

立法會
Legislative Council

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(These minutes have been seen
by the Administration)

**Bills Committee on Improving Electoral System
(Consolidated Amendments) Bill 2021**

**Minutes of the eighth meeting
held on Friday, 23 April 2021, at 9:00 am
in Conference Room 1 of the Legislative Council Complex**

- Members present** : Hon Martin LIAO Cheung-kong, GBS, JP (Chairman)
Hon CHEUNG Kwok-kwan, JP (Deputy Chairman)
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon CHAN Hak-kan, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Frankie YICK Chi-ming, SBS, JP
Hon MA Fung-kwok, GBS, JP
Hon Alice MAK Mei-kuen, BBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Wilson OR Chong-shing, MH
Dr Hon CHENG Chung-tai
- Public Officers attending** : Mr Erick TSANG Kwok-wai, IDSM, JP
Secretary for Constitutional and Mainland Affairs
- Mr Roy TANG Yun-kwong, JP
Permanent Secretary for Constitutional and Mainland Affairs
- Ms Cherie YEUNG Lok-sze
Principal Assistant Secretary (Constitutional and Mainland
Affairs) 2
- Ms Carmen KONG Ka-man
Principal Assistant Secretary (Constitutional and Mainland
Affairs) 3

Mr Llewellyn MUI Kei-fat
Law Officer (Special Duties) (Acting)
Department of Justice

Mr Peter SZE Chun-fai
Senior Assistant Law Draftsman
Department of Justice

Miss Emma WONG
Senior Assistant Law Draftsman
Department of Justice

Clerk in attendance : Mr Lemuel WOO
Chief Council Secretary (4) 6

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

Mr Dennis HO
Senior Council Secretary (4) 7

Ms Sandy HAU
Legislative Assistant (4) 4

Miss Emma LAM
Clerical Assistant (4) 4

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I. Meeting with the Administration

[File Ref.: CMAB C1/30/5/5, LC Paper Nos. CB(3)444/20-21, LS65/20-21, CB(4)814/20-21(01) and (02), CB(4)836/20-21(01), CB(4)870/20-21(01), CB(4)827/20-21(01), CB(4)858/20-21(01) and CB(4)859/20-21(01) and (02)]

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

(At 11:24 am, the Deputy Chairman took the chair in the temporary absence of the Chairman. The Chairman resumed the chair at 12:30 pm.)

Discussion/Clause-by-clause examination

Introducing new offence under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) to prohibit any person from inciting another person not to vote, to cast a blank or invalid vote by way of public activity during an election period

Clause 366: Proposed new section 27A in Cap. 554

2. Ir Dr LO Wai-kwok indicated support for the proposed new section 27A in the Elections (Corrupt and Illegal Conduct) Ordinance (Cap.554). Ir Dr LO considered that, as this proposed new section was to implement Article 9 of Annex I and Article 6 of Annex II to the Basic Law (as amended by the Standing Committee of the National People's Congress ("NPCSC")) which stated that "the Hong Kong Special Administrative Region ("HKSAR") shall, in accordance with the law, take measures against acts of manipulating or undermining election", this legislative intent should be clearly set out in the proposed new section 27A to forestall any misunderstanding that individual acts of not voting or casting invalid votes would be criminalized.

3. Dr Priscilla LEUNG said that while the illegal conduct of "incitement" might have the element of "intent to incite" in it, this was different from the "intent to manipulate or undermine an election" which was the targeted act in the amended Annexes I and II to the Basic Law. In this connection, she suggested inserting the phrase", *with the intent to manipulate or undermine the election*" after "A person engages in illegal conduct at an election if the person carries out any activity in public" in section 27A(1) to make it clear that casual talk in public about one's decision not to vote, or to cast an invalid vote, or even one's act of not voting would not constitute an offence.

4. Mr Paul TSE said that without including the element of "with intent to manipulate or undermine an election" to the definition of illegal conduct under the proposed section 27A, the proposed defence provided under section 27A(4) would be of little help. Mr TSE said that there were numerous reasons by which one might incite another person not to vote, e.g. owing to the severe weather, which had nothing to do with manipulating or undermining an election. If that person was charged with an offence for having engaged in the illegal act under the proposed section 27A(1), he could not rely on those reasons as defence. In response to Mr TSE's enquiry, Law Officer (Special Duties) of the Department of Justice ("LO(SD)/DoJ") pointed out that the prosecution would only need to prove that the defendant had an "intent to incite" but there was no need to prove any "intent to manipulate, interfere and undermine the election".

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5. Mr Paul TSE said that while the amended Annexes I and II to the Basic Law did require HKSAR to take measures against acts of manipulating or undermining election in accordance with the law, he did not believe that it was NPCSC's intention to "overkill" or "overcorrect" such acts by creating extra burdens to the general public unnecessarily. Dr Priscilla LEUNG concurred with Mr TSE and urged the Administration to carefully consider members' suggestions.

6. Mrs Regina IP said that she did not have any strong view against including the elements of "wilfully" or "deliberately" in defining the proposed illegal conduct if it could prevent the innocent from being prosecuted. She also cautioned that, as the defence of "lawful authority" and "reasonable excuse" should have been interpreted by the courts in common law cases, care should be exercised if new legal concept or terms were to be introduced into the legislation.

Activity in public

7. The Deputy Chairman noted that it was suggested in the proposed section 27A(5)(a) that "activity in public" would include any form of communication to the public or any conduct observable by the public. He asked if someone in premises of a private organization or enterprise called on others in those premises not to vote or cast an invalid vote, whether the act would satisfy the definition of an "activity in public" so that it would constitute an illegal conduct. In reply, LO(SD)/DoJ said that it would depend on whether the message disseminated within the premises could be received or observed by members of the public.

8. Dr CHENG Chung-tai agreed that messages sent through social media to incite others not to vote would fall within the definition of "activity in public". However, it was less clear for the activities in the proposed section 27A(5)(b) (i.e. any conduct (not being a form communication) observable by the public) as they were too broad in scope and ambiguous. He was concerned that what one wore or his gestures made during the election period could easily be framed as symbolizing an act to incite others not to vote, so that he/she would be charged with the offence of having engaged in the illegal conduct under the proposed section 27A(1). For this reason, Dr CHENG said that the "intent to manipulate or undermine an election" should be made a basic element of the proposed illegal conduct under section 27A(1).

9. In response, Secretary for Constitutional and Mainland Affairs ("SCMA") said that there was a high threshold for the conviction of a criminal offence in court and, as far as the proposed section 27A was concerned, the prosecution had to prove with evidence that an activity constituted the illegal conduct in section 27A(1).

The applicability of the proposed new section 27A on acts outside Hong Kong

10. The Deputy Chairman enquired whether an activity in public to incite others not to vote or to cast invalid votes could be charged as an offence if the activity was conducted outside Hong Kong. In reply, Permanent Secretary for Constitutional and Mainland Affairs ("PSCMA") advised that the current section 5 of Cap. 554 had already provided that the Ordinance applies to all conduct concerning an election, whether the conduct was carried out within Hong Kong or elsewhere.

11. Mr MA Fung-kwok enquired what measures would be taken against the illegal conduct under the proposed section 27A if it was performed outside Hong Kong and by a non-Hong Kong resident. In reply, PSCMA said that if the illegal conduct was performed by disseminating a message via the Internet, the Police was authorized to request the Internet platforms to take down the messages. PSCMA further said that anyone who committed an offence under Cap. 554 outside Hong Kong could be arrested and prosecuted on entering Hong Kong's territory.

Proposed new offence under Cap.554 to prohibit any person from willfully obstructing or preventing another person from voting at an election

Clause 362: Proposed new section 14(1A) of Cap. 554

12. Mr WONG Kwok-kin said that he was more concerned about other activities to manipulate or undermine the election such as taking away others' identity cards, locking away someone from voting, or wilfully guiding others to a wrong polling station, etc. Ms Alice MAK also said that her supporters had told her that someone persuaded them not to vote by misleading them that others would know which candidate they had voted for. They enquired whether these activities could be classified as "inciting another person not to vote" and charged as illegal conduct under the proposed section 27A.

13. In response, PSCMA said that if a person wilfully obstructs or prevents another person from voting at the election or gets another person to obstruct or prevent a third person from voting at the election, as in Mr WONG Kwok-kin's example, he might have engaged in corrupt conduct under the proposed new section 14(1A) of Cap. 554. On the other hand, if a person, by deception, induced another person to vote or not to vote as mentioned in Ms Alice MAK's example, the person concerned might have engaged in the corrupt conduct under section 14(1) of Cap. 554.

14. Ir Dr LO Wai-kwok noted that in previous public elections, someone had joined and left the line of voters queuing outside the polling stations repeatedly

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which might be out of the malicious motive of prolonging the voting process or discouraging others from voting. He enquired whether such acts would be regulated by the proposed new section 14(1A) of Cap. 554. PSCMA said that depending on the circumstances, the activities might be an activity sought to be prohibited under the proposed section 14(1A). He added that, in a precedent case in which the situation mentioned by Ir Dr LO Wai-kwok occurred, the Presiding Officer ("PRO") of the polling station concerned considered that a person was wilfully disrupting the order of a polling station and thus solicited the Police's assistance.

15. Dr CHENG Chung-tai enquired whether the act of taking away the identity cards of family members living in an elderly home on the election day would be a criminal offence under the proposed new section 14(1A) of Cap. 554 and whether it could be a valid defence under the proposed section 14(1B) if that act was performed with the intent to prevent the elderly from being forced to vote unwillingly. PSCMA replied that it would be up to the enforcement agents and the court to decide on the basis of facts and the applicable law.

16. Mr Paul TSE noted that the corrupt conduct regulated by sections 14(1) and (1A) was much more serious in nature and carried a heavier maximum penalty than the illegal conduct under the proposed section 27A. He enquired whether there might be overlaps in the activities to be regulated by both sections and, if so, what factors would be considered in deciding which section(s) would be triggered for prosecutions against the act.

17. In response, LO(SD)/DoJ said that there were diverse scenarios in which corrupt conduct and illegal conduct might be involved. As such, one could not rule out the possibility that the activities in certain scenarios might be classified as corrupt conduct and illegal conduct at the same time. When deciding which offence(s) a person should be charged with, the Department of Justice ("DoJ") would take into account the circumstances, the applicable law and the prosecution policy in making the prosecution decisions. In view of LO(SD)/DoJ's reply, Mr TSE said that as the illegal conduct of inciting another person not to vote under the proposed section 27A might also be charged as a corrupt conduct to obstruct or prevent another person from voting at the election under the proposed new section 14(1A), he had doubt as to the necessity of the proposed section 27A.

18. Dr CHENG Chung-tai noted that two activities originally classified as corrupt conduct under section 14, i.e. (e) obstructs or prevents another person from voting at the election and (f) gets another person to obstruct or prevent a third person from voting at the election, was proposed to be moved to the new section 14(1A). Dr CHENG enquired whether, by making this change, it was no longer necessary to prove that there was an element of deception in the above

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activities before they could be charged as "corrupt conduct". PSCMA replied in the affirmative. He said that with the proposed new section 14(1A), taking away the identity card of an elderly to prevent/obstruct him/her from voting would be an offence even if no deception was involved.

19. Senior Assistant Legal Adviser 3 drew members' attention to the proposed new section 14(1B) and said that the proposed defence provided therein, i.e. "lawful authority or reasonable excuse" would only apply to the conduct (i.e. wilful obstruction etc.) under the proposed new section 14(1A) but not the deceptive conduct under section 14(1).

Empowering PROs to set up a special queue for electors in need in public elections

Clause 112: Proposed new section 49A of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D)

20. Members supported the proposal of setting up special queues for electors in need in public elections. Dr Priscilla LEUNG pointed out that the electors in need, especially elderly, would very often require other persons to accompany them to the polling stations ("the accompanying persons"). Given that the persons who could queue up in the special queues were clearly defined in the proposed new sections in the respective regulations, Dr LEUNG was concerned about the arrangement regarding the accompanying persons. Ms Alice MAK and Mr Wilson OR shared the same concern.

21. In reply, PSCMA explained that it was the Electoral Affairs Commission's view to specify a list of persons who could queue up in the special queue, which would make it more convenient for the PRO to act in accordance with the law. He also said that in previous public elections, PROs had all along been exercising their discretionary powers in deciding whether to allow accompanying persons to enter the polling stations together with the electors in need. Appropriate training and guidelines had also been provided to PROs and other electoral staff to cater to such situations in the polling stations.

22. In response to Dr Priscilla LEUNG's enquiry as to whether the accompanying persons could also queue up in the special queue, PSCMA was of the view that the accompanying person should vote by joining the normal queue.

23. Ms Alice MAK also pointed out that even if the accompanying persons were admitted into the polling stations together with the electors in need, it was unknown whether the accompanying persons could vote at the same time or had to join the normal queue. She also asked the Administration to consider whether the same person might accompany more than one elector in need to the polling station. Mr Wilson OR also noted that in previous elections, different PROs sometimes had

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different understanding about whether they had the discretionary power to make a certain decision, so that the practices adopted in different polling stations were inconsistent.

24. Mr Paul TSE considered the arrangement unsatisfactory as it remained unknown whether the accompanying persons would be admitted into the polling stations together with the electors in need, which created uncertainties for the voters. Mr TSE made two suggestions on improving the situation: to specify in the regulations the conditions for the accompanying persons to be admitted; or to make it clear in law that PRO had the discretionary power in deciding whether to admit the accompanying persons. Ms Alice MAK and Mr Wilson OR agreed to Mr TSE's second suggestion. They also suggested that the Administration should provide better training and clearer guidelines for PROs and electoral staff of the polling stations to ensure the consistency of practices across different polling stations.

25. Mr Tommy CHEUNG said that while he supported providing the PROs with the discretionary power to allow persons to accompany the electors in need to enter the polling stations, he was concerned whether the voting behaviour of the electors in need would be influenced by the accompanying persons. In response, PSCMA clarified that even if the accompanying person was allowed to enter the polling station together with an elector in need, the person could not enter the voting compartment when the elector in need was casting his/her vote.

26. Mr Wilson OR enquired why the age limit for persons eligible to use the special queue was set at "not less than 70 years of age" while it was generally accepted in the community that persons aged over 65 were elderly as they were eligible for the Senior Citizen Card. PSCMA said that the decision was made having regard to the practical consideration that, if the minimum age limit for persons eligible to use the special queue was lowered to, say, 65, the number of potential users of the special queue would increase by more than 20%. In this connection, the special queue might become overcrowded which would undermine the legislative intent of setting it up.

27. In response to the Chairman, SCMA undertook to consider members' views and suggestions relating to the proposed new section 49A of Cap. 541D.

Empowering the Chief Electoral Officer to require schools and non-government organizations receiving grants from the Government to make available their premises for use as polling and/or counting station(s) in public elections

Clause 102: Proposed new section 28A in Cap. 541D

28. Members enquired about the legislative intent of the proposed new section 28A in Cap. 541D. In reply, PSCMA explained that when preparing for public elections in the past, the Administration had experienced difficulties in requesting certain schools and non-government organizations ("NGOs") to make available their premises for use as polling and/or counting stations, notwithstanding the fact that these schools and NGOs were receiving grants from the general revenue.

29. Mr CHAN Hak-kan said that as it was all too easy for schools and NGOs to make excuses for refusing to make available their premises, he supported empowering the Chief Electoral Officer ("CEO") to require schools and NGOs to make available their premises for use as polling and/or counting station(s) in public elections.

30. Ms Alice MAK said that in order to ensure the effective implementation of the legislative intent of the proposed new section 28A of Cap. 541D, the Constitutional and Mainland Affairs Bureau should communicate with the Education Bureau ("EDB"), asking it to convey the election dates to all schools so that they would not plan activities, e.g. Open Day, on those days which might be used as an excuse for not making their premises available. Mr Wilson OR agreed with Ms MAK but considered that the Labour and Welfare Bureau ("LWB") should also be required to communicate the election dates to NGOs. Mr Tommy CHEUNG suggested that, even if schools and NGOs had already planned activities to be held on the election dates, CEO should be empowered to override their decisions and require the schools/NGOs to make available their premises.

31. Dr CHENG Chung-tai enquired whether the owner or occupier of the targeted premises, who genuinely believed that their premises were unsuitable for use as polling and/or counting stations, would be given opportunities to make representation to CEO. In response, PSCMA said that under the proposed new section 28A(1)(a) of Cap. 541D, the authorized person would carry out a site visit and if he/she found that the premises were not suitable for use as a polling station or counting station, the owner or occupier would not be required to make the premises available. Dr CHENG asked whether some other private premises receiving government funds might also be treated as target premises under the proposed new section 28A. PSCMA explained that "target premises" would only cover schools or buildings described in section 28(2)(c) or (d) or any part of it.

User fee for the period during which the premises are used as polling and/or counting stations

32. Mr Paul TSE considered that the Administration was fully entitled to require those schools and NGOs receiving Government grants to make available their premises for use as polling and/or counting station(s) and, therefore, it was ludicrous that the Administration had to set up such a complex mechanism by legislation, which was fraught with implementation difficulties. In particular, he criticized the procedure for determining the user fee payable under the proposed section 28A(4) as rather clumsy. He suggested that the user fee payable should be calculated by a formula provided in law with all the parameters for calculation clearly specified, rather than relying on an agreement to be reached between CEO and the owner/occupier or, if an agreement could not be reached, being determined by the court.

33. In response, Senior Assistant Law Draftsman, Department of Justice ("SALD/DoJ") explained that it was the Administration's intent to stipulate clearly in the proposed new section 28A that the amount was to be determined by court "by reference to the loss suffered by the person", as there were many other possible ways of calculation.

34. The Chairman and the Deputy Chairman enquired whether consequential amendments to the High Court Ordinance (Cap. 4) or other legislation was required to provide the court procedure for determination of the user fee. In reply, SALD/DoJ said that under the new section 28A(6)(a) of Cap. 541D, a user fee payable under the proposed section 28A(3) was recoverable as a civil debt due from the Government and the usual procedure for recovering a civil debt would apply for the owner or occupier to recover the user fee, and the amount would be determined by court during the same court proceedings to be initiated by the claimant. Mr Paul TSE commented that the drafting of the proposed section 28A(4)(b) was confusing.

Financial penalty for non-compliance with a requirement made under the proposed section 28A(1)

35. Mr Paul TSE, Mr CHAN Hak-kan and Mrs Regina IP all considered that the proposed financial penalty of \$10,000 under section 28A(5) of Cap. 541D was grossly inadequate to achieve any deterrent effect, also considering that the penalty might be paid out of the government grants. Mr Tommy CHEUNG suggested that instead of imposing a one-off financial penalty, the schools and NGOs who refused to make available their premises should be urged to do so repeatedly and, on each occasion of refusal, another financial penalty of \$10,000 should be imposed to elevate the deterrent effect.

36. In response, PSCMA said that while the amount of financial penalty might be considered as not high enough, it could alert the management bodies of the schools and NGOs concerned to their refusal to make available the premises. SCMA said that this could create a deterrent effect to some extent.

37. Mr Paul TSE disagreed with SCMA and said that the mechanism was too indirect to be effective. Mr Frankie YICK also took the view that alerting the management bodies of the schools and NGOs might not be a useful way as the management might support the stance of schools and NGOs, and ultimately the penalty would be taken from the government grants.

38. Mr Paul TSE suggested that it should be more effective to reduce the grants to those schools and NGOs, or their management bodies, right after they had refused to make available their premises, with warning letters issued to them for record purpose. Mr TSE further suggested that, if licences were required for the continuous operation of the management bodies concerned, relevant terms be included in the licences to require that their premises be made available for use as polling and/or counting stations when required.

39. Dr Priscilla LEUNG criticized those schools and NGOs which refused to make available their premises for failing to fulfill their civic responsibilities. She recalled that in previous elections, some elderly voters had to travel long distances to the polling stations because the school(s) or NGO(s) in closer proximity did not make available their premises. She suggested that for schools and NGOs which refused to make available their premises and were required to pay the financial penalty of \$10,000, EDB and LWB should be notified with a view to taking appropriate actions, such as reducing the grants in the following year, against the organizations concerned.

40. In response, PSCMA said that EDB had been involved in the past to communicate with the targeted schools, hence the Administration considered it necessary to enact the proposed new section to achieve a better result.

41. Dr Priscilla LEUNG said that to her understanding, a fine was a criminal liability but she noted that the wording in the proposed new section 28A(6)(b) was "as a civil debt". Dr LEUNG requested the Administration to clarify this and enquired whether it would consider changing "financial penalty" to "fine" to make it a criminal offence to elevate the deterrent effect.

42. In response to the enquiries of Dr Priscilla LEUNG and the Senior Assistant Legal Adviser 3, SALD/DoJ said that the nature of a financial penalty under the proposed section 28A(5) was not criminal and it was the Administration's intent to

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treat it as a civil debt that is recoverable by the Administration without a conviction of criminal offence in court. In response to Dr LEUNG's enquiry on whether the financial penalty was to be paid by the owner or occupier of the premises concerned, PSCMA explained that it depended on who was refusing to comply with the legal requirement.

43. Senior Assistant Legal Adviser 3 further enquired whether the person liable to pay the penalty would be given an opportunity to make representations or to appeal against the imposition of the penalty. In response, SALD/DoJ said that there was no such opportunity available under the current mechanism. Mr Paul TSE considered that this could constitute a lack of due process and safeguards.

44. The Chairman invited the Administration to take note of members' views, in particular, the consensus from members that a heavier financial penalty should be imposed. SCMA took note of members' views and undertook to relay members' concerns to relevant bureaux and bodies; he also undertook to review the amount and relevant procedures of both the financial penalty and user fee payable.

Clause 52: Registration of electors of Legislative Council ("LegCo") functional constituencies ("FCs") and voters of Election Committee ("EC") subsectors

45. Members noted that in the light of the major changes in the composition of FCs and EC subsectors, the Administration would make special arrangements to allow newly eligible and affected electors/voters to handle their voter registration ("VR") matters, ahead of the 2021 LegCo General Election and 2021 EC Subsector Ordinary Elections to be held on 19 December and 19 September 2021 respectively ("special VR arrangements for 2021"). The Administration would specify 5 July 2021 (instead of 14 June 2021 as proposed in the Bill) as a special VR deadline,¹ allowing individuals and bodies who were eligible to register in the FCs and EC subsectors which were newly created or whose registration eligibilities had been revised, as well as the electors/voters who were no longer eligible to register in and omitted from their original FCs/EC subsectors, but eligible to register in other FCs/EC subsectors, to submit VR applications. Mr Paul TSE expressed concerns that some existing electors/voters might not be aware of the special VR arrangements for 2021 and therefore might miss the special VR deadline.

46. Principal Assistant Secretary (Constitutional and Mainland Affairs) 3 ("PAS(CMA)3") responded that the Registration and Electoral Office would make

¹ The Administration had proposed to extend the special VR deadline from 14 June to 5 July 2021. The Administration advised that amendments to the Bill would be proposed accordingly.

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available new guidelines and VR forms on its website after consulting the Electoral Affairs Commission. After the passage of the Bill, the Administration would step up publicity efforts to promote the special VR arrangements for 2021 including the proposed special VR deadline for eligible individuals and bodies.

Clause 42: Notifications sent by the Electoral Registration Officer ("ERO")

47. Noting that under the proposed section 12 of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B), ERO might send notifications to eligible persons for the purpose of compiling provisional registers of FCs and EC subsectors, Ms Alice MAK requested the Administration to provide a list of such FCs and EC subsectors. Mr Frankie YICK also requested the Administration to include in the list details of the special VR arrangements for 2021 for each FC and EC subsector in an easy-to-understand manner. PAS(CMA)3 agreed to provide such a list.

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Clause 53: Appointment of authorized representatives ("ARs") by corporate elector/voter

48. As for the appointment of ARs provided for in the existing section 20 of Cap. 541B, Ms Alice MAK considered it necessary to specify in the section that the ARs appointed had to be at the management level of the corporate elector/voter concerned. Mr Frankie YICK, however, did not concur with Ms MAK's view. He considered it more important for the corporate elector/voter to appoint a trustworthy and loyal person as AR to cast votes on behalf of the corporate elector/voter concerned. PAS(CMA)3 advised that the current provisions in the section allowed flexibility for corporate electors/voters in appointing ARs. She added that members' views were noted.

49. Members noted that amendments would be proposed by the Administration to the Bill for implementation of the special VR arrangements for 2021 as mentioned in paragraph 45 above.

50. Members noted that the next meeting would be held on Saturday, 24 April 2021, from 9:00 am to 1:00 pm.

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II. Any other business

51. There being no other business, the meeting ended at 12:55 pm.

Council Business Division 4
Legislative Council Secretariat
13 September 2021

**Proceedings of the eighth meeting of the
Bills Committee on Improving Electoral System
(Consolidated Amendments) Bill 2021
on Friday, 23 April 2021, at 9:00 am
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000352 - 000450	Chairman	Opening remarks	
000451 - 003558	Chairman Deputy Chairman Ir Dr LO Wai-kwok Mr WONG Kwok-kin Dr CHENG Chung-tai Mr MA Fung-kwok Dr Priscilla LEUNG Ms Alice MAK Mrs Regina IP Mr Paul TSE Administration	Continuation of clause-by-clause examination of the Improving Electoral System (Consolidated Amendments) Bill 2021 ("the Bill") <u>Examination of clauses 366 and 367(1) of the Bill</u> - Discussion on the proposed new offence under the proposed new section 27A of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), which prohibited any person from inciting another person not to vote, or to cast an invalid vote, by activity in public during the election period	
003559 - 004918	Chairman Dr CHENG Chung-tai Mr Paul TSE Senior Assistant Legal Adviser ("SALA") Administration	<u>Examination of clause 362 of the Bill</u> - Discussion on the proposed new offence under the proposed new section 14(1A) of Cap. 554, which prohibited any person from wilfully obstructing or preventing another person from voting at an election	
004919 - 011529	Chairman Mr Paul TSE Dr Priscilla LEUNG Ir Dr LO Wai-kwok Mrs Regina IP Ms Alice MAK Mr WONG Kwok-kin Dr CHENG Chung-tai Mr Wilson OR Mr Tommy CHEUNG Administration	<u>Examination of clauses 112, 163 and 204 of the Bill</u> - Discussion on the proposal to empower the Presiding Officers to set up a special queue for electors in need in public elections	

Time Marker	Speaker(s)	Subject(s)	Action required
011530 - 021033	Chairman Mr Paul TSE Mr CHAN Hak-kan Dr Priscilla LEUNG Mrs Regina IP Ms Alice MAK Mr Tommy CHEUNG Dr CHENG Chung-tai Ir Dr LO Wai-kwok Mr Wilson OR Mr Frankie YICK Deputy Chairman SALA Administration	<u>Examination of clause 102 of the Bill</u> - Enquiries relating to the proposal to empower the Chief Electoral Officer ("CEO") to require schools and non-government organizations ("NGOs") receiving grants from the Government to make available their premises for use as polling and/or counting station(s) in public elections	
021034 - 022731	<i>Break</i>		
022732 - 023640	Deputy Chairman Dr Priscilla LEUNG Mr Paul TSE Administration	<u>Examination of clauses 7(2), 102, 161, 202, 258(1) and (2), 326 and 360 of the Bill</u> - Discussions on (i) the proposal to empower CEO to require schools and NGOs receiving grants from the Government to make available their premises for use as polling and/or counting station(s) in public elections; and (ii) the proposal to lift the requirement of withholding financial assistance payable until disposal of election petitions arising from Legislative Council ("LegCo") and District Council elections	
023641 - 035745	Deputy Chairman Ms Alice MAK Mr Paul TSE Mr Frankie YICK SALA Chairman Administration	<u>Examination of clauses 11, 14-17, 20, 33, 39, 40, 42-56, 59 and 60 of the Bill</u> - Discussions on (i) voter registration arrangements; (ii) notifications sent by the Electoral Registration Officer for the purpose of compiling provisional registers of LegCo functional constituencies and Election Committee subsectors; and (iii) the appointment of authorized representatives by corporate electors/voters	Admin. to provide supplementary information (para. 47 of minutes)
035746 - 035852	Chairman Members	Date of next meeting and closing remarks	