

**立法會**  
**Legislative Council**

LC Paper No. CB(2)417/20-21  
(These minutes have been seen  
by the Administration)

Ref : CB2/SS/3/20

**Subcommittee on Emergency (Date of General Election)  
(Seventh Term of the Legislative Council) Regulation**

**Minutes of meeting  
held on Friday, 30 October 2020, at 8:30 am  
in Conference Room 1 of the Legislative Council Complex**

**Members present** : Hon CHEUNG Kwok-kwan, JP (Chairman)  
Hon LUK Chung-hung, JP (Deputy Chairman)  
Hon James TO Kun-sun  
Hon LEUNG Yiu-chung  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon WONG Ting-kwong, GBS, JP  
Hon CHAN Kin-por, GBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Claudia MO  
Hon Steven HO Chun-yin, BBS  
Hon Frankie YICK Chi-ming, SBS, JP  
Hon YIU Si-wing, BBS  
Hon MA Fung-kwok, GBS, JP  
Hon Charles Peter MOK, JP  
Hon CHAN Han-pan, BBS, JP  
Hon LEUNG Che-cheung, SBS, MH, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon KWOK Wai-keung, JP  
Hon Dennis KWOK Wing-hang  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Helena WONG Pik-wan  
Hon IP Kin-yuen  
Hon Elizabeth QUAT, BBS, JP  
Hon Martin LIAO Cheung-kong, GBS, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP

Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
Hon Jimmy NG Wing-ka, BBS, JP  
Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai, JP  
Hon YUNG Hoi-yan, JP  
Hon CHAN Chun-ying, JP  
Hon HUI Chi-fung  
Hon Kenneth LAU Ip-keung, BBS, MH, JP  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho

**Member attending** : Hon WU Chi-wai

**Members absent** : Dr Hon KWOK Ka-ki  
Hon CHUNG Kwok-pan  
Hon Vincent CHENG Wing-shun, MH, JP

[According to the announcement made by the Hong Kong Special Administrative Region Government on 11 November 2020 pursuant to the Decision of the Standing Committee of the National People's Congress on Issues Relating to the Qualification of the Members of the Legislative Council of the Hong Kong Special Administrative Region, Kenneth LEUNG, KWOK Ka-ki, Dennis KWOK Wing-hang and Alvin YEUNG were disqualified from being a member of the Legislative Council on 30 July 2020.]

**Public Officers attending** : Item II

Ms Maisie CHAN Kit-ling, JP  
Deputy Secretary for Constitutional and Mainland Affairs

Ms Cherie YEUNG Lok-sze  
Principal Assistant Secretary for Constitutional and  
Mainland Affairs

Mr Ivan LEUNG Man-fung  
Senior Government Counsel  
Department of Justice

Mr Henry CHAN Ngai-him  
Senior Government Counsel  
Department of Justice

**Clerk in attendance** : Miss Josephine SO  
Chief Council Secretary (2) 2

**Staff in attendance** : Mr Alvin CHUI  
Assistant Legal Adviser 3

Ms Wendy LO  
Senior Council Secretary (2) 2

Mr Dennis HO  
Council Secretary (2) 3

Miss Cally LAI  
Legislative Assistant (2) 2

---

Action

**I. Election of Chairman**

Election of Chairman

Mr James TO, the member who had the highest precedence in Council among members of the Subcommittee present, presided over the election of the Chairman. Mr TO invited nominations for the chairmanship of the Subcommittee.

2. Mr CHEUNG Kwok-kwan was nominated by Ir Dr LO Wai-kwok and the nomination was seconded by Mr Christopher CHEUNG. Mr CHEUNG Kwok-kwan accepted the nomination. Mr James TO called for other nominations.

3. Mr LAM Cheuk-ting was nominated by Mr Andrew WAN and the nomination was seconded by Mr Alvin YEUNG. Mr LAM accepted the nomination.

4. As there was no other nomination, Mr James TO announced a vote by secret ballot. After all the members present had cast their votes, Mr TO invited Ir Dr LO Wai-kwok and Mr Andrew WAN, who had nominated the two candidates respectively, to monitor the counting of votes.

5. Mr James TO announced that 26 members voted for Mr CHEUNG Kwok-kwan and 11 members voted for Mr LAM Cheuk-ting. Mr TO declared Mr CHEUNG Kwok-kwan elected as the Chairman of the Subcommittee. Mr CHEUNG then took the chair.

Action

Election of Deputy Chairman

6. Members agreed to elect a Deputy Chairman. The Chairman invited nominations for the deputy chairmanship of the Subcommittee. Mr Alvin YEUNG was nominated by Ms Claudia MO and the nomination was seconded by Mr Andrew WAN. Mr YEUNG accepted the nomination. The Chairman called for other nominations.

7. Mr LUK Chung-hung was nominated by Mr WONG Ting-kwong and the nomination was seconded by Mr Steven HO. Mr LUK accepted the nomination.

8. As there was no other nomination, the Chairman announced a vote by secret ballot. After all the members present had cast their votes, the Chairman invited Ms Claudia MO and Mr WONG Ting-kwong, who had nominated the two candidates respectively, to monitor the counting of votes.

9. The Chairman announced that 14 members voted for Mr Alvin YEUNG and 26 members voted for Mr LUK Chung-hung. The Chairman declared Mr LUK Chung-hung elected as the Deputy Chairman of the Subcommittee.

**II. Meeting with the Administration**

(L.N. 152 of 2020, File Ref: CMAB C1/37, LC Paper Nos. LS116/19-20 and CB(2)100/20-21(02) to (04))

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

11. Deputy Secretary for Constitutional and Mainland Affairs ("DSCMA") briefed members on the content of the Emergency (Date of General Election) (Seventh Term of the Legislative Council) Regulation (L.N. 152 of 2020) ("the Regulation").

*(Post-meeting note: The speaking note of DSCMA, which was tabled at the meeting as per members' request, was subsequently issued to members vide LC Paper No. CB(2)113/20-21 on 30 October 2020.)*

Declarations of direct pecuniary interests

12. Before proceeding to discuss the Regulation, the Chairman, the Deputy Chairman, Mr James TO, Dr Priscilla LEUNG, Mrs Regina IP, Mr Paul TSE, Ms Claudia MO, Mr KWOK Wai-keung,

Action

Mr IP Kin-yuen, Ms Elizabeth QUAT, Mr Andrew WAN, Mr LAM Cheuk-ting, Mr SHIU Ka-fai, Mr HUI Chi-fung, Mr KWONG Chun-yu, Mr Jeremy TAM and Mr WU Chi-wai made declarations of direct pecuniary interests in accordance with Rule 83A of the Rules of Procedure that they were eligible to receive Government's payments in respect of declared election expenses provided for under the Regulation since they had stood as candidates at the discontinued 2020 Legislative Council ("LegCo") General Election.

13. Mr Alvin YEUNG declared that he had sustained pecuniary loss since his nomination as a candidate at the discontinued 2020 LegCo General Election was determined invalid. Dr Helena WONG declared that she also sustained pecuniary loss as she had taken part in a "primary election" organized by the pan-democratic camp but did not submit a nomination form for the 2020 LegCo General Election.

Members' views on public officers' attendance at meetings of the Subcommittee

---

14. The Deputy Chairman, Mr James TO, Ms Claudia MO, Mr KWOK Wai-keung, Dr Helena WONG, Mr IP Kin-yuen and Mr Andrew WAN considered the attendance of relevant Principal Officials, including the Secretary of Justice, the Secretary for Constitutional and Mainland Affairs and the Secretary for Food and Health, at future meetings of the Subcommittee necessary to explain the policies relating to the Regulation and answer questions raised by members. The Administration advised that the Executive Authority had the power and function to designate officials to sit in on the meetings of LegCo and to speak on behalf of the Government. This notwithstanding, the Chairman called on the Administration to take into account members' views when coordinating public officers' attendance at future meetings of the Subcommittee.

Follow-up actions required of the Administration

Admin

15. The Administration was requested to provide written responses to issues of concern raised by members as set out at **Annex B**.

*(Post-meeting note: The Administration's response was issued vide LC Paper No. CB(2)177/20-21(02) on 6 November 2020.)*

Proposed motion

16. Mr LAM Cheuk-ting proposed to move a motion (see the **Appendix to Annex B**). The Chairman directed that the proposed

Action

motion would be considered by the Subcommittee after its completion of the examination of the provisions of the Regulation.

*(Post-meeting note: Mr LAM's proposed motion was circulated to members vide LC Paper No. CB(2)114/20-21 on 30 October 2020. As Mr LAM withdrew his membership from the Subcommittee with effect from 13 November 2020, the Chairman directed at the meeting on 17 November 2020 that the proposed motion would not be dealt with by the Subcommittee.)*

*(At 10:27 am, the Chairman directed that the meeting be extended for several minutes beyond the appointed ending time so that members who had been waiting to speak for the first time could be given an opportunity to do so.)*

**III. Any other business**

Legislative timetable

17. Members noted that the scrutiny period of the Regulation would expire at the Council meeting of 11 November 2020, and that the deadline for giving notice of amendment to the Regulation was 4 November 2020. Members agreed that in order to allow more time for scrutiny of the Regulation, the Chairman should move a motion at the Council meeting of 4 November 2020 to extend the scrutiny period to the Council meeting of 2 December 2020.

Date of next meeting

18. The Chairman said that members would be informed of the date of the next meeting.

*(Post-meeting note: The second meeting was scheduled for Monday, 9 November 2020, at 10:30 am. The notice of meeting was issued vide LC Paper No. CB(2)118/20-21 on 30 October 2020.)*

19. There being no other business, the meeting ended at 10:33 am.

**Proceedings of the meeting of the Subcommittee on Emergency  
(Date of General Election) (Seventh Term of the Legislative Council) Regulation  
on Friday, 30 October 2020, at 8:30 am  
in Conference Room 1 of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)/Discussion</b>	<b>Action Required</b>
000404 - 001513	Mr James TO Ir Dr LO Wai-kwok Mr Christopher CHEUNG Mr CHEUNG Kwok-kwan Mr Andrew WAN Mr Alvin YEUNG Mr LAM Cheuk-ting	Election of Chairman	
001514 - 002714	Chairman Ms Claudia MO Mr Andrew WAN Mr Alvin YEUNG Mr WONG Ting-kwong Mr Steven HO Mr LUK Chung-hung Dr Priscilla LEUNG Mr Charles MOK Mr HUI Chi-fung	Election of Deputy Chairman	
002715 - 003931	Chairman Admin Mr LAM Cheuk-ting Mr James TO Dr Helena WONG	The Administration's briefing on the Emergency (Date of General Election) (Seventh Term of the Legislative Council) Regulation ("the Regulation") (L.N. 152 of 2020) (File Ref.: CMAB C1/37)	
003932 - 004150	Chairman Members present	Members' declarations of direct pecuniary interests	
004151 - 004940	Chairman Dr Helena WONG Admin Mrs Regina IP Mr Andrew WAN Mr IP Kin-yuen Mr James TO	Members' expression of views on the attendance of public officers at Subcommittee meetings	
004941 - 005504	Chairman Ms Claudia MO Admin	Ms Claudia MO considered that the general election of the seventh term of the Legislative Council ("LegCo") should be held as soon as the Coronavirus Disease 2019 ("COVID-19") epidemic subsided. She enquired about the legal and constitutional consequences if the new election date specified in the Regulation was advanced to, say, April 2021.	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>The Administration advised that detailed justifications for postponing the 2020 LegCo General Election for a year had been provided in the LegCo Brief (File Ref.: CMAB C1/37). The Regulation clearly specified 5 September 2021 as the new date for holding the general election of the seventh term of LegCo in order to provide certainty to the public and to allow the Electoral Affairs Commission ("EAC"), the Constitutional and Mainland Affairs Bureau and the Registration and Electoral Office ("REO") to make necessary preparations for the election.</p> <p>Ms MO took the view that the decision made by the Standing Committee of the National People's Congress ("NPCSC") on 11 August 2020 regarding the continuing operation of the sixth term of LegCo ("NPCSC's decision") undermined the "one country, two systems" principle. She questioned why the desired effect to let LegCo continue to operate until the next general election could not be achieved by requesting the President of LegCo to convene emergency sessions of LegCo in accordance with section 11 of the Legislative Council Ordinance (Cap. 542).</p> <p>The Administration explained that section 11 of Cap. 542 did not provide for a mechanism for postponing the general election of LegCo. It was also unclear if emergency sessions convened under that section were intended to be held on a regular basis for an indefinite period of time.</p>	
005505 - 005901	Chairman Mr LAM Cheuk-ting Admin	<p>Mr LAM Cheuk-ting enquired whether the 2021 LegCo General Election would be further postponed beyond 5 September 2021 if the COVID-19 epidemic situation worsened. He said that further postponement of the election would transform the sixth term of LegCo into a "perpetual legislature".</p> <p>The Administration responded that as the Chief Executive ("CE") had specified 5 September 2021 as the date for holding the general election of the seventh term of LegCo, the Administration would strive to improve the existing electoral arrangements and formulate various plans in view of the different possibilities concerning the development of the</p>	



Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>epidemic in a timely manner. Reference would be drawn from the recommendations made by EAC in its Report on the 2020 LegCo General Election.</p> <p>Mr LAM took the view that by the time the general election could be held and electors could participate in the polls safely and confidently, the epidemic would have subsided. Under such circumstances, implementing an "external voting arrangement" for Hong Kong electors residing in the Guangdong-Hong Kong-Macao Greater Bay Area ("the Greater Bay Area") would no longer be necessary, since those electors would be allowed to return to Hong Kong to cast their votes on the polling day.</p> <p>The Administration advised that the fact that the 2020 LegCo General Election could not be held as planned owing to the severe epidemic situation had revealed that the current electoral system was probably unable to deal with very exceptional circumstances. In response to the suggestion on voting outside Hong Kong made in some quarters, the Administration had been exploring the feasibility.</p>	
005902 - 010208	Chairman Mr Alvin YEUNG Admin	<p>Mr Alvin YEUNG enquired about the effect of previously published gazette notices, including G.N. 3115 of 2020, G.N. 3276 of 2020 and G.N. 3277 of 2020 and the response actions to be taken by the Administration, in case the Regulation was repealed by LegCo.</p> <p>The Administration responded that according to section 23(a) of the Interpretation and General Clauses Ordinance (Cap. 1), where an Ordinance repealed in whole or in part any other Ordinance, the repeal should not revive anything not in force or existing at the time at which the repeal took effect. In other words, if the Regulation was repealed by LegCo, the revoked specification and notices in relation to the holding of the 2020 LegCo General Election would not revive with effect; and the new date for holding the LegCo General Election as specified under section 6 of the Regulation would no longer have effect. In such circumstances, CE was obliged to specify a date for holding the LegCo General Election in accordance with section 6(1) of Cap. 542. That said, the Administration</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		currently had no plan to hold the LegCo General Election on a date earlier than 5 September 2021 amidst the epidemic situation.	
010209 - 010516	Chairman Mr KWONG Chun-yu Admin	<p>Mr KWONG Chun-yu expressed concern about the Government's decision to postpone the LegCo General Election for a full year. He questioned whether the decision was politically motivated with a view to increasing the chances of achieving election results that were more favourable for the Government.</p> <p>The Administration responded by highlighting the justifications for postponing the election, as detailed in paragraph 18 of the LegCo Brief.</p>	
010517 - 010845	Chairman Dr Priscilla LEUNG	Dr Priscilla LEUNG expressed the view that various electoral arrangements should be improved to ensure that the 2021 LegCo General Election would be conducted in a fair, open, honest and safe manner. To this end, the Administration and EAC should make better use of technologies in the electoral processes and seek ways to eliminate threats of violence before and during the election.	
010846 - 011236	Chairman Mr IP Kin-yuen Admin	<p>Mr IP Kin-yuen expressed concern as to whether the Regulation contradicted with Article 69 of the Basic Law, which stipulated that the term of office of LegCo should be four years, except the first term which should be two years. He asked whether the Administration had sought any public health expert's advice and consulted various political parties before coming to the decision to postpone the 2020 LegCo General Election.</p> <p>The Administration responded by elaborating on NPCSC's decision, adding that given the exigency of the situation and sensitivity of election matters, public consultation was not feasible. That said, in making the decision to postpone the election, CE in Council had duly considered the COVID-19 epidemic situation.</p>	
011237 - 011612	Chairman Mr Jeremy TAM Admin	Mr Jeremy TAM enquired, among those overseas countries that had postponed their elections for a lengthy period because of the COVID-19 pandemic, how many of them took such a decision without going through the parliament or legislature. The Administration advised that as the constitutional systems	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>varied from one jurisdiction to another, comparing the legislative processes of postponing elections in Hong Kong and in other places had limited significance. The Regulation under scrutiny was subject to negative vetting by LegCo.</p>	
011613 - 011930	<p>Chairman Ms Elizabeth QUAT Admin</p>	<p>Ms Elizabeth QUAT considered that EAC should strive to ensure the 2021 LegCo General Election would be conducted in a safe, fair and open manner. Apart from seeking ways to eliminate threats of violence before and during the election, electronic poll register for issuing ballot papers and electronic counting should be implemented so as to enhance the transparency. She also called on the Administration to ensure that there would be no abuse in candidates' making of claims for Government payments in respect of declared election expenses incurred for the discontinued 2020 LegCo General Election.</p> <p>The Administration advised that regarding any error or incompleteness found in any election return or claim for Government payment in respect of declared election expenses, REO might require the candidate(s) concerned to provide further information to verify the return/claim, as appropriate. If there was <i>prima facie</i> evidence of any suspected abuse, the case would be referred to the Independent Commission Against Corruption ("ICAC") for investigation.</p>	
011931 - 012415	<p>Chairman Mr Andrew WAN Admin</p>	<p>Mr Andrew WAN expressed views on the need and propriety of implementing "external voting arrangement" in the Greater Bay Area. He asked whether the 2021 LegCo General Election would be further postponed in case there was a surge in the number of confirmed cases of COVID-19 in Hong Kong or the Mainland, and queried whether setting up dedicated queues for elderly electors was conducive to containing the spread of COVID-19.</p> <p>The Administration advised that it would closely monitor the development of the COVID-19 outbreak from now until the 2021 LegCo General Election, and formulate various plans for the election accordingly. The Administration also explained the reasons for its consideration of putting in place special</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>arrangements to facilitate elderly people to cast votes, as detailed in paragraph 17(e) of the LegCo Brief.</p>	
012416 - 012758	<p>Chairman Mr WU Chi-wai Admin</p>	<p>Mr WU Chi-wai sought the Administration's justification for implementing "external voting arrangement" in the Greater Bay Area. He expressed dissatisfaction over the Administration's decision of not conducting public consultation on the Regulation.</p> <p>The Administration reiterated that it maintained an open mind on the idea of voting outside Hong Kong and would study the views received on the matter. The Administration further advised that the decision of postponing the LegCo General Election was made by CE in consultation with the Executive Council.</p> <p>In response to Mr WU's enquiry on the response actions to be taken by the Administration if the Regulation was repealed by LegCo, the Administration advised that CE would be obliged to specify a new date for holding the LegCo General Election in accordance with section 6(1) of Cap. 542.</p>	
012759 - 013119	<p>Chairman Mr HUI Chi-fung Admin</p>	<p>Mr HUI Chi-fung questioned whether the Regulation fulfilled the principle of proportionality. The Administration replied in the positive, explaining that the severity of the local epidemic situation in July 2020 necessitated the Government's swift response action.</p> <p>Mr HUI considered that the LegCo General Election needed not to have been extended for a full year. In his view, CE could have postponed the election in accordance with section 44 of Cap. 542. The Administration responded by highlighting the justifications as detailed in paragraphs 19 and 20 of the LegCo Brief.</p>	
013120 - 013439	<p>Chairman Deputy Chairman</p>	<p>The Deputy Chairman supported the Regulation. He pointed out that some overseas countries had experienced considerable surge in the number of confirmed cases of COVID-19 after holding public elections. Besides, the 2021 LegCo General Election could not be advanced in view of NPCSC's decision.</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
013440 - 013917	Chairman Dr Helena WONG Admin	In response to Dr Helena WONG's enquiry, the Administration advised that the Regulation might be amended by LegCo in accordance to section 34(2) of Cap. 1. That said, any amendment passed by LegCo would not have a legal effect on NPCSC's decision.	
013918 - 014542	Chairman Mr SHIU Ka-fai Mr KWOK Wai-keung	Mr SHIU Ka-fai and Mr KWOK Wai-keung expressed support for the Regulation. They considered that the 2021 LegCo General Election should not be advanced amidst the COVID-19 epidemic situation.	
014543 - 014955	Chairman Mr Paul TSE ALA3	<p>Mr Paul TSE requested the Administration to provide supplementary information about the constitutional and legal implications involved, in scenarios illustrated by some members at the meeting (i.e. in the event that the Regulation was repealed, or the new date of election was amended by LegCo). He also sought details about the scope of coverage for "declared election expenses" as provided for in section 9 of the Regulation; and the reasons why certain, but not all, sitting Members belonging to the Civic Party were disqualified from running in the 2020 LegCo General Election, resulting in the difference in their eligibility for Government's payment in respect of declared election expenses.</p> <p>In response to Mr TSE's further enquiry, the Legal Adviser to the Subcommittee confirmed that neither the Rules of Procedures nor House Rules had any provision which empowered a committee of LegCo to require any specific public officer to attend its meetings. That said, any consensus reached by the committee might be relayed to the Administration for its consideration.</p>	<b>Admin</b> (Annex B refers)
014956 - 015300	Chairman Mr Holden CHOW Admin	<p>Mr Holden CHOW expressed support for the Regulation. He noted from recent media reports that there were suspected cases of abuse in relation to candidates' making claims for Government payments in respect of declared election expenses. He called on the Administration to follow up on those cases.</p> <p>The Administration reiterated that REO had its established mechanism for verifying claims for Government payments in respect of declared election expenses, and suspected cases of abuse with <i>prima facie</i> evidence would be referred to ICAC for investigation.</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
015301 - 020102	Chairman Mr James TO ALA3	<p>Mr James TO requested the Administration to provide a written response on the constitutional and legal implications involved and what response actions would be taken by the Administration (in particular, whether an alternative decision by NPCSC would be sought regarding the continuing operation of the sixth term of LegCo) if new date for holding the LegCo General Election was specified by LegCo through making amendment to the Regulation.</p> <p>The Legal Adviser to the Subcommittee advised that according to Cap. 1, if the Regulation was amended (or repealed) by LegCo, such amendment (or repeal) would not revive anything not in force or existing at the time at which the amendment (or repeal) took effect. Besides, if the Regulation was repealed by LegCo, there would be no legal basis and obligation for the Government to make payments in respect of declared election expenses or return deposits to eligible candidates. As to whether the new date of holding the LegCo General Election could be advanced by means of amending the Regulation, the Legal Adviser to the Subcommittee advised that according to NPCSC's decision, the earliest possible commencement date of the seventh term of LegCo would be 1 October 2021. As stipulated in section 6(2) of Cap. 542, the date specified by CE for holding a general election must be not earlier than 60 days and not later than 15 days before the new term of office of LegCo was to begin.</p>	<b>Admin</b> (Annex B refers)
020103 - 020204	Chairman Mr LAM Cheuk-ting Mr Alvin YEUNG	<p>Extension of meeting</p> <p>The Chairman's advice on when the motion proposed by Mr LAM Cheuk-ting at this meeting would be dealt with.</p>	
020205 - 020553	Chairman Mr Dennis KWOK Admin	<p>Mr Dennis KWOK declared that he was an applicant of a judicial review case concerning the constitutionality of regulations made by CE in Council under the Emergency Regulations Ordinance (Cap. 241).</p> <p>In response to Mr KWOK's enquiry, the Administration advised that even if the Prohibition on Face Covering Regulation made pursuant to Cap. 241 by CE was ruled</p>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)/Discussion</b>	<b>Action Required</b>
		unconstitutional by the Court of Final Appeal, the validity of NPCSC's decision would not be affected.	
020554 - 020746	Chairman	Legislative timetable  Date of next meeting  The Chairman's closing remarks	

Council Business Division 2  
Legislative Council Secretariat  
27 November 2020

**Subcommittee on Emergency (Date of General Election)  
(Seventh Term of the Legislative Council) Regulation**

**List of follow-up actions arising from the discussion  
at the meeting on 30 October 2020**

The Administration was requested to provide a written response to the following issues raised by members:

- (a) the constitutional and legal implications involved (including the effect of the gazette notices, including G.N. 3115 of 2020, G.N. 3116 of 2020, G.N. 3276 of 2020, G.N. 3277 of 2020 and G.N. (E.) 110 of 2020, previously published) and what response actions would be taken by the Administration (in particular, whether an alternative decision by the National People's Congress Standing Committee will be sought regarding the continuing operation of the sixth term of office of the Legislative Council ("LegCo")) in the following scenarios:
  - (i) in case the new date (i.e. 5 September 2021) for holding the LegCo General Election as specified in the Emergency (Date of General Election) (Seventh Term of the Legislative Council) Regulation ("the Regulation") is amended by LegCo (e.g. advanced to an earlier date, if and when the COVID-19 epidemic subsides); and
  - (ii) in case the Regulation is repealed by LegCo. (As Hon LAM Cheuk-ting has proposed to move a motion seeking the Subcommittee's support to repeal the Regulation (see **Appendix**), the Administration is also requested to provide a response to Mr LAM's proposed motion); and
- (b) the scope of coverage for "declared election expenses" as provided for in section 9 of the Regulation; and the reasons why certain, but not all, sitting Members belonging to the Civic Party were disqualified from running in the 2020 LegCo General Election, resulting in the difference in their eligibility for Government's payment in respect of declared election expenses.



《緊急情況(換屆選舉日期)(第七屆立法會)規例》小組委員會  
2020年10月30日

議決本小組委員會支持立法會廢除《緊急情況(換屆選舉日期)(第七屆立法會)規例》。

動議人：林卓廷

和議人：許智峯 楊岳橋