

**立法會**  
**Legislative Council**

Ref : CB4/BC/5/20

LC Paper No. CB(4)1506/20-21  
(These minutes have been seen  
by the Administration)

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

**Minutes of the tenth meeting  
held on Monday, 26 April 2021, at 9:00 am  
in Conference Room 2 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

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

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

Ms Clara WONG  
Assistant Legal Adviser 4

Miss Janice HO  
Council Secretary (4)6

Miss Vivian YUEN  
Legislative Assistant (4) 8

Mr Jason LAI  
Clerical Assistant (4) 6

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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)877/20-21(01), CB(4)858/20-21(01) , CB(4)884/20-21(01) and , CB(4)859/20-21(01) and (02)]

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

Discussion/Clause-by-clause examination

*Clause 156 - Proposed new Part 8 of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D)*

Electronic copy of the final register, or of part of the final register, created and maintained under the proposed new section 110 of Cap. 541D

2. Ir Dr LO Wai-kwok noted the slight discrepancy between the references to the electronic copy of the final register ("FR electronic copy") for use in the Legislative Council ("LegCo") elections as appearing in Cap. 541D, and the reference to electronic copy or extract of the final register ("FR") for use in the District Council elections appearing in the proposed new Part 8 of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F), and enquired about the reason for the discrepancy.

3. In response, Senior Assistant Law Draftsman, Department of Justice explained that the slight discrepancy was due to the difference in the arrangement for the printed copy of the registers as provided under the four pieces of subsidiary legislation, and thus the corresponding arrangements were adopted when stipulating the provisions for the FR electronic copies in the Bill.

4. Senior Assistant Legal Adviser 3 referred members to the proposed new section 109 of Cap. 541D in which FR electronic copy would be defined as an electronic copy of the FR, or of part of the FR, created and maintained under the proposed new section 110. As such, under the proposed new section 111(1), a person would commit an offence even if the person obtains access to part (including an extract) of the FR electronic copy without legal authority.

5. Ir Dr LO Wai-kwok suggested that the arrangements for the use of FR electronic copies in different elections should be made consistent across the four pieces of subsidiary legislation to allow greater operational flexibility for their uses. Permanent Secretary for Constitutional and Mainland Affairs ("PSCMA") undertook to consider Ir Dr LO's suggestion and see whether necessary amendments to Cap. 541D and the relevant subsidiary legislation on Election Committee and the Chief Executive elections should be made.

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6. Ir Dr LO Wai-kwok reiterated his concerns raised at the last meeting about the security measures for the protection of the FR electronic copy. While he understood the Administration's view that it might not be appropriate to include the specific technology or security measures in the Bill, he requested that the Administration should have a clear policy commitment to ensuring the security of the FR electronic copy. This would also minimize the chance of the public getting access to the FR electronic copy inadvertently. The Chairman requested the Administration to take note of Ir Dr LO's view.

*Clause 19: Proposed amended section 10 of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541A)*

7. Members noted the proposed amendments to section 10 of Cap. 541A concerning the arrangements for inspection of the omissions list. In response to Mr Paul TSE's enquiry regarding the purpose of the proposed amendments to section 10(3A) and (4) of Cap. 541A, Principal Assistant Secretary (Constitutional and Mainland Affairs) 3 ("PAS(CMA)3") advised that the purpose was to limit the particulars of a person shown on the omissions list to be made available for inspection and to tighten up the inspection procedure.

8. Mr Paul TSE questioned why such arrangements were necessary given that the omissions list only contained information about the persons which had been struck out by the Electoral Registration Officer ("ERO") from the provisional register under section 32(4)(a) and (b) of the Legislative Council Ordinance (Cap. 542), and the information should have become irrelevant for election purposes. In response, PSCMA explained that while the omissions list was compiled by ERO after inquiry procedures, the persons who were put on the omissions list might disagree with ERO's decision and lodge claims and objections. Therefore, the omissions list should not be considered as irrelevant for election purposes.

9. Mr Paul TSE noted that under the proposed new section 10(2) of Cap. 541A, which would take effect on 1 May 2022, the omissions list would be made available for inspection by "specified persons" as defined under the proposed new section 10(5) of Cap. 541A. He enquired about the policy intent of paragraph(b)(iii) of the proposed definition of "specified person" under the proposed new section 10(5) of Cap 541A.

10. In reply, PSCMA advised that when drafting the amendments, the Administration considered it necessary to cater to the bodies or organizations which might arrange for a person to stand as a candidate in the coming election for the first time. For the sake of fairness and to ensure that the arrangement could cater to genuine electioneering activities, it was proposed that the omissions list would be made available for inspection by "*a body or organization that is incorporated, or is registered or exempt from registration, under any law of Hong Kong and has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election*" under the proposed definition of "specified person" in the proposed new section 10(5) of Cap. 541A.

11. Mr Paul TSE said that he fully appreciated the legislative intent of paragraph (b)(iii) of the proposed definition under the proposed new

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section 10(5). However, he was concerned about the possible abuse of the arrangements since a body or organization might, out of an ulterior motive for inspecting the omissions list, declare a false intention to arrange for person(s) to stand as candidates at a coming election.

12. In reply, PSCMA said that once a declaration of an intention to stand as a candidate for an election had been made by a body or an organization, the relevant law and regulations governing election activities would forthwith be applicable to the body/organization. As such, paragraph (b)(iii) of the proposed definition of "specified person" should be effective in striking a proper balance between the need of the body/organization who participated in an election for the first time and the need to prevent abuse. PSCMA further said that other parts of the proposed amended section 10 of Cap. 541A would also provide additional safeguards against abuse. With the proposed new section 10(3A) to enhance personal data privacy protection, the particulars of the electors in the omissions list available for inspection by the specified persons would be quite limited. Furthermore, ERO might require a person who wishes to inspect the omissions list to produce his/her identity document and complete a form under the proposed section 10(4) of Cap. 541A.

13. The Chairman said that members did not oppose providing the omissions list to the body or organization which would take part in a coming election. They only wished that the arrangements for inspection of the omissions list would not be abused. However, he considered that the requirements of provision of identification document and completing a form, as required under the proposed section 10(4) were just procedural requirements and not safeguards.

14. The Chairman requested the Administration to take note of and consider members' concerns regarding the proposed amendments to section 10 of Cap. 541A.

*Clause 29: Proposed amendments to section 20 of Cap. 541A*

15. Mr Paul TSE pointed out that, for a person being a validly nominated candidate for a LegCo constituency falling within paragraph (c)(i) of the proposed definition of "specified person" in the proposed new section 20(7) of Cap. 541A, he/she may inspect only a copy of the section of the FR that relates to that LegCo constituency under the proposed new section 20(4D)(a). Mr TSE contrasted this arrangement to that for a body or organization which has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election, to which a full copy of the FR might be made available, and enquired about the reasons for the different treatments.

16. In response, PSCMA explained that a validly nominated candidate would only need to be concerned about the electors in his/her constituency. As a body or organization might need to have a territory-wide canvassing strategy for more than one candidate, the Administration considered that the full copy of the FR should be made available to the body/organization concerned whether they had arranged for person(s) to stand as candidate(s) at previous election(s) or not. At the request of the Chairman, PSCMA undertook to consider members' views regarding the proposed new section 20 of Cap. 541A.

17. The Chairman noted that paragraph (a) of the proposed definition of "specified person" in the proposed new section 20(7) of Cap. 541A referred to a person who was a subscriber to the Government News and Media Information System ("GNMIS") maintained by the Director of Information Services. He enquired whether there was a stringent procedure for verifying that the subscribers were authentic media organizations.

18. In response, PSCMA explained that in processing applications for subscription to GNMIS from media organizations (including online media), the Information Services Department ("ISD") would cautiously assess the organizations' profiles and proofs of news reporting activities. There were at present 200 to 300 GNMIS subscribers including about 30 online media. He added that ISD reserved the right to review and revoke a media organization's subscription to GNMIS should certain situation arise, such as when the media organization was no longer legally registered or considered a mass news media organization.

19. Mr WONG kwok-kin enquired about the detailed arrangements for making available the FR for inspection by political parties falling within paragraph (b)(i) or (b)(ii) of the proposed definition of "specified person" in the proposed new section 20(7) of Cap. 541A.

20. In reply, PSCMA said that under the current and proposed amended section 20(5) of Cap. 541A, ERO might require a person who wishes to inspect the FR to complete a form. Following the past practices, the person authorized by a political party would be required to obtain the party's authorization on the completed form, and the Registration and Electoral Office ("REO") would contact the respective political party to verify the authenticity of the authorization. In response to Mr Tommy CHEUNG's enquiry, PSCMA confirmed that the above arrangement was the same as that adopted in previous election(s).

21. Mr MA Fung-kwok enquired whether and how "specified political parties" would be defined in the Bill. PSCMA replied that in relation to the arrangement for making available the FR for inspection by specified persons in accordance with the proposed amended section 20 of Cap. 541A, "specified person" would

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include a body or organization that (i) was provided an extract for a purpose related to a previous election; (ii) was represented by a validly nominated candidate at a previous election; or (iii) has publicly declared an intention to arrange for any person to stand as a candidate at a coming election.

*Clause 64(10) - Proposed new section 29(4A) of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B)*

22. Ms Alice MAK noted that under the proposed new section 29(4A)(a) of Cap. 541B, in relation to the provisional register that was made available for inspection by "specified person" defined in the proposed new section 29(8), only the first Chinese character of the name or only the first word of the English name of the natural person registered would be identifiable. On the other hand, under the proposed new section 29(4A)(b)(ii), the name of the authorized representative of the body registered would be shown in full. She enquired about the reasons for the different treatments. In reply, PAS(CMA)3 explained that as only the name but not the residential address of the authorized representative of the body elector would be available for inspection, it was considered that his/her full name might be shown in the part of the provisional registers which contain only entries of body electors without compromising the protection of personal data privacy of the authorized representatives.

*Clause 52(6) – Proposed new section 19(1D) of Cap. 541B*

23. Ms Alice MAK noted that for an application made by a natural person for registration in a functional constituencies provisional register or a subsector provisional register under section 19 of Cap. 541B, ERO might require the applicant to submit together with the application documentary evidence that proved that the address stated in the application was the principal residential address of the applicant under the proposed new section 19(1D). While she fully understood the policy intent for requiring an address proof, she expressed concern that the complex documentation requirements might discourage the public from registering as voters. She enquired how the inconvenience might be ameliorated so as to encourage voter registration.

24. In response, PAS(CMA)3 explained that REO would accept documents such as bills or invoices issued by providers of public utilities, statements or correspondence issued by banks or telephone bills issued within the last three months as proof of address. REO would also accept a declaration signed by an elector, who was residing with another person shown on the bill/invoice/statement/correspondence at the same residential address,

confirming that such other person was living with the elector at the same address as proof of address for that other person. In response to Ms Alice MAK's request, PAS(CMA)3 said that flexibility could be exercised as far as practicable.

25. As members raised no other question or issues, the Chairman announced that the Bills Committee had completed the clause-by-clause examination of the Bill. He instructed that any amendments to the Bill to be proposed by the Administration or members should reach the Secretariat by 3:00 p.m. on Thursday, 29 April 2021.

26. Members agreed that the next meeting would be held on Friday, 30 April 2021, from 9:00 am to 1:00 pm to discuss any proposed amendments to the Bill.

## **II. Any other business**

27. There being no other business, the meeting ended at 11:48 am.

Council Business Division 4  
Legislative Council Secretariat  
7 September 2021

**Proceedings of the tenth meeting of the  
Bills Committee on Improving Electoral System  
(Consolidated Amendments) Bill 2021  
on Monday, 26 April 2021, at 9:00 am  
in Conference Room 2 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000403 - 000518	Chairman	Opening remarks	
000519 - 002419	Chairman Ir Dr LO Wai-kwok Mr Paul TSE Senior Assistant Legal Adviser ("SALA") Administration	Continuation of clause-by-clause examination of the Improving Electoral System (Consolidated Amendments) Bill 2021 ("the Bill")  <u>Examination of clauses 156, 173, 219 and 240 of the Bill</u>  - Discussions on the discrepancy between the terms "electronic copy of the final register ("FR electronic copy")" and "electronic copy or extract of the final register ("FR")" used across different pieces of subsidiary legislation  - Concerns about the security measures for the protection of the FR electronic copy	<b>Admin. to consider whether amendments should be made (para. 5 of minutes)</b>
002420 - 004031	Chairman Administration	<u>Examination of clauses 110(1)-(3), 122, 123, 150(1), 157(1), 162, 165, 166, 171(1), 172, 174(1), 203, 216(1), 220(1), 228, 230, 237 and 238 of the Bill</u>	
004032 - 012159	Chairman Mr Paul TSE Administration	<u>Examination of clauses 299(3)-(5), 417(3), (5) and (6), 19(1), (4), (5) and (6), 23(1), (4), (5), (7), (8)-(11), (12), (13) and (15) and 29(1), (4)-(9),(10), (11) and (13) of the Bill</u>  - Discussions relating to the definition and appropriate scope of "specified persons", including media organizations, who are allowed to inspect registers and omissions lists  - Concerns about the possible abuse of the inspection rights on registers, for example of a body or an organization, and relevant safeguards  - Enquiries relating to the information contained in the omissions list	

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
012200 - 015304	Chairman Ms Alice MAK Administration	<u>Examination of clauses 58(1), (4), (5)-(7),(8) and (9), 64(1), (4), (5)-(7), (9), (10), (11), (12) and (14), 72(1), (5)-(10), (11), (12), (14) and (15) and 73(1)-(4),(5) and (6)-(7) of the Bill</u>  - Enquiry about different particulars of a natural person and those of the authorized representative of a corporate elector/voter registered, that were available for inspection	
015305 – 020928	<i>Break</i>		
020929 - 024446	Chairman Ms Alice MAK Mr WONG Kwok-kin Mr MA Fung-kwok Mr Tommy CHEUNG Administration	<u>Examination of clauses 14(2), 52(6), 30, 74, 1(7), 5, 6, 8, 80(15), (16), 134, 147(1), 150(2), 157(2), 160, 161, 167-169, 171(2), 174(2), 206, 207 and 220(2) of the Bill</u>  - Discussions on the requirement of providing an address proof  - Enquiries relating to the detailed arrangements for making available the FR of electors for inspection by political parties	
024447 - 024826	Chairman Dr Priscilla LEUNG	Enquiry about the arrangements for proposing amendments to the Bill	
024827 - 025110	Chairman Members Administration	Date of next meeting and closing remarks	