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Legislative Council

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Tel : 3919 3300
Date : 24 May 2021
From : Clerk to the Legislative Council
To : All Members of the Legislative Council

Council meeting of 26 May 2021

**Debate and voting arrangements for
Improving Electoral System (Consolidated Amendments) Bill 2021**

Further to LC Paper No. CB(3) 565/20-21 issued on 17 May 2021 regarding the proposed amendments to the captioned Bill, I attach a table on the debate and voting arrangements for the captioned Bill for Members' information.

2. Members are reminded that in accordance with Appendix IIIA to the House Rules, the speaking time limits in the debates are as follows:

	<u>Number of speech(es) allowed for each Member</u>	<u>Maximum time for a speech</u>
(a) Resumption of the second reading debate	1	10 minutes
(b) Consideration by committee of the whole Council	Multiple	5 minutes
(c) Third reading debate	1	3 minutes

(Miranda HON)
for Clerk to the Legislative Council

Encl.

Improving Electoral System (Consolidated Amendments) Bill 2021

Debate and voting arrangements

The Bill proposes amending eight principal Ordinances¹ and 24 items of subsidiary legislation to implement the Decision of the National People's Congress ("NPC") on Improving the Electoral System of the Hong Kong Special Administrative Region and Annexes I and II to the Basic Law as amended by the Standing Committee of NPC. The Bill mainly comprises the following 15 areas of proposed amendments:

- (a) amending the date of the 2021 Legislative Council General Election stipulated in the Emergency (Date of General Election) (Seventh Term of the Legislative Council) Regulation (Cap. 241L);
- (b) reconstituting the Election Committee ("EC"), and introducing oath-taking requirement for EC members and related matters;
- (c) providing for the method for selecting the Chief Executive ("CE") and related matters;
- (d) updating the composition and formation of the Legislative Council ("LegCo");
- (e) revising the arrangements of voter registration;
- (f) updating the eligibility of becoming candidates in CE elections, EC Subsector elections, and LegCo elections, and the establishment of the Candidate Eligibility Review Committee ("CERC");
- (g) setting the election expenses limits for geographical constituencies ("GCs"), functional constituencies ("FCs"), and the EC constituency starting from the 2021 LegCo General Election;
- (h) providing for the electoral arrangements for the LegCo EC constituency;
- (i) making consequential amendments to the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) and its subsidiary legislation in light of the matters in (b) and (d) above;
- (j) introducing a new offence under Cap. 554 to prohibit any person from inciting another person not to vote, or to cast a blank or invalid vote, by way of public activity during an election period, and providing that any person who wilfully obstructs or prevents another person from voting at an election would commit a corrupt conduct;
- (k) implementing electronic poll register in public elections;
- (l) enhancing the inspection and compilation of the registers of electors;
- (m) empowering the Presiding Officers to set up a special queue for electors in need in public elections;
- (n) empowering the Chief Electoral Officer to require schools and non-government organizations ("NGOs") receiving grants from the Government to make available their premises for use as polling station(s) and/or counting station(s) in public elections and to impose a financial penalty for failure to do so; and
- (o) lifting the requirement of withholding financial assistance payable until disposal of election petitions arising from LegCo and District Council elections.

¹ The eight principal Ordinances are:

- (a) Electoral Affairs Commission Ordinance (Cap. 541);
- (b) Legislative Council Ordinance (Cap. 542);
- (c) District Councils Ordinance (Cap. 547);
- (d) Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554);
- (e) Chief Executive Election Ordinance (Cap. 569);
- (f) High Court Ordinance (Cap. 4);
- (g) Hong Kong Court of Final Appeal Ordinance (Cap. 484); and
- (h) Travel Industry Ordinance (Cap. 634).

Joint debate	: Clauses with no amendment, and clauses with amendments and new clauses proposed by the Secretary for Constitutional and Mainland Affairs (“SCMA”)	– Clauses 1 to 464, and proposed new clauses 66A, 172A, 198A, 199A, 211A, 218A, 239A, 263A, 294A, 385A, 395A, 424A and 462A
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Joint debate on the original clauses and the amendments (including proposed new clauses) (as set out in the table in **Annex 1**).

A total of 369 amendments proposed by SCMA

The amendments seek to amend the Bill in respect of the following matters (please refer to **Annex 2** for details):

1. Adjusting the eligibility requirements for voters of individual EC Subsectors/electors of LegCo FCs
2. Arrangement for holding an EC Subsector by-election before a LegCo General Election in certain circumstances
3. Refining the priority of elector registration
4. Specifying that an EC member may subscribe more than one nomination form in a LegCo election in different capacities
5. Revising the requirements to terminate election proceedings in LegCo elections
6. Enhancing the polling and counting arrangements in the EC constituency central polling station
7. Arrangement for the appointment of authorized representatives for corporate voters/electors
8. Extending the special voter registration deadline for 2021 and expanding its coverage
9. Rationalizing the composition and duties of CERC
10. Specifying that no legal proceedings may be instituted in respect of certain decisions made by CERC
11. Amendments relating to electronic poll register
12. Increasing the penalty for not complying with the Chief Electoral Officer’s requirement to make available subvented schools and NGOs’ premises for use as polling station(s) and/or counting station(s)
13. Other technical/consequential amendments

- Voting order** :
1. Clauses with no amendment standing part of the Bill
 2. SCMA’s amendments (including deletion of clauses 292 and 461, but excluding the addition of new clauses)
 3. Clauses with amendments or without amendment standing part of the Bill
 4. Proposed new clauses be read the second time and added to the Bill

SCMA’s amendments

(set out in LC Paper No. CB(3) 565/20-21 issued on 17 May 2021)

Council Business Division 3
Legislative Council Secretariat
 24 May 2021

Improving Electoral System (Consolidated Amendments) Bill 2021

<p>Clauses with no amendment</p>	<p>Clauses 2 to 6, 8, 9, 12, 13, 17, 20, 30 to 41, 43 to 50, 56, 60, 63, 71, 74 to 79, 82, 84, 86 to 90, 97 to 100, 104 to 113, 115, 117 to 127, 129, 132, 134, 135, 137, 139 to 141, 144 to 147, 149, 150, 152, 154, 157 to 160, 162 to 176, 178, 180 to 184, 186 to 190, 192, 196, 197, 203, 204, 206 to 213, 215 to 218, 220 to 223, 225, 227, 228, 230 to 235, 237 to 239, 241 to 261, 263 to 270, 272 to 274, 276 to 291, 293, 295 to 298, 301 to 305, 309, 311, 313 to 318, 320 to 322, 325, 326, 328 to 336, 338 to 343, 345, 348, 350, 352, 353, 355, 357 to 367, 369 to 375, 377 to 379, 381, 382, 384, 385, 387, 389, 390, 392 to 395, 402 to 406, 408 to 414, 418 to 420, 422, 425, 426, 428 to 430, 432, 439 to 446, 448, 451, 453, 455 to 459, 463 and 464</p>
<p>Clauses with amendments proposed by the Secretary for Constitutional and Mainland Affairs (“SCMA”) (excluding proposed new clauses)</p>	<p>Clauses 1, 7, 10, 11, 14 to 16, 18, 19, 21 to 29, 42, 51 to 55, 57 to 59, 61, 62, 64 to 70, 72, 73, 80, 81, 83, 85, 91 to 96, 101 to 103, 114, 116, 128, 130, 131, 133, 136, 138, 142, 143, 148, 151, 153, 155, 156, 161, 177, 179, 185, 191, 193 to 195, 198 to 202, 205, 214, 219, 224, 226, 229, 236, 240, 262, 271, 275, 294, 299, 300, 306 to 308, 310, 312, 319, 323, 324, 327, 337, 344, 346, 347, 349, 351, 354, 356, 368, 376, 380, 383, 386, 388, 391, 396 to 401, 407, 415 to 417, 421, 423, 424, 427, 431, 433 to 438, 447, 449, 450, 452, 454, 460 and 462; and deletion of clauses 292 and 461</p>
<p>New clauses proposed by SCMA</p>	<p>Clauses 66A, 172A, 198A, 199A, 211A, 218A, 239A, 263A, 294A, 385A, 395A, 424A and 462A</p>

Improving Electoral System (Consolidated Amendments) Bill 2021

Amendments proposed by the Secretary for Constitutional and Mainland Affairs

<i>Main objects of the amendments</i>	<i>Clause(s) involved</i>
<p>1. Adjusting the eligibility requirements for voters of individual Election Committee (“EC”) Subsectors/electors of Legislative Council (“LegCo”) functional constituencies (“FCs”)</p> <p><u>Accountancy Subsector</u></p> <ul style="list-style-type: none"> - To provide that a registered Public Interest Entity (“PIE”) auditor is eligible to be registered as a voter only if it has undertaken or carried out PIE engagement in the three years immediately before making the application for registration. <p><u>Hotel Subsector and LegCo Tourism FC</u></p> <ul style="list-style-type: none"> - To delete the proposed licensing requirement from the Bill as the constitution of the Federation of Hong Kong Hotel Owners Limited (“the Federation”) has already stipulated that only the owner of a hotel that is in operation may become a member of the Federation and enjoys the voting right at the general meetings. The Administration also proposes to make the same amendment to the composition of the LegCo Tourism FC. 	<p>Clauses 275, 415(8), (9) and (10) and 427</p>
<p>2. Arrangement for holding an EC Subsector by-election before a LegCo General Election in certain circumstances</p> <p>To specify that if the end date of the current term of office of LegCo is more than 12 months from the constitution date of EC or the date of holding the EC Subsector by-election, then an EC Subsector by-election should be held before the LegCo General Election.</p>	<p>Clauses 398 and 399</p>
<p>3. Refining the priority of elector registration</p> <p>Given that the latest estimation on the number of potential electors in the Catering FC would be relatively small, it is proposed to include the Catering FC as one of the FCs with priority in elector registration.</p>	<p>Clauses 294 and 376</p>
<p>4. Specifying that an EC member may subscribe more than one nomination form in a LegCo election in different capacities</p> <p>To lift the restrictions that an EC member should not nominate different candidates in an FC or a geographical constituency (“GC”) election using his/her different capacities, and to enable an EC member to subscribe a maximum of five nomination forms.</p>	<p>Clause 356</p>

<i>Main objects of the amendments</i>	<i>Clause(s) involved</i>
<p>5. Revising the requirements to terminate election proceedings in LegCo elections To provide that in case of death or disqualification of a validly nominated candidate in LegCo election after the close of nominations but before the close of polling for the election, the relevant election proceedings would not be terminated.</p>	<p>Clauses 80, 81, 83, 94, 95, 96, 133, 136, 155, 300, 307, 307(5), 308, 310, 310(2), 319(2) and (3), 324 and 354</p>
<p>6. Enhancing the polling and counting arrangements in the EC constituency central polling station To allow one GC ballot box to be placed in the EC constituency polling station for electors from the 10 GCs to cast their votes and designate the EC constituency polling station as a ballot paper sorting station in order to, after the close of poll, sort the GC ballot papers according to the 10 GCs in the EC constituency polling station first, and then deliver the ballot papers to the main counting stations of the respective GCs for mixing with the GC ballot papers in the station before counting. The purpose is to safeguard the secrecy of votes, and to ensure that misplaced ballot papers can be located in time.</p>	<p>Clauses 80, 80(16), 101, 103, 114, 114(2), 116, 128, 130, 131, 138, 142(9), 143(7) and 151</p>
<p>7. Arrangement for the appointment of authorized representatives for corporate voters/electors To clearly specify that an authorized representative may only be appointed by the governing authority of the relevant corporate voter/elector.</p>	<p>Clauses 53, 85, 191 and 416; and proposed new clauses 66A and 294A</p>
<p>8. Extending the special voter registration deadline for 2021 and expanding its coverage</p> <ul style="list-style-type: none"> - To extend the special voter registration deadline from 14 June 2021 to 5 July 2021; and - Since EC members to be returned by nomination would be added to the Accountancy, Chinese Medicine, Legal, and Technology and Innovation Subsectors, to expand the application scope of special voter registration deadline to cover persons eligible to be nominated as EC members in these four subsectors. 	<p>Clauses 11, 14(3), 15, 16, 18, 19(2), 21, 22, 23(2) and (6), 24 to 28, 29(2), 42(1) and (2) , 51, 52(8), 53(2), 54(2), 55(3), 57(6), 58(3), 59(1), (2) and (3), 61(2) and (3), 62(2) and (3), 64(2) and (6), 65, 66(2), 67(1), 68(3), 69, 70(1), 72(2), 185, 294, 299(1), 344(4), 346(2), 347, 349, 351(2), 415(10), 417(1), 447(4), 449(2), 450, 452 and 454(6)</p>

<i>Main objects of the amendments</i>	<i>Clause(s) involved</i>
<p>9. Rationalizing the composition and duties of the Candidate Eligibility Review Committee (“CERC”)</p> <p><u>Composition</u></p> <ul style="list-style-type: none"> - To increase the upper limit of members in CERC from 5 to 8, and stipulate that the Chief Executive (“CE”) shall, in addition to the chairperson and 2 to 4 official members, appoint 1 to 3 non-official members; - To amend the Legislative Council Ordinance (Cap. 542) and the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) to the effect that only one CERC would be established under the Chief Executive Election Ordinance (Cap. 569) for the purpose of implementing Annexes I and II to the Basic Law; and - To provide that the Hong Kong Special Administrative Region Government should report the composition of CERC to the Central People’s Government for the record. <p><u>Division of labour between CERC and Returning Officer</u></p> <ul style="list-style-type: none"> - To provide that CERC shall be responsible for publishing a notice in the Gazette to identify the validly nominated candidates. In case a validly nominated candidate is disqualified before the polling day, CERC shall also be responsible for publishing a notice in the Gazette. 	<p>Clauses 80(16), 91, 92, 92(1), 93, 93(1), 95, 96, 153(1), 193, 195, 199, 199(1), 200, 262(5), 306, 307, 307(5), 380, 383, 386, 407(10), 423, 424 and 435; deletion of clause 292; and proposed new clauses 198A, 199A, 211A, 385A and 424A</p>
<p>10. Specifying that no legal proceedings may be instituted in respect of certain decisions made by CERC</p> <p>To specify in Cap. 542 and Cap. 569 that “According to Annex I/II to the Basic Law, no legal proceedings may be instituted in respect of a decision made by CERC on the eligibility of a candidate for membership of EC, a candidate for the office of CE, or a candidate for membership of LegCo pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region”.</p>	<p>Clauses 327, 383, 391, 433(2), 436(2), 437(2) and 438; and proposed new clause 263A</p>
<p>11. Amendments relating to electronic poll register</p> <p>To align the references to electronic poll register in different elections across the relevant subsidiary legislation as “the FR [final register] electronic copy or extract”.</p>	<p>Clauses 114(3), 148, 156, 205, 214, 219, 229, 236 and 240</p>
<p>12. Increasing the penalty for not complying with the Chief Electoral Officer’s requirement to make available subvented schools and non-governmental organizations’ premises for use as polling station(s) and/or counting station(s)</p> <p>To increase the proposed financial penalty for schools and non-governmental organizations receiving grants from the Government which fail to make available their premises for use as polling station(s) and/or counting station(s) in public elections from \$10,000 to \$50,000.</p>	<p>Clauses 7(2), 102, 161 and 202</p>

<i>Main objects of the amendments</i>	<i>Clause(s) involved</i>
13. Other technical/consequential amendments	Clauses 1(4)(b) and (6)(a), 10(3), 72(15), 73(5) and (7), 102, 155, 161, 177, 179(4), 185, 191(3), 194, 195(7), 198, 201, 202, 224, 226(1), 271(2), 312, 319(8), 323, 337, 368, 388(3), 396(2) and (3), 397(5), 398(1), 399(1), (2) and (3), 400, 401, 417(3), (5) and (6), 421(2), 431, 434, 437, 460, 462, 462(1) and (3); deletion of clause 461; and proposed new clauses 172A, 218A, 239A, 395A and 462A