

**立法會**  
**Legislative Council**

Ref : CB4/HS/2/20

LC Paper No. CB(4)1240/20-21  
(These minutes have been seen  
by the Administration)

**Subcommittee on Decision of the National People's Congress on Improving  
the Electoral System of the Hong Kong Special Administrative Region**

**Minutes of the fourth meeting  
held on Thursday, 8 April 2021, at 8:30 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-yee, 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

**Member attending** : Hon SHIU Ka-fai, JP

**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

Mr Kenneth NG King-tsun  
Political Assistant to Secretary for Constitutional and Mainland  
Affairs

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

**Clerk in attendance** : Ms Joanne MAK  
Chief Council Secretary (4) 7

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

Ms Clara WONG  
Assistant Legal Adviser 4

Mr Dennis HO  
Senior Council Secretary (4) 7 (Acting)

Ms Louisa YU  
Legislative Assistant (4) 7

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**I. Meeting with the Administration**

[LC Paper Nos. CB(4)703/20-21(01), CB(4)679/20-21(01) and (02)]

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

2. The Subcommittee continued discussion of the amended Annex I and Annex II to the Basic Law. The major views and concerns raised by members are set out in the ensuing paragraphs.

*(At 9:40 am, the Deputy Chairman took the chair in the absence of the Chairman. The Chairman resumed the chair at 9:52 am.)*

Discussion

*The reconstituted Election Committee ("EC") and Legislative Council ("LegCo")*

3. In response to Mrs Regina IP's enquiry, the Secretary for Constitutional and Mainland Affairs ("SCMA") confirmed that any eligible electors, not limited to EC members, could run for LegCo seats returned by EC, as long as the requisite nominations from EC members in all five sectors were obtained.

4. Mr Frankie YICK noted that the total number of Hong Kong Special Administrative Region ("HKSAR") Deputies to the National People's

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Congress ("NPC") and HKSAR members of the National Committee of Chinese People's Political Consultative Conference ("CPPCC") was more than the 190 seats allocated to the relevant EC subsector ("ECSS"). He asked how the EC members of this subsector would be selected.

5. The Permanent Secretary for Constitutional and Mainland Affairs ("PSCMA") advised that of the 222 HKSAR Deputies to NPC and HKSAR members of the National Committee of CPPCC, only those who were Hong Kong permanent residents were eligible for becoming an ex-officio member of EC. In accordance with the amended Annex I to the Basic Law, if a HKSAR Deputy to NPC or a HKSAR member of the National Committee of CPPCC was also eligible to register as an ex-officio member in a subsector other than the NPC and CPPCC Subsector, he/she could choose to register as the ex-officio member of that other ECSS. If the number of HKSAR Deputies to NPC and HKSAR members of the National Committee of CPPCC was more than the assigned number of seats for the NPC and CPPCC Subsector, the remaining deputies/members could choose to register in other subsectors provided that he/she had a substantial connection with that subsector.

6. In response to Mr Frankie YICK's enquiry, PSCMA explained that it was stipulated in the amended Annex I and Annex II to the Basic Law that, unless specified in the electoral law, an association or enterprise might become a corporate voter/elector for an ECSS/functional constituency ("FC") only if it had been operating for not less than three years after acquiring relevant eligibilities for that subsector/FC.

7. Noting that a number of EC new subsectors had been created, Mr WONG Kwok-kin enquired about the anti-corruption regulatory regime for EC members. PSCMA responded that by virtue of section 10 of the Schedule to the Chief Executive Election Ordinance (Cap. 569) ("CEEO"), the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) ("ECICO") currently applied and would continue to apply to the selection and nomination of EC members at a subsector election, including restrictions and disclosure requirements on election expenses set out in ECICO.

8. In response to concerns raised by Mr WONG Kwok-kin on whether the results of ECSS elections could be legally challenged, PSCMA advised that there had all along been a mechanism in place for Revising Officers appointed by the Chief Justice to handle appeals lodged against the results of ECSS elections.

9. In response to enquiries by Mr WONG Kwok-kin, PSCMA said that according to existing provisions under the Schedule to CEEO, any ex-officio EC member would be deemed to have resigned from EC if he/she no longer held the office relating to the ex-officio seat. On the other hand, if an EC member ceased

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to have a substantial connection with the subsector in which he was returned, he would be disqualified from voting, although his/her name would remain on the register of the subsector until the next update to the register was made.

10. Dr Priscilla LEUNG sought clarification on the nomination arrangement for LegCo, where candidates had to secure at least two nominations from each of the five sectors of EC. SCMA advised that candidates who wished to run for LegCo seats returned by EC, FCs and geographical constituencies ("GCs") needed to obtain two to four nominations from each of the five sectors of EC. These nominations would be counted separately for each group of constituencies, so there could be a maximum of 150 candidates in each of the three groups of constituencies.

*Voter registration ("VR")*

11. Members noted that while the statutory deadline for submitting applications for VR as new voters/electors was 2 May 2021, the Improving Electoral System (Consolidated Amendments) Bill 2021 ("the Bill") was unlikely to be passed by LegCo before then. They enquired whether VR would be reopened to accept applications for registration as new electors following the passage of the Bill. Given the changes to be made to the electorates of EC and LegCo, members further asked whether all existing voters/electors in existing ECSSs/FCs would be given opportunities to update their VR as voters/electors in the ECSSs/FCs under the new electoral system; and if so, whether the Registration and Electoral Office ("REO") would consider actively approaching those voters/electors affected by the changes in the electoral system to facilitate their updating of VR, such as voters registered in the subsectors/FCs to be abolished (e.g. the Information Technology Subsector/FC and the District Council ("DC") (Second) FC).

12. PSCMA said that it was the Administration's plan to reopen VR to only applications from individuals and bodies newly eligible to register in ECSSs/FCs due to changes to the electoral system after the passage of the Bill, as well as the existing voters/electors who were no longer eligible to register in their original ECSSs/FCs (including the to-be abolished DC (Second) FC) to register in any other ECSS/FC if they were so eligible. PSCMA further pointed out that VR eligibilities for LegCo GCs would not be affected by the changes to the electoral system. If VR was to be reopened to all applications as new electors in general, the relevant VR workload would increase substantially and the final register of electors for the coming LegCo General Election might not be able to be published in time before the commencement of the relevant nomination period. SCMA added that he noted members' and other stakeholders' concerns on VR. The Administration would allow sufficient time for the newly eligible individuals

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and bodies and affected voters/electors to submit VR applications. The Administration would also step up its promotional efforts in this regard.

13. Mr Paul TSE enquired about the Administration's target date for publishing the EC subsector final register after VR was reopened for the voters of EC subsectors affected by the reconstitution of EC. He expressed concern as to whether the Administration's relevant target timeframe could be achieved on schedule, given the extent of the changes to the composition and electorate of many subsectors. SCMA advised that the EC subsector final register was aimed to be published in July 2021. In light of the tight schedule and amount of work, the Administration would carefully review whether the target timeframe under the relevant statutory requirement could be suitably adjusted to ensure that the relevant VR work leading to the ECSS Ordinary Elections could be conducted smoothly.

14. Ms Alice MAK asked how grassroots associations and associations of Chinese fellow townsmen could prove that they were eligible to be registered as corporate voters in their respective subsectors in the reconstituted EC. She called on the Administration to provide the necessary information and assistance to these associations to facilitate their VR. SCMA and PSCMA said that the delineation of organizations and eligible corporate voters in the relevant subsectors would be clearly specified in the Bill. REO would provide the necessary assistance and guidelines to facilitate the relevant associations in submitting applications to register in the relevant subsectors. REO would also strive to ensure that the information provided in these guidelines would be as concise and clear as possible.

*Blank votes*

15. Members noted that the Administration was reportedly considering to criminalize acts of inciting voters to cast blank votes at public elections. Mr Wilson OR pointed out that political parties and independent candidates would often mobilize volunteers to conduct a lot of canvassing activities during an election period. He expressed concerns whether it was possible that these people might inadvertently breach the law. SCMA responded that the Administration would bear in mind that activities which aimed to manipulate and sabotage elections and normal canvassing activities had to be appropriately distinguished, so that normal canvassing activities would not be affected. He emphasized that the Government respected individual's voting rights and the proposal under consideration did not aim at depriving individual voting right but criminalizing acts which tried to manipulate and sabotage elections by inciting others to cast blank or invalid votes.

16. Members noted that the next meeting would be held on Thursday, 9 April 2021, at 2:30 pm.

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**II. Any other business**

17. There being no other business, the meeting ended at 10:14 am.

Council Business Division 4  
Legislative Council Secretariat  
12 July 2021

**Proceedings of the fourth meeting of the  
Subcommittee on Decision of the National People's Congress on Improving the  
Electoral System of the Hong Kong Special Administrative Region  
on Thursday, 8 April 2021, at 8:30 am  
in Conference Room 1 of the Legislative Council Complex**

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
000358 - 000500	Chairman	Opening remarks	
000501 - 001122	Chairman Mr MA Fung-kwok Administration	Concerns on the changes to the Sports, Performing Arts, Culture and Publication Subsector	
001123 - 002441	Chairman Mr Wilson OR Dr Priscilla LEUNG Administration	Concerns about media reports on the Administration's plan to propose criminalizing acts of inciting voters/electors to cast blank votes at public elections and other enhancement measures to electoral arrangements	
002442 - 003002	Chairman Mr Frankie YICK Administration	Concerns on issues relating to the ex-officio members of the Election Committee ("EC")	
003003 - 004200	Chairman Mr CHAN Hak-kan Ms Alice MAK Administration	Enquiries on the special voter registration ("VR") arrangements	
004201 - 004706	Chairman Administration	Enquiries on the major views received from stakeholders on the Decision of the National People's Congress on Improving the Electoral System of the Hong Kong Special Administrative Region	
004707 - 005351	Chairman Dr CHENG Chung-tai Administration	Concerns on the composition of the Representatives of Hong Kong Members of Relevant National Organizations Subsector and the mechanism for handling disputes over the registration eligibility of ex-officio members of EC	
005352 - 005843	Chairman Deputy Chairman Administration	Concerns on the mode of operation of the Candidate Eligibility Review Committee	
005844 - 010520	Chairman Mrs Regina IP Administration	Request for review of the role and functions of District Councils	

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
010521 - 011341	Chairman Mr WONG Kwok-kin Administration	Enquiries on the corruption prevention regime for EC members and the appeal mechanism against the election results of EC subsector elections or the registration of a nominee	
011342 - 012734	Chairman Mr Paul TSE Deputy Chairman Ir Dr LO Wai-kiwok Administration	Enquiries on the special VR arrangements	
012735 - 013948	Chairman Dr Priscilla LEUNG Ms Alice MAK Administration	Suggestions of enhancing the representativeness of EC such as by enabling the ethnic minorities to be represented in EC	
013949 - 014032	Chairman Mr Frankie YICK Administration	Enquiries on issues relating to the ex-officio members of EC	
014033 - 014556	Chairman Dr CHENG Chung-tai Administration	Enquiries on the mechanism for handling disputes over the registration eligibility of ex-officio members of EC	
014557 - 014753	Chairman Members	Date of next meeting and closing remarks	

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