



立法會秘書處
LEGISLATIVE COUNCIL SECRETARIAT

LC Paper No. CB(4)884/20-21(01)

來函檔號 YOUR REF :
本函檔號 OUR REF : LS/B/26/20-21
電話 TELEPHONE : 3919 3511
圖文傳真 FACSIMILE :
電郵 EMAIL : cwong@legco.gov.hk

By Email (cherieyeung@cmab.gov.hk)

23 April 2021

Ms Cherie YEUNG
Principal Assistant Secretary
(Constitutional & Mainland Affairs)2
Constitutional and Mainland Affairs Bureau
12/F, East Wing, Central Government Offices
2 Tim Mei Avenue, Tamar
Hong Kong

Dear Ms YEUNG,

Improving Electoral System (Consolidated Amendments) Bill 2021

Further to our letters dated 16 and 20 April 2021 respectively, we set out our observations on the Chinese text of the Bill **at Annex**. We should be grateful for your reply in both languages as soon as possible.

Yours sincerely,

(Clara WONG)
Assistant Legal Adviser

c.c. Department of Justice
(Attn: Mr Peter SZE, Senior Assistance Law Draftsman)
(By email: petersze@doj.gov.hk)
(Attn: Mr Wallance NG, Government Counsel)
(By email: wallanceng@doj.gov.hk)
Legal Adviser
Senior Assistant Legal Adviser 3
Clerk to Bills Committee

Part 3 of the Bill

1. Clause 18

In the proposed section 9(5)(a)(i)(B) of Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541A), please consider whether the Chinese rendition of the phrase "both days inclusive" should be "包括首尾兩天" instead of "包括該兩日".

2. Clauses 19 and 29

(a) In paragraph (a) of the definition of "specified person" under the proposed section 10(5) of Cap. 541A, it appears that the Chinese character "戶" is used. Please consider whether "户" should be used instead.

(b) The same issue also arises in Clause 29 (i.e. the proposed section 20(7) of Cap. 541A). Please consider if necessary amendments shall be made.

3. Clauses 102, 161 and 202

(a) Under the proposed section 28A of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D), "owner" would mean, among others, a person who appears to be the owner of "... an undivided share in the land that relates to the premises". The proposed Chinese rendition for this meaning is "... 該土地的關乎該處所的不可分割份數". Please consider whether the Chinese rendition should be revised to "在該土地關乎該處所的不可分割份數" to improve its clarity.

(b) The same issue also arises in the proposed section 31A of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F) (see clause 161) and the proposed section 28A of Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I) (see clause 202).

4. Clause 185

Under the proposed section 2B (4) of Cap. 541I, please consider whether "一份登記表格" should be revised to "1 份登記表格" to tally with the new drafting style.

Part 4 of the Bill

5. Clause 271

It is proposed that "(xxii) Board of Governors of post secondary colleges registered under the Post Secondary Colleges Ordinance (Cap. 320)" be added to section 20E(b) the Legislative Council Ordinance (Cap. 542). Please consider whether the word "成員" should be added after "校董會" in the proposed section 20E(b)(xxii).

6. Clause 284

It is proposed that "; and" in section 20X(b)(xii) of Cap. 542 be repealed and substituted by a full stop. Please consider whether the word "及" should be added after "香港布廠商會；" in section 20X(b)(x) of Cap. 542.

7. Clause 312

In the proposed section 49(4) of Cap. 542, please consider whether "一名" should be revised to "1 名" to tally with the new drafting style.

Part 7 of the Bill

8. Clause 401

- (a) In the proposed section 5L(3)(a) of the Schedule to the Chief Executive Election Ordinance (Cap. 569), please confirm whether "政府的主要官員", i.e. principal official of the Government, has the same meaning as the principal official(s) referred to in the proposed section 9A(4) of Cap. 569 (see clause 383), i.e. official(s) appointed pursuant to a nomination under Article 48(5) of the Basic Law; and
- (b) In the proposed section 5M(1)(c) of the Schedule to Cap. 569, please clarify the meaning of "在提交登記表格當日前的 5 年內被裁定或曾被裁定犯以下罪行...". Please also explain why it is necessary for the English text to refer to "is or has been convicted" within the relevant 5-year period. Is this provision intended to cover any conviction subsequently overturned?

9. Clause 405

In the proposed section 6A(f) of the Schedule to Cap. 569, please clarify whether the registered Chinese name of "Mainland China (Fujian, Xiamen) Consultant Services Centre, The Hong Kong Federation of Trade Unions" should be revised to include a reference to "福建" in "工聯康齡長者服務社 (中國香港)廈門代表處" to correspond to the reference to "Xiamen" in the English text;

10. Clause 420(3)

In the propose section 18(2) of the Schedule to Cap. 569, please consider adding "被" immediately before "提名為界別分組選舉中的候選人" to tally with the corresponding English text "...being nominated (emphasis added) as a candidate at a subsector election...".

11. Clause 427

In the proposed section 39D(b) of the Schedule to Cap. 569, please clarify whether the corporate member of the Hong Kong Chinese Enterprises Association is entitled to vote at the Board of Association ("董事會") or at the Council of the Association ("會董會").

12. Clause 434

- (a) In the proposed Annex 2 of the Schedule to Cap. 569, item 48, please clarify whether the registered Chinese name of Hong Kong Yee Yee Tong Chinese Medicine Merchants Association Ltd. should read "香港南北葯材行以義堂商會有限公司" or "香港南北藥材行以義堂商會有限公司".¹
- (b) In the proposed Annex 5 of the Schedule to Cap. 569, items 3 and 6 refer to 香港中華煤氣有限公司 (The Hong Kong and China Gas Company Limited) and 機場管理局 (Airport Authority) respectively. Should the underlined characters be changed to 煤 and 場 respectively?
- (c) In the proposed Annex 6 of the Schedule to Cap. 569, item 4 refers to 中國委託公証人協會有限公司 (Association of China-Appointed Attesting Officers Limited).² Should "委託" be changed to "委托" instead?
- (d) In the proposed Annex 6 of the Schedule to Cap. 569, please clarify, in respect of item 6, whether the registered Chinese name of The Small and Medium Law Firms Association of Hong Kong under the Societies Ordinance (Cap. 151) should be "香港中律協" or "香港中小型律師行協會".³

¹ https://www.csb.gov.hk/hkgcsb/glossary/glossary_search_tc_mobile.php?search_name1=a&search_name2=&catall=&cs=&exact=&and_or=and&display_order=t&page=2107
[Link to glossary on the Civil Service Bureau website.]

² <https://www.caa.org.hk/eng/> [Accessed on 20 April 2021].

³ <http://www.samlaw.hk/index.php/samlaw-introduction.html> [Accessed on 20 April 2021].