on Children under the chairmanship of CS was set up in 2018 to formulate long-term targets and strategic directions concerning the holistic development and promotion of the well-being of children at different stages of their growth. SCMA further said that as far as CMAB was concerned, it had been providing funding support for educational projects that aimed to promote understanding of children's rights through administering the Children's Rights Education Funding Scheme, as well as providing a platform for exchanging views on matters concerning children's rights through organizing the Children's Rights Forum. CMAB would continue its work in these respects in the coming year. SCMA added that issues relating to the rights and welfare of arrested children would be followed up by the relevant policy bureaux.

National Anthem Bill

31. In reply to the enquiries of Dr Priscilla LEUNG and Dr CHENG Chung-tai, SCMA said that the Government planned to resume the Second Reading debate on the National Anthem Bill for its early passage in the 2019-2020 legislative session.

Motions

(The Chairman ordered the ringing of the quorum bell at 4:19 pm to summon members to the meeting. The meeting resumed at 4:21 pm when a quorum was present.)

32. After the meeting resumed, the Chairman said that he would first invite members to decide by voting whether the following three motions should be proceeded with. The motion(s) concerned would be proceeded with if agreed to by a majority of the members voting. The Chairman ordered that votes were to be taken by division.

a. Motion proposed by Dr CHIANG Lai-wan (at Annex I(a))

33. The Chairman put to vote the question as to whether the Panel agreed to proceed with the motion proposed by Dr CHIANG Lai-wan. The result was that 12 members voted for and 13 members voted against the question,

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and no member abstained from voting (details of the division at **Annex I(b)**). The Chairman declared that Dr CHIANG's proposed motion would not be proceeded with.

b. Motion proposed by Dr Helena WONG (at Annex II(a))

34. The Chairman put to vote the question as to whether the Panel agreed to proceed with the motion proposed by Dr Helena WONG. The result was that 15 members voted for and 14 members voted against the question, and no member abstained from voting (details of the division at **Annex II(b)**). The Chairman declared that Dr WONG's proposed motion would be proceeded with.

35. The Chairman put to vote Ms Starry LEE's amendments to the motion proposed by Dr Helena WONG (at **Annex III (a)**). The result was that 14 members voted for and 16 members voted against the amendments, and no member abstained from voting (details of the division at **Annex III(b)**). The Chairman declared that Ms LEE's amendments were negated.

36. As the amendments proposed by Ms Starry LEE were negated, the Chairman then put to vote Dr Helena WONG's original motion (Annex II(a)). The result was that 15 members voted for and 10 members voted against the motion, and two members abstained from voting (details of the division at **Annex IV**). The Chairman declared that the motion was passed. The Administration would be requested to provide a written response to the motion.

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(Post-meeting note: The Administration's response to the above motion was circulated to members vide LC Paper No. CB(2)528/19-20(01) on 14 January 2020.)

c. Motion proposed by Dr Junius HO (at Annex V(a))

37. The Chairman put to vote the question as to whether the Panel agreed to proceed with the motion proposed by Dr Junius HO. The result was that 13 members voted for and 15 members voted against the question, and one member abstained from voting (details of the division at **Annex V(b)**). The Chairman declared that Dr HO's proposed motion would not be proceeded with.

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V. Review on the subsidy rate of the financial assistance for candidates and the election expenses limits for the 2020 Legislative Council General Election

[LC Paper Nos. CB(2)380/19-20(03) and (04)]

38. SCMA briefed members on the salient points of the Administration's paper [LC Paper No. CB(2)380/19-20(03)].

(At 4:32 pm, the Chairman announced that he had extended the meeting by 15 minutes beyond the appointed ending time.)

Discussion

Financial assistance scheme

39. In response to Dr Helena WONG's enquiry, Deputy Secretary for Constitutional and Mainland Affairs ("DSCMA") said that under the current financial assistance scheme, the subsidy payable to a candidate or a list of candidates ("candidate list") of LegCo elections eligible for financial assistance would be the lowest of the following three amounts:

- (a) the amount obtained by multiplying the subsidy rate (currently \$14) by the total number of valid votes cast for the candidate or candidate list (if the election was contested), or 50% of the number of registered electors for the constituency concerned (if the election was uncontested);
- (b) 50% of the election expenses limit ("EEL") applicable to the constituency concerned; and
- (c) the declared election expenses of the candidate or candidate list.

40. With regard to paragraph 39(b) above, Dr Helena WONG enquired about the basis on which the percentage "50%" was set, and why it was not set as 60-70% of the EEL applicable to the constituency concerned. SCMA said that while the financial assistance scheme was aimed to encourage more candidates to participate in LegCo elections, the Administration was of the view that candidates should also shoulder part of the election expenses. The Administration considered that a balance was struck in setting the ceiling at "50% of the EEL applicable to the constituency concerned". DSCMA added that the Administration considered that the design of the scheme was

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appropriate and fair given that the financial assistance payable would be the lowest of the three amounts mentioned in paragraph 39(a) to (c) above.

Lifting the requirement to withhold financial assistance payable until disposal of relevant election petitions

41. Mr CHAN Chi-chuen expressed support for the proposal to lift the requirement to withhold financial assistance payable until disposal of relevant election petitions ("EPs"). He asked why such a requirement was imposed in the law. Noting from paragraph 16 of the Administration's paper that a recipient of financial assistance must repay any unentitled financial assistance to the Chief Electoral Officer under section 60H(1) of the Legislative Council Ordinance (Cap. 542) and section 60G(1) of the District Council Ordinance (Cap. 547), Mr CHAN requested the Administration to explain, with examples, under what circumstances a recipient would be regarded as not entitled to the financial assistance. He also asked whether it was true that under the current proposal, even if a candidate declared to be elected was subsequently ruled by the Court, upon determination of the relevant EP, as not duly elected, the candidate concerned would still be entitled to the financial assistance.

42. SCMA explained that the aforesaid requirement was imposed mainly due to the fact that the outcome of EPs might possibly impact on the actual number of votes received by the candidates/candidate lists concerned, which might in turn affect the determination of whether or not the candidates/candidate lists concerned could meet the threshold of obtaining at least 5% of the valid votes cast in the constituency concerned and thus their eligibility for receiving financial assistance. Under this scenario, DSCMA said that after the proposed amendment had been effected, payment of financial assistance would still be made to the candidate first before disposal of relevant EP but then the payment would be recovered from the candidate concerned if warranted.

VI. Any other business

43. There being no other business, the meeting ended at 4:41 pm.

Panel on Constitutional Affairs

**Motion proposed to be moved by Dr Hon CHIANG Lai-wan
under agenda item IV**

**"Briefing on the Chief Executive's 2019 Policy Address"
at the meeting on 16 December 2019**

(English translation of the motion)

Regarding the numerous complaints against unfair treatment relating to the 2019 District Council election, this Panel calls on the Government to:

1. set up green channel: as electors, at present, may collect ballot papers only after entering polling stations and splitting into different queues according to the English letters on their identity cards, which have been ineffective in easing the flow of electors, it is suggested that green channel should be set up at the entrance of polling stations to allow for use by elderly persons aged 65 or above or persons with mobility difficulties.
2. adopt electronic registration for ballot paper collection: as the current practice for staff to distribute ballot papers manually is error-prone, it is suggested to be switched to an electronic mode of distribution, i.e. electors may, upon confirming their identity, gain access to an electronic ballot paper distribution machine at polling stations, where they may collect their ballot papers after inserting their identity cards into the machine and going through a fingerprint recognition process.
3. limit the number of persons monitoring the counting of votes: as the number of persons monitoring the counting of votes at polling stations is not subject to any limit at present, vote counting work has been affected by the overcrowding situation at polling stations, it is suggested that when carrying out counting of votes at polling stations in future, seats in the public areas should be evenly distributed among the supporters of each candidate.

This Panel urges the authorities to immediately review the existing electoral legislation and arrangements, so as to address public concerns about unfair elections, and that the authorities must put forward relevant solutions prior to the 2020 Legislative Council General Election.

附件 I(b)
Annex I(b)

點名表決 DIVISION: 1
日期 DATE: 16/12/2019
時間 TIME: 04:23:08 下午 PM

動議 MOTION: 本委員會同意處理蔣麗芸議員擬就議程第 IV 項 "就行政長官 2019 年施政報告作出簡報" 提出的議案
That this Committee agrees to proceed with the motion proposed by Dr Hon CHIANG Lai-wan under agenda item IV "Briefing on the Chief Executive's 2019 Policy Address"

動議人 MOVED BY:

出席 Present : 26
投票 Vote : 25
贊成 Yes : 12
反對 No : 13
棄權 Abstain : 0
結果 Result : 否決 Negatived

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員	MEMBER	投票	VOTE	議員	MEMBER	投票	VOTE
張國鈞	CHEUNG Kwok-kwan	出席	PRESENT	張超雄	Dr Fernando CHEUNG	反對	NO
涂謹申	James TO			黃碧雲	Dr Helena WONG	反對	NO
石禮謙	Abraham SHEK			葉建源	IP Kin-yuen		
李國麟	Prof Joseph LEE			廖長江	Martin LIAO		
林健鋒	Jeffrey LAM			蔣麗芸	Dr CHIANG Lai-wan	贊成	YES
黃定光	WONG Ting-kwong	贊成	YES	盧偉國	Ir Dr LO Wai-kwok		
李慧琼	Starry LEE	贊成	YES	鍾國斌	CHUNG Kwok-pan		
陳健波	CHAN Kin-por	贊成	YES	楊岳橋	Alvin YEUNG	反對	NO
梁美芬	Dr Priscilla LEUNG	贊成	YES	朱凱迪	CHU Hoi-dick	反對	NO
黃國健	WONG Kwok-kin			吳永嘉	Jimmy NG	贊成	YES
葉劉淑儀	Mrs Regina IP	贊成	YES	何君堯	Dr Junius HO	贊成	YES
謝偉俊	Paul TSE			何啟明	HO Kai-ming		
毛孟靜	Claudia MO	反對	NO	林卓廷	LAM Cheuk-ting	反對	NO
何俊賢	Steven HO			周浩鼎	Holden CHOW	贊成	YES
胡志偉	WU Chi-wai			陳淑莊	Tanya CHAN		
馬逢國	MA Fung-kwok			許智峯	HUI Chi-fung		
莫乃光	Charles Peter MOK	反對	NO	陸頌雄	LUK Chung-hung		
陳志全	CHAN Chi-chuen	反對	NO	劉國勳	LAU Kwok-fan		
陳恒鏞	CHAN Han-pan	贊成	YES	劉業強	Kenneth LAU		
梁志祥	LEUNG Che-cheung	贊成	YES	鄭松泰	Dr CHENG Chung-tai	反對	NO
麥美娟	Alice MAK			鄭俊宇	KWONG Chun-yu	反對	NO
郭家麒	Dr KWOK Ka-ki	反對	NO	譚文豪	Jeremy TAM		
郭偉强	KWOK Wai-keung			Gary FAN	Gary FAN	反對	NO
郭榮鏗	Dennis KWOK			區諾軒	AU Nok-hin	反對	NO
張華峰	Christopher CHEUNG	贊成	YES				

秘書 CLERK



Panel on Constitutional Affairs

**Motion proposed to be moved by Dr Hon Helena WONG
under agenda item IV**

**"Briefing on the Chief Executive's 2019 Policy Address"
at the meeting on 16 December 2019**

(English translation of the motion)

This Panel urges the Government to expeditiously formulate a concrete work plan for promoting the achievement of the aim of dual universal suffrage as stipulated in the Basic Law, including:

- (1) relaying clearly to the Central Government the strong aspirations of Hong Kong people for implementing genuine dual universal suffrage;
- (2) gauging public opinions proactively and establishing a communication platform for constitutional development, so as to forge consensus within Hong Kong; and
- (3) conducting extensive public consultation and formulating a timetable for implementing dual universal suffrage and a roadmap for constitutional reform.

附件 II(b)
Annex II(b)

點名表決 DIVISION: 2
日期 DATE: 16/12/2019
時間 TIME: 04:25:02 下午 PM

動議 MOTION: 本委員會同意處理黃碧雲議員擬就議程第 IV 項 "就行政長官 2019 年施政報告作出簡報" 提出的議案
That this Committee agrees to proceed with the motion proposed by Dr Hon Helena WONG under agenda item IV "Briefing on the Chief Executive's 2019 Policy Address"

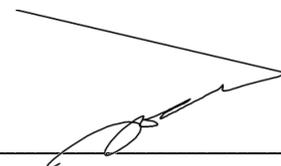
動議人 MOVED BY:

出席 Present : 31
投票 Vote : 29
贊成 Yes : 15
反對 No : 14
棄權 Abstain : 0
結果 Result : 通過 Passed

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員	MEMBER	投票	VOTE	議員	MEMBER	投票	VOTE
張國鈞	CHEUNG Kwok-kwan	出席	PRESENT	張超雄	Dr Fernando CHEUNG	贊成	YES
涂謹申	James TO			黃碧雲	Dr Helena WONG	贊成	YES
石禮謙	Abraham SHEK	反對	NO	葉建源	IP Kin-yuen	贊成	YES
李國麟	Prof Joseph LEE			廖長江	Martin LIAO		
林健鋒	Jeffrey LAM			蔣麗芸	Dr CHIANG Lai-wan	反對	NO
黃定光	WONG Ting-kwong	反對	NO	盧偉國	Ir Dr LO Wai-kwok		
李慧琼	Starry LEE	反對	NO	鍾國斌	CHUNG Kwok-pan		
陳健波	CHAN Kin-por	反對	NO	楊岳橋	Alvin YEUNG	贊成	YES
梁美芬	Dr Priscilla LEUNG	反對	NO	朱凱迪	CHU Hoi-dick	贊成	YES
黃國健	WONG Kwok-kin			吳永嘉	Jimmy NG	反對	NO
葉劉淑儀	Mrs Regina IP	反對	NO	何君堯	Dr Junius HO	反對	NO
謝偉俊	Paul TSE			何啟明	HO Kai-ming		
毛孟靜	Claudia MO	贊成	YES	林卓廷	LAM Cheuk-ting	贊成	YES
何俊賢	Steven HO			周浩鼎	Holden CHOW	反對	NO
胡志偉	WU Chi-wai	贊成	YES	陳淑莊	Tanya CHAN		
馬逢國	MA Fung-kwok			許智峯	HUI Chi-fung		
莫乃光	Charles Peter MOK	贊成	YES	陸頌雄	LUK Chung-hung		
陳志全	CHAN Chi-chuen	贊成	YES	劉國勳	LAU Kwok-fan		
陳恒鑾	CHAN Han-pan	反對	NO	劉業強	Kenneth LAU		
梁志祥	LEUNG Che-cheung	反對	NO	鄭松泰	Dr CHENG Chung-tai	出席	PRESENT
麥美娟	Alice MAK			鄭俊宇	KWONG Chun-yu	贊成	YES
郭家麒	Dr KWOK Ka-ki	贊成	YES	譚文豪	Jeremy TAM		
郭偉強	KWOK Wai-keung	反對	NO	范國威	Gary FAN	贊成	YES
郭榮鏗	Dennis KWOK	贊成	YES	區諾軒	AU Nok-hin	贊成	YES
張華峰	Christopher CHEUNG	反對	NO				

秘書 CLERK



(English translation)

Panel on Constitutional Affairs

**Amendments by Hon Starry LEE to the motion proposed by
Dr Hon Helena WONG under agenda item IV
"Briefing on the Chief Executive's 2019 Policy Address"
at the meeting on 16 December 2019**

This Panel urges the Government, *while ensuring a stable social environment*, to expeditiously formulate a concrete work plan for promoting the achievement of the aim of dual universal suffrage as ~~stipulated in~~ *set in accordance with* the Basic Law *and the decision of the Standing Committee of the National People's Congress*, including:

- (1) *putting in place effective measures to restore stability in society, so as to create favourable conditions for starting the discussion on constitutional reform in future;*
- ~~(1)~~(2) relaying clearly to the Central Government the strong aspirations of Hong Kong people for implementing ~~genuine~~ dual universal suffrage *in accordance with law*;
- ~~(2)~~(3) gauging public opinions proactively and establishing a communication platform for constitutional development, so as to forge consensus within Hong Kong; and
- ~~(3)~~(4) conducting extensive public consultation and formulating a timetable for implementing dual universal suffrage and a roadmap for constitutional reform.

(Note: Texts proposed to be added are shown in bold and italic type. Texts proposed to be deleted are shown with deletion lines.)

附件 III(b)
Annex III(b)

點名表決 DIVISION: 3
日期 DATE: 16/12/2019
時間 TIME: 04:26:32 下午 PM

動議 MOTION: 李慧琼議員對黃碧雲議員就議程第 IV 項 "就行政長官 2019 年施政報告作出簡報" 動議的議案作出的修正案
Amendments by Hon Starry LEE to the motion moved by Dr Hon Helena WONG under agenda item IV "Briefing on the Chief Executive's 2019 Policy Address"

動議人 MOVED BY:

出席 Present : 31
投票 Vote : 30
贊成 Yes : 14
反對 No : 16
棄權 Abstain : 0
結果 Result : 否決 Negatived

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員	MEMBER	投票	VOTE	議員	MEMBER	投票	VOTE
張國鈞	CHEUNG Kwok-kwan	出席	PRESENT	張超雄	Dr Fernando CHEUNG	反對	NO
涂謹申	James TO			黃碧雲	Dr Helena WONG	反對	NO
石禮謙	Abraham SHEK	贊成	YES	葉建源	IP Kin-yuen	反對	NO
李國麟	Prof Joseph LEE			廖長江	Martin LIAO		
林健鋒	Jeffrey LAM			蔣麗芸	Dr CHIANG Lai-wan	贊成	YES
黃定光	WONG Ting-kwong	贊成	YES	盧偉國	Ir Dr LO Wai-kwok		
李慧琼	Starry LEE	贊成	YES	鍾國斌	CHUNG Kwok-pan		
陳健波	CHAN Kin-por	贊成	YES	楊岳橋	Alvin YEUNG	反對	NO
梁美芬	Dr Priscilla LEUNG	贊成	YES	朱凱迪	CHU Hoi-dick	反對	NO
黃國健	WONG Kwok-kin			吳永嘉	Jimmy NG	贊成	YES
葉劉淑儀	Mrs Regina IP	贊成	YES	何君堯	Dr Junius HO	贊成	YES
謝偉俊	Paul TSE			何啟明	HO Kai-ming		
毛孟靜	Claudia MO	反對	NO	林卓廷	LAM Cheuk-ting	反對	NO
何俊賢	Steven HO			周浩鼎	Holden CHOW	贊成	YES
胡志偉	WU Chi-wai	反對	NO	陳淑莊	Tanya CHAN		
馬逢國	MA Fung-kwok			許智峯	HUI Chi-fung		
莫乃光	Charles Peter MOK	反對	NO	陸頌雄	LUK Chung-hung		
陳志全	CHAN Chi-chuen	反對	NO	劉國勳	LAU Kwok-fan		
陳恒鏞	CHAN Han-pan	贊成	YES	劉業強	Kenneth LAU		
梁志祥	LEUNG Che-cheung	贊成	YES	鄭松泰	Dr CHENG Chung-tai	反對	NO
麥美娟	Alice MAK			鄭俊宇	KWONG Chun-yu	反對	NO
郭家麒	Dr KWOK Ka-ki	反對	NO	譚文豪	Jeremy TAM		
郭偉強	KWOK Wai-keung	贊成	YES	Gary FAN	Gary FAN	反對	NO
郭榮鏗	Dennis KWOK	反對	NO	區諾軒	AU Nok-hin	反對	NO
張華峰	Christopher CHEUNG	贊成	YES				

秘書 CLERK



點名表決 DIVISION: 4
日期 DATE: 16/12/2019
時間 TIME: 04:27:16 下午 PM

動議 MOTION: 黃碧雲議員就議程第 IV 項 "就行政長官 2019 年施政報告作出簡報" 動議的議案
Motion moved by Dr Hon Helena WONG under agenda item IV "Briefing on the Chief Executive's 2019 Policy Address"

動議人 MOVED BY:

出席 Present : 29
投票 Vote : 27
贊成 Yes : 15
反對 No : 10
棄權 Abstain : 2
結果 Result : 通過 Passed

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員	MEMBER	投票	VOTE	議員	MEMBER	投票	VOTE
張國鈞	CHEUNG Kwok-kwan	出席	PRESENT	張超雄	Dr Fernando CHEUNG	贊成	YES
涂謹申	James TO			黃碧雲	Dr Helena WONG	贊成	YES
石禮謙	Abraham SHEK	反對	NO	葉建源	IP Kin-yuen	贊成	YES
李國麟	Prof Joseph LEE			廖長江	Martin LIAO		
林健鋒	Jeffrey LAM			蔣麗芸	Dr CHIANG Lai-wan		
黃定光	WONG Ting-kwong	反對	NO	盧偉國	Ir Dr LO Wai-kwok		
李慧琼	Starry LEE	反對	NO	鍾國斌	CHUNG Kwok-pan		
陳健波	CHAN Kin-por			楊岳橋	Alvin YEUNG	贊成	YES
梁美芬	Dr Priscilla LEUNG	棄權	ABSTAIN	朱凱迪	CHU Hoi-dick	贊成	YES
黃國健	WONG Kwok-kin			吳永嘉	Jimmy NG	反對	NO
葉劉淑儀	Mrs Regina IP	反對	NO	何君堯	Dr Junius HO	反對	NO
謝偉俊	Paul TSE			何啟明	HO Kai-ming		
毛孟靜	Claudia MO	贊成	YES	林卓廷	LAM Cheuk-ting	贊成	YES
何俊賢	Steven HO			周浩鼎	Holden CHOW	反對	NO
胡志偉	WU Chi-wai	贊成	YES	陳淑莊	Tanya CHAN		
馬逢國	MA Fung-kwok			許智峯	HUI Chi-fung		
莫乃光	Charles Peter MOK	贊成	YES	陸頌雄	LUK Chung-hung		
陳志全	CHAN Chi-chuen	贊成	YES	劉國勳	LAU Kwok-fan		
陳恒鎮	CHAN Han-pan	反對	NO	劉業強	Kenneth LAU		
梁志祥	LEUNG Che-cheung	反對	NO	鄭松泰	Dr CHENG Chung-tai	出席	PRESENT
麥美娟	Alice MAK			鄭俊宇	KWONG Chun-yu	贊成	YES
郭家麒	Dr KWOK Ka-ki	贊成	YES	譚文豪	Jeremy TAM		
郭偉強	KWOK Wai-keung	棄權	ABSTAIN	范國威	Gary FAN	贊成	YES
郭榮鏗	Dennis KWOK	贊成	YES	區諾軒	AU Nok-hin	贊成	YES
張華峰	Christopher CHEUNG	反對	NO				

秘書 CLERK

Panel on Constitutional Affairs

**Motion proposed to be moved by Dr Hon Junius HO
under agenda item IV
"Briefing on the Chief Executive's 2019 Policy Address"
at the meeting on 16 December 2019**

(English translation of the motion)

This Panel urges the Government to strive for promoting education on the Constitution and the Basic Law in the standard academic curriculum at the primary and secondary levels, including but not limited to teaching it under the subject of Liberal Studies or teaching it as an independent subject.

附件 V(b)
Annex V(b)

點名表決 DIVISION: 5
日期 DATE: 16/12/2019
時間 TIME: 04:27:57 下午 PM

動議 MOTION: 本委員會同意處理何君堯議員擬就議程第 IV 項 "就行政長官 2019 年施政報告作出簡報" 提出的議案
That this Committee agrees to proceed with the motion proposed by Dr Hon Junius HO under agenda item IV "Briefing on the Chief Executive's 2019 Policy Address"

動議人 MOVED BY:

出席 Present : 30
投票 Vote : 29
 贊成 Yes : 13
 反對 No : 15
 棄權 Abstain : 1
結果 Result : 否決 Negatived

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員	MEMBER	投票	VOTE	議員	MEMBER	投票	VOTE
張國鈞	CHEUNG Kwok-kwan	出席	PRESENT	張超雄	Dr Fernando CHEUNG	反對	NO
涂謹申	James TO			黃碧雲	Dr Helena WONG	反對	NO
石禮謙	Abraham SHEK	贊成	YES	葉建源	IP Kin-yuen		
李國麟	Prof Joseph LEE			廖長江	Martin LIAO		
林健鋒	Jeffrey LAM			蔣麗芸	Dr CHIANG Lai-wan	贊成	YES
黃定光	WONG Ting-kwong	贊成	YES	盧偉國	Ir Dr LO Wai-kwok		
李慧琼	Starry LEE	贊成	YES	鍾國斌	CHUNG Kwok-pan		
陳健波	CHAN Kin-por	贊成	YES	楊岳橋	Alvin YEUNG	反對	NO
梁美芬	Dr Priscilla LEUNG	贊成	YES	朱凱迪	CHU Hoi-dick	反對	NO
黃國健	WONG Kwok-kin			吳永嘉	Jimmy NG	贊成	YES
葉劉淑儀	Mrs Regina IP	棄權	ABSTAIN	何君堯	Dr Junius HO	贊成	YES
謝偉俊	Paul TSE			何啟明	HO Kai-ming		
毛孟靜	Claudia MO	反對	NO	林卓廷	LAM Cheuk-ting	反對	NO
何俊賢	Steven HO			周浩鼎	Holden CHOW	贊成	YES
胡志偉	WU Chi-wai	反對	NO	陳淑莊	Tanya CHAN		
馬逢國	MA Fung-kwok			許智峯	HUI Chi-fung		
莫乃光	Charles Peter MOK	反對	NO	陸頌雄	LUK Chung-hung		
陳志全	CHAN Chi-chuen	反對	NO	劉國勳	LAU Kwok-fan		
陳恒鏞	CHAN Han-pan	贊成	YES	劉業強	Kenneth LAU		
梁志祥	LEUNG Che-cheung	贊成	YES	鄭松泰	Dr CHENG Chung-tai	反對	NO
麥美娟	Alice MAK			鄭俊宇	KWONG Chun-yu	反對	NO
郭家麒	Dr KWOK Ka-ki	反對	NO	譚文豪	Jeremy TAM		
郭偉強	KWOK Wai-keung	贊成	YES	Gary FAN	Gary FAN	反對	NO
郭榮鏗	Dennis KWOK	反對	NO	區諾軒	AU Nok-hin	反對	NO
張華峰	Christopher CHEUNG	贊成	YES				

秘書 CLERK 