

立法會
Legislative Council

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

**Minutes of the fifth meeting
held on Friday, 9 April 2021, at 2:30 pm
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
- 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) and CB(4)679/20-21(01) and (02)]

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

(At 2:39 pm, the Deputy Chairman took the chair in the temporary absence of the Chairman. The Chairman resumed the chair at 3:02 pm.)

Discussion

Legislative Council ("LegCo") Members returned by the Election Committee ("EC")

2. Noting that candidates seeking to be LegCo Members returned by EC did not need to be EC members, Mrs Regina IP asked about the eligibility criteria for becoming such candidates, and whether the EC convenors had a role in proposing such criteria. Mrs IP considered that women, ethnic minorities and sexual minorities should obtain more representation in LegCo through LegCo Members returned by EC.

3. The Secretary for Constitutional and Mainland Affairs ("SCMA") advised that the 40 LegCo Members returned by EC needed not be EC members or even part of the electorate of any of the EC subsectors. The purpose of the design was that the EC Constituency Members could represent different sectors and classes of the Hong Kong community, and to enable aspiring patriots interested in taking part in politics to become LegCo Members. SCMA further said that

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as the system of convenors for EC would only be activated when there were emergency issues with an election, EC convenors would not play any role in an election held under normal circumstances.

Definition of associations of Chinese fellow townsmen and grassroots associations

4. Members enquired about the criteria for selecting associations of Chinese fellow townsmen and grassroots associations to be included in the Third Sector of the reconstituted EC. Members pointed out that while there were associations of Chinese fellow townsmen relating to various provinces of Mainland China, they had numerous branches relating to counties, cities etc. under each of the provinces. These grassroots associations were also of a variety of nature (e.g. residents' associations, recreation clubs, welfare societies etc.) providing different services. Members further enquired whether the Administration would provide guidance and information on electoral laws to these associations which lacked election experience, so as to prevent these associations from violating the electoral laws (including the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)) inadvertently.

5. SCMA explained that in determining which associations of Chinese fellow townsmen and grassroots associations would be eligible to become corporate voters in the relevant subsectors, consideration would be given to the representativeness and relevance of the associations among the community, and their adherence to the principle of "patriots administering Hong Kong". The Administration was drawing up the lists of eligible corporate voters in these subsectors as appropriate and in consultation with relevant policy bureaux. SCMA assured members that it would step up its education and publicity work in conjunction with the Independent Commission Against Corruption to promote awareness of the electoral laws amongst the electorates of the newly created EC subsectors. In response to Ms Alice MAK's further enquiry, SCMA advised that in accordance with Annex I to the Basic Law, the bodies listed in the Schedule to the Chief Executive Election Ordinance (Cap. 569) would not be subject to the three-year operation requirement.

The Candidate Eligibility Review Committee ("CERC")

6. In response to the Chairman's enquiry, SCMA said that the Administration was still contemplating the precise composition of CERC and Principal Officials' ("POs") role therein, as well as CERC's mode of operation, having considered the views received from different stakeholders.

7. The Chairman expressed concerns about perceived conflicts of interests arising from the arrangement of POs, who were subordinates of the Chief Executive ("CE"), vetting the eligibility of CE candidates.

8. SCMA advised that CERC would play an instrumental role in the political structure of Hong Kong, and to this end, POs were appropriate choices as they had the trust of the Central Authorities to follow through with upholding the principle of "patriots administering Hong Kong".

9. The Chairman expressed worry that CERC's responsibilities would place a rather significant burden on POs who were already fully engaged in other onerous duties, which would in turn affect the governing efficacy of the Government. SCMA gave assurance that POs' participation in CERC would not affect the normal work of the Government.

10. Mr Wilson OR enquired whether CERC would vet election candidates against nationality requirements, in particular those with dual nationalities. SCMA advised that CERC would vet candidates against a set of objective eligibility criteria in accordance with the requirements and conditions prescribed in the relevant electoral laws, including nationality requirements. However, it would not deal with other issues such as the issue of dual nationalities.

11. In light of the introduction of CERC, the Deputy Chairman enquired whether the existing nomination advisory committee ("NAC") system established in subsidiary legislation under the Electoral Affairs Commission Ordinance (Cap. 541) would be retained, and how CERC and NACs would cooperate.

12. The Permanent Secretary for Constitutional and Mainland Affairs advised that NACs would continue to operate alongside CERC, as the former's function included providing advice on the eligibility of prospective candidates before the commencement of nomination periods of elections. Unlike CERC, NACs were not empowered to advise whether a candidate met the legal requirements and conditions for upholding the Basic Law and swearing allegiance to the Hong Kong Special Administrative Region.

Roles of District Councils ("DCs"), Area Committees ("ACs"), District Fight Crime Committees ("DFCCs") and District Fire Safety Committees ("DFSCs")

13. In response to Mr Wilson OR's enquiry, SCMA advised that while there was no change to the demarcation of role and functions of DCs, ACs, DFCCs and DFSCs, in light of politically-driven DCs losing its functions in recent years, the Administration was reviewing the role and functions of DCs.

Way forward and meeting arrangements

14. Members noted that pursuant to the decision made by the House Committee on 19 March 2021, the Subcommittee would be transformed into a bills committee ("the Bills Committee") after the Improving Electoral System (Consolidated Amendments) Bill 2021 was introduced into LegCo on 14 April 2021.

15. Members agreed that the first meeting of the Bills Committee would be held on Saturday, 17 April 2021, from 9:00 am to 1:00 pm.

II. Any other business

16. There being no other business, the meeting ended at 4:02 pm.

Council Business Division 4
Legislative Council Secretariat
12 July 2021

**Proceedings of the fifth 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 Friday, 9 April 2021, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000357 - 000500	Chairman	Opening remarks	
000501 - 001009	Chairman Administration	Concerns on issues relating to the appointment of Principal Officials to be members of the Candidate Eligibility Review Committee ("CERC")	
001010 - 001544	Chairman Mrs Regina IP Administration	Concerns on the eligibility criteria for nomination as Election Committee ("EC") constituency candidates in Legislative Council ("LegCo") elections and the system of convenors for EC	
001545 - 002241	Deputy Chairman Mr Wilson OR Administration	Enquiries on the special voter registration arrangements and the mode of operation of CERC Concerns on the criteria for selecting associations of Chinese fellow townsmen and grassroots associations for inclusion in the Third Sector of the reconstituted EC	
002242 - 002837	Deputy Chairman Mr Paul TSE Administration	Enquiries on the composition of EC and LegCo functional constituencies under the improved electoral system	
002838 - 003343	Deputy Chairman Dr Priscilla LEUNG Administration	Concerns on the three-year operation requirement for relevant corporate voters/electors	
003344 - 004001	Deputy Chairman Ms Alice MAK Administration	Concerns on the criteria for selecting associations of Chinese fellow townsmen and grassroots associations for inclusion in the Third Sector of the reconstituted EC	
004002 - 004257	Chairman Deputy Chairman Administration	Enquiry on the role of the Nomination Advisory Committee under the improved electoral system	

Time Marker	Speaker(s)	Subject(s)	Action required
004258 - 004957	Chairman Mr CHAN Hak-kan Administration	Concerns on the criteria for selecting associations of Chinese fellow townsmen and grassroots associations for inclusion in the Third Sector of the reconstituted EC, and the need to promote awareness of the electoral laws amongst the electorates of the newly created EC subsectors	
004958 - 010413	Chairman Mr MA Fung-kwok Ir Dr LO Wai-kwok Administration	Concerns on the changes to the composition and electorates of subsectors including the Sports, Performing Arts, Culture and Publication Subsector as well as the Engineering Subsector	
010414 - 011635	Chairman Mrs Regina IP Ms Alice MAK Mr Wilson OR Administration	Request for strengthening publicity to explain to the public the constitutional and legal basis of the Decision of the National People's Congress on Improving the Electoral System of the Hong Kong Special Administrative Region	
011636 - 012327	Chairman Mr Paul TSE Administration	Concerns on the composition of the Legal Subsector in the reconstituted EC	
012328 - 012654	Chairman Dr Priscilla LEUNG Administration	Suggestion of enhancing the representativeness of EC such as by enabling the ethnic minorities to be represented in EC	
012655 - 013005	Chairman Mrs Regina IP Administration	Enquiries on the delineation of LegCo geographical constituency boundaries	
013006 - 013407	Chairman Mr Paul TSE Administration	Enquiries on the composition of the Legal Subsector in the reconstituted EC	
013408 - 013549	Chairman Members	Way forward and meeting arrangements Closing remarks	