

**立法會**  
**Legislative Council**

LC Paper No. CB(2)520/20-21  
(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 Tuesday, 17 November 2020, at 2:30 pm  
in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon CHEUNG Kwok-kwan, JP (Chairman)  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon WONG Ting-kwong, GBS, JP  
Hon CHAN Kin-por, GBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon YIU Si-wing, BBS  
Hon LEUNG Che-cheung, SBS, MH, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon KWOK Wai-keung, JP  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Hon Elizabeth QUAT, BBS, JP  
Hon Martin LIAO Cheung-kong, GBS, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai, JP  
Hon YUNG Hoi-yan, JP  
Hon CHAN Chun-ying, JP  
Hon Vincent CHENG Wing-shun, MH, JP
- Member attending** : Dr Hon Junius HO Kwan-yiu, JP
- Members absent** : Hon LUK Chung-hung, JP (Deputy Chairman)  
Hon Abraham SHEK Lai-him, GBS, JP

Hon Tommy CHEUNG Yu-yan, GBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Frankie YICK Chi-ming, SBS, JP  
Hon MA Fung-kwok, GBS, JP  
Hon CHAN Han-pan, BBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon CHUNG Kwok-pan

**Public Officers** : Item I  
**attending**

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

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

Mr Dennis HO  
Council Secretary (2) 3

Miss Cally LAI  
Legislative Assistant (2) 2

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Action

**I. Meeting with the Administration**

(L.N. 152 of 2020, File Ref: CMAB C1/37 and LC Paper Nos. CB(2)299/20-21(01) and (02))

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

Follow-up actions required of the Administration

Admin

2 Given members' concerns over possible abuse of the arrangement provided for under section 9 of the Emergency (Date of General Election) (Seventh Term of the Legislative Council) Regulation ("the Regulation") where eligible persons and groups were entitled to make claims for Government's payment in respect of declared election expenses, the Administration was requested to provide the Panel on Constitutional Affairs ("CA Panel") in due course with a report on the measures adopted by the Administration to prevent such abuse. Such report should cover, among others, irregularities detected (if any) involving candidates' making of materially false or misleading statements in their election returns, and follow-up actions taken by the Administration against suspected offences under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) etc.

*(Post-meeting note: The relevant referral memorandum to the Clerk to CA Panel was circulated to members of the CA Panel vide LC Paper No. CB(2)400/20-21 on 26 November 2020.)*

**II. Any other business**

Legislative timetable

3. The Subcommittee completed the scrutiny of the Regulation. Members noted that the scrutiny period of the Regulation had been extended by resolution to the Council meeting of 2 December 2020, and that the deadline for giving notice to move amendments to the Regulation, if any, was 25 November 2020. The Chairman informed members that he would make a verbal report on the Subcommittee's deliberations to the House Committee on 20 November 2020.

*(Post-meeting note: The written report of the Subcommittee (LC Paper No. CB(2)378/20-21) was issued on 24 November 2020 vide LC Paper No. CB(2)389/20-21.)*

Action

4. There being no other business, the meeting ended at 2:50 pm.

Council Business Division 2  
Legislative Council Secretariat  
14 December 2020

**Proceedings of the meeting of the Subcommittee on Emergency  
(Date of General Election) (Seventh Term of the Legislative Council) Regulation  
on Tuesday, 17 November 2020, at 2:30 pm  
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action Required
000342 - 000444	Chairman	The Chairman's opening remarks	
000445 - 000719	Chairman Admin	Administration's briefing on its response to issues raised at the meeting on 9 November 2020 (LC Paper No. CB(2)299/20-21(02))	
000720 - 001534	Chairman Mr Steven HO Admin	<p><u>Examination of sections 9 and 10 of the Emergency (Date of General Election) (Seventh Term of the Legislative Council) Regulation ("the Regulation")</u></p> <p><i>Section 9 (Government's payment in respect of declared election expenses)</i></p> <p>Mr Steven HO's expression of concern about the possibility of candidates' abusing the arrangement provided for under section 9 of the Regulation and making fraudulent claims.</p> <p>In response to Mr HO's enquiry, the Administration reiterated that the definition of "election expenses" in the Regulation was the same as that stipulated in section 2(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), whilst the reporting requirements regarding election expenses and receipt of donations under Cap. 554 remained unchanged and were applicable to the discontinued 2020 Legislative Council General Election. The Administration assured members that the Registration and Electoral Office would rigorously examine and verify the election expenses and donations declared in the election returns submitted by candidates.</p>	
001535 - 001842	Chairman ALA3	<p>The Chairman said that as Mr LAM Cheuk-ting had given notice to withdraw his membership from the Subcommittee with effect from 13 November 2020, the Subcommittee would not deal with the motion proposed by Mr LAM earlier on (LC Paper No. CB(2)114/20-21(01)).</p> <p>Completion of scrutiny and legislative timetable</p>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)/Discussion</b>	<b>Action Required</b>
001843 - 002405	Chairman Mr Steven HO Ms Alice MAK Mr WONG Ting- kong Admin	Discussion on the Administration's measures to deal with possible abuse of the arrangement provided for under section 9 of the Regulation.  At Ms Alice MAK's request, the Chairman directed the Administration to provide the Panel on Constitutional Affairs in due course with a report on the measures adopted by the Administration to prevent the aforementioned abuse.	<b>Admin</b> (para. 2 of minutes refers)
002406 - 002439	Chairman	The Chairman's closing remarks	

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