

立法會 *Legislative Council*

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Report of the Bills Committee on Electoral Legislation (Miscellaneous Amendments) Bill 2025

Purpose

This paper reports on the deliberations of the Bills Committee on Electoral Legislation (Miscellaneous Amendments) Bill 2025 (“the Bills Committee”).

Background

2. The Chief Executive has specified 7 December 2025 as the date for holding the general election for the eighth term Legislative Council (“LegCo”). Further, the Election Committee (“EC”) Subsector By-elections (“EC by-elections”) will be held on 7 September 2025 to fill the vacancies of elected members of EC so that they could nominate candidates in the LegCo general election and vote in the EC constituency (“ECC”) election. According to paragraph 4 of the [LegCo Brief](#), to ensure the smooth conduct of the said two elections, the Administration proposes to make certain amendments to the relevant electoral legislation. The Electoral Legislation (Miscellaneous Amendments) Bill 2025 (“the Bill”) is therefore introduced to revise certain electoral procedures and arrangements.

Electoral Legislation (Miscellaneous Amendments) Bill 2025

3. The Bill was published in the Gazette on 21 March 2025 and received its First Reading at the Council meeting of 26 March 2025. The Bill seeks to amend the Electoral Affairs Commission Ordinance (Cap. 541) and the Chief Executive Election Ordinance (Cap. 569), and their subsidiary legislation to:

- (a) make technical revisions in relation to the delineation of geographical constituency (“GC”) boundaries for LegCo general elections;

- (b) enhance the counting procedures for functional constituencies (“FCs”);
- (c) consolidate ballot paper accounts (“BPAs”); and
- (d) make related or technical amendments to the electoral legislation.

Bills Committee

4. At its meeting held on 28 March 2025, the House Committee agreed to form a Bills Committee to scrutinize the Bill. The membership list of the Bills Committee is in [Appendix 1](#). The Bills Committee has held two meetings with the Administration and invited written submissions from the public. A list of organizations and individuals who have made written submissions to the Bills Committee is in [Appendix 2](#). At the request of the Bills Committee, the Administration has provided [a consolidated response](#) (LC Paper No. CB(2)641/2025(01)) to the written submissions.

Deliberations of the Bills Committee

5. Members generally support the Bill and agree that the Government should enhance the electoral arrangements for higher efficiency on the premise of ensuring that elections are conducted in a fair, just, honest, safe and orderly manner. The deliberations of the Bills Committee are summarized below.

Arrangements for delineation of geographical constituency boundaries for the Legislative Council general elections

6. Members have noted that at present, in relation to a LegCo general election, section 20(2) and (4)(a) of Cap. 541 provides that in submitting its report to the Chief Executive for making recommendations on the boundaries and names of GCs, the Electoral Affairs Commission (“EAC”) shall ensure that each proposed GC is constituted by two or more contiguous whole District Council (“DC”) constituencies, and that EAC shall have regard to existing boundaries of Districts. Members have noted that after the improvement on district governance and reforms to DCs in 2023, the original 452 DC constituencies have been merged into 44 geographical

constituencies (“DCGCs”).¹ Under the circumstances, the delineation of LegCo GCs no longer has any direct connection with DC constituencies.

7. In view of this, members express support for the Administration’s proposed amendments to repeal section 20(2) of Cap. 541 and amend section 20(4) of Cap. 541 to remove the connection between the delineation of GC boundaries for LegCo general elections, and DC constituencies and the Districts. Members consider that such arrangement will enhance flexibility in the delineation. Notwithstanding this, members have suggested that the Administration should align LegCo GCs with DCGCs as far as practicable to make it easier for electors to identify their constituencies and for Members to serve their districts. Publicity should also be stepped up if there are any changes in the locations of polling stations in any constituency.

8. The Administration has advised that if the Bill is passed by LegCo, EAC would draw up recommendations on the boundaries and names of GCs in accordance with the amended legislation and launch a 30-day public consultation. Should there be any changes in the arrangements for constituencies, the Administration would step up publicity among the electors concerned. Regarding the locations of polling stations, the Administration has advised that for the LegCo general election to be held at the end of the year, in line with past practice, it plans to set up around 600 polling stations to facilitate electors to cast their votes. If the polling stations in certain constituencies are located in venues different from before, the Administration would publicize the changes through various channels to ensure that electors would be aware of the changes and get to the correct venues to cast their votes. The address of the designated polling station will also be shown on the poll card issued to electors.

Empowering the Electoral Affairs Commission to use counting machines in the counting work for functional constituency elections

9. Members have noted that under the existing section 78A(4) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D), an approved programme and a computer, commonly known as “counting machine”, may be used to replace manual counting of votes obtained by candidates in LegCo ECC elections. However, such arrangement is currently not applicable to the LegCo FC and GC elections. The Bill proposes to add a new section 77AA to Cap. 541D to provide for the procedures of counting of votes for FC elections with the use of an approved programme, thereby also dispensing with the need for manual sorting of ballot papers by constituency before counting.

¹ The 44 geographical constituencies specified in Schedule 8 to the District Councils Ordinance (Cap. 547).

10. Members support the proposal in the Bill to empower EAC to use counting machines, while retaining manual counting, in the counting work for the LegCo FC elections. In view of the complicated and time-consuming manual counting of votes for FCs in the past, which, citing the 2021 LegCo General Election as example, took around 12 hours to complete the counting work for all 28 FCs involving a total of about 70 000 ballot papers, members are of the view that the proposed enhancement of introducing counting machines in FC elections would significantly increase the efficiency of vote counting, shorten the time for counting, while in the long run reducing labour costs and related expenses.

Definition of “approved programme”

11. Members have noted that the Bill proposes to add a new definition of “approved programme” in section 69A(1) of Cap. 541D,² which will be defined to mean any computer software that EAC is satisfied is programmed to count the votes recorded on the ballot papers for one or more constituencies so as to give an accurate result. Members have expressed concern about the factors to be considered by EAC in deciding whether it is satisfied that a computer software can be adopted as an “approved programme”, and whether the Government Digital Policy Office³ has been consulted in considering whether the “approved programme” in question can be adopted.

12. The Administration has pointed out that EAC and the Registration and Electoral Office (“REO”) have put in place system security arrangements under a three-tier confirmation mechanism for the development and procurement of the election-related mission critical systems, and have set up the Mission Critical System Development and Maintenance Board. Non-technical teams of REO and technical staff of the Government Digital Policy Office would be engaged in the early stage of system development to set testing requirements in a comprehensive and independent manner.

² Under the original section 78A(6) of Cap. 541D, “approved programme” is defined to mean any computer software that EAC is satisfied is programmed to count the votes for ECC so as to give an accurate result. The Bill proposes to repeal this section and add a new definition of “approved programme”.

³ Formerly known as the Office of the Government Chief Information Officer.

Risk management and contingency mechanism

13. Members have expressed grave concern about the technical stability, security and accuracy of the counting machines. Noting that polling stations were unable to issue ballot papers for a while due to failure of the Electronic Poll Register system in the evening of the polling day of the 2023 DC Ordinary Election, and that the counting of votes in the 2021 EC Subsector Elections took considerable long time due to technical problems in the operation of the counting machines, members have urged the Administration to learn from the experience and draw up a sound risk management and contingency mechanism. In parallel, it should conduct adequate tests to ensure the effective and reliable operation of the system, and activate the fallback arrangements immediately in the unlikely event of problems so as to avoid affecting the progress of vote counting. Members have also urged the Administration to ensure the stability and reliability of other ancillary facilities, including stable power supply and network connection, so as to ensure the smooth conduct of elections.

14. The Administration has pointed out that the technology of counting machines is rather mature. Building on the successful experience of using counting machines in the past EC subsector elections and LegCo ECC elections, and after reviewing the vote counting process for FC elections, the Administration considers that the option of using counting machines for vote counting could be introduced in FC elections. The Administration would ensure that the system would be developed and supplied by reputable contractors, and would conduct rigorous testing and formulate contingency plans, including the provision of adequate backup counting machines and resorting to manual counting where necessary. Simulation tests would also be conducted before the election to ensure that in the event of technical problems, the contingency plan could be activated swiftly so that the counting of votes could continue to be conducted without delaying the announcement of the election results.

Method of marking ballot papers and handling of questionable ballot papers

15. Members have noted that the Bill proposes to amend section 57 of Cap. 541D to add new requirements on marking ballot papers, and the Bill also proposes to add a form of ballot paper in Schedule 3 to Cap. 541D to cater for the use of counting machines in the counting work for FC elections. Under the proposed requirement in the Bill, an elector must mark the ballot paper by filling in black the ovals on it opposite the name of the candidate of the elector's choice. Members have expressed various concerns on how to assist electors in marking their ballot papers correctly. Some have suggested expressly providing that electors must use the black pens provided

at polling stations to prevent electors from inadvertently marking the ballot papers with non-compliant or erasable pens. The Administration has advised that in line with past practice, REO would provide electors with a set of voting instructions which would clearly explain to electors the new form of ballot paper and the correct way of marking the ballot paper.

16. Members have expressed concern about the handling of invalid ballot papers, improperly marked ballot papers or ballot papers which cannot be read by the counting machines due to other problems. The Administration has explained that the procedure adopted for vote counting using counting machines for ECC elections has been effective and will continue to be used: before the ballot papers are placed in the counting machine, the electoral staff will separate those ballot papers that appear to be questionable or void, and those which cannot be identified as valid by the counting machines will be forwarded to the Returning Officer (“RO”) for consideration, who will make a ruling. If the ballot papers are ruled valid by RO, the vote will be input into the system manually, but for those ruled invalid, the vote will not be counted.

17. Members have noted that under the proposed revised section 57 of and Schedule 3 to Cap. 541D, the original requirements for marking ballot papers and the form of ballot paper applicable to manual counting are retained, i.e. the use of a chop bearing the mark “✓” for marking ballot papers. Members concur that such arrangement can maintain the flexibility for EAC to decide whether to use counting machines or continue with the manual counting of ballot papers in the light of the actual situation, and to decide on the form of the ballot paper and the marking requirements accordingly. EAC will announce the guidelines on marking the ballot papers and the counting method in due course.

Procedures of counting of votes with the use of counting machines

18. Members have noted that under the Administration’s proposal to enhance the counting procedures, upon the close of poll, ballot boxes and BPAs for FCs would be delivered from various polling stations across the territory to the central counting station (“CCS”). Upon arrival at CCS, unlike the previous practice, manual sorting of ballots papers by FC (up to 28 FCs) would no longer be necessary before using the counting machines to count the votes. Regarding verification of the number of ballot papers, RO may prepare a written statement on the total number of ballot papers counted with the use of the approved programme and the total number of ballot papers separated (i.e. questionable ballot papers) pursuant to the proposed new section 77AA(5), and verify the statement by comparing it with the relevant BPA. Members concur that this arrangement could streamline the counting procedure and expedite the counting progress.

19. Members have expressed various concerns on technical and operational aspects. Given that physical ballot papers will no longer be sorted by constituency before counting, members are concerned whether the use of counting machines could accurately count by FC the votes on the ballot papers and produce reliable results, and whether there is a mechanism to verify that the results are correct if there is only a very small difference in the numbers of votes obtained between candidates. Members have also enquired whether manual counting of votes would be used or counting machines would continue to be used in the event of any request for a re-count by candidates or related persons.

20. The Administration has responded that technically the use of counting machines for vote counting allows for automatic counting by FC of votes obtained by each candidate without the need for manual sorting of ballot papers and can produce accurate results. This not only enhances efficiency but also reduces the possibility of human error. For any request for a re-count, RO would carefully consider whether to accede to the request in the light of the actual circumstances. Regarding how the re-count is to be conducted, as in the past, if the votes are counted using counting machines, the re-count will also be conducted in the same way using counting machines unless there is a reasonable ground for doing otherwise. RO will make a judgment based on the actual situation at the time.

21. The Administration has stressed that the fundamental premise for implementing these efficiency-driven improvements to vote counting rests on upholding the fairness, integrity, and honesty of elections. As always, electoral staff must perform their duties in compliance with the relevant electoral legislation, and EAC will continue to issue directives or provide guidance as circumstances warrant.

Arrangements for implementing the use of counting machines in functional constituency elections

22. As the LegCo general election will be held at the end of this year, members have expressed concern about the time frame for deciding whether counting machines will be used in the upcoming FC election upon passage of the Bill, and whether the existing vote counting system for ECC elections will be updated or upgraded in tandem. In this regard, the Administration has advised that the relevant work will commence immediately after the passage of the Bill, including the identification of suitable contractors to undertake the development of the system and the conduct of technical tests. After assessing the reliability and accuracy of the system and the results of the tests, it will decide whether to use counting machines in the counting

work for the election. Specific arrangements, once finalized, will be announced to the public in due course. Where appropriate, updating or upgrading of the counting system used for ECC elections in the light of technological development would not be ruled out. In response to members' suggestion, the Administration has remarked that if the use of counting machines is finalized, it would consider briefing candidates of the relevant constituencies and related persons on the operation of the counting work with the use of counting machines.

23. Some members are concerned that if counting machines are to be used for both ECC and FC elections while GC elections will retain manual counting, whether such discrepancy would increase the complexity of the entire election. In this regard, the Administration has advised that the three parts of the LegCo election differ in the manner of polling and vote counting. For example, GCs adopt the decentralized counting model instead of centralized counting. The use of counting machines in ECC elections has been effective. The Administration would, in accordance with the principle of seeking progress while maintaining stability, draw on the practical experience, and consider using counting machines in the counting work for other elections in future, subject to operational maturity and technical feasibility.

Consolidation of ballot paper accounts

24. Members support the proposal in the Bill for consolidating BPAs, including changing the preparation of BPAs by the Presiding Officer ("PRO") from separate account for each constituency to a single BPA for each of the three types of ballot papers (i.e. GC, FC and ECC ballot papers). The Bill also proposes that for EC subsector elections, instead of having to prepare a separate account for each subsector, only a single BPA will be prepared for all the subsector ballot papers from a polling station. On the contents of BPAs, members have noted that after review, and taking into account the fact that ballot papers will be issued to electors through the Electronic Poll Register system at each polling station in the existing elections and there will be relevant records in the system, REO considers that PRO is only required to make in BPA a record of: (a) the total number of ballot papers issued at the polling station; (b) the number of unused ballot papers; (c) the number of spoilt ballot papers; and (d) the number of tendered ballot papers; while the number of unissued ballot papers need not be recorded in BPA.

25. Members concur that such arrangement would reduce the workload of PROs in preparing BPAs after the close of the poll while enabling them to deliver the ballot boxes and BPAs to CCS as early as possible.

Arrangements for compilation and publication of the Election Committee subsector registers

26. Members have noted that section 14(1) of the Schedule to Cap. 569 provides that the Electoral Registration Officer (“ERO”) must compile and publish not later than 1 August in each year, a provisional register of voters for subsectors; and not later than 25 September in each year, a final register of voters for subsectors. According to the current registration cycle, REO will normally publish the final register for each year on 25 September after conducting the relevant statutory procedures. The final register will remain valid until the publication of the final register for the following year. Any by-elections to be held in the interim will be conducted on the basis of the final register in force at the time of the by-elections.

27. Given that the EC by-elections this year will be held on 7 September, to ensure that the by-elections will be conducted on the basis of an up-to-date register, members support the proposal in the Bill to add a new section 14(1AB) to the Schedule to Cap. 569, so that in the year in which a LegCo general election is to be held, ERO is empowered to, by notice published in the Gazette, advance the dates of compiling and publishing the provisional register and final register. Members have noted that the amendment does not affect the existing annual compilation and publication cycles for the registers of electors for GCs and FCs.

28. Members have noted that section 14(1A) of the Schedule to Cap. 569 specifies that the dates for the compilation and publication of the provisional register and final register for 2021 are not later than 18 July 2021 and 5 August 2021 respectively. Members have enquired about the reasons why the proposed new section 14(1AB) of the Schedule does not directly specify the exact dates but only provides that such dates are to be specified by notice published in the Gazette every time.

29. The Administration has responded that in 2021, section 14(1A) of the Schedule to Cap. 569 was added through the Improving Electoral System (Consolidated Amendments) Bill 2021. At that time, under the improved electoral system, EC was reconstituted and the composition and formation methods of LegCo were updated. It was therefore necessary to first conduct the EC subsector ordinary elections for returning the elected EC members, and after the formation of EC, the EC members could nominate candidates and vote in the ECC election during that year’s LegCo general election. In light of the special circumstances in 2021, it was necessary at that time to directly specify in the legislation the publication dates for the

registers applicable for that year. The proposed new section 14(1AB) of the Schedule to Cap. 569 in the Bill aims to empower ERO, in cases where both LegCo general election and EC by-elections are to be conducted in the same year in future, as in the case of this year, to advance the publication of the subsector registers as circumstances warrant. As the actual arrangements for each election in the future cannot be determined at present, it is considered inappropriate to specify exact dates in the legislation.

30. The Administration has added that the power exercisable by ERO under the aforesaid proposed new section is already clearly circumscribed, namely, it may only be exercised in the year of a LegCo general election, and the dates may only be advanced and not arbitrarily determined. At the same time, as the entire process concerning the publication of the final register involves sequentially handling related matters in various stages, including processing registration applications, updating information, compiling and publishing the provisional register and omissions list, and handling claims and objections, etc., this in practice imposes limitations on the discretion of ERO in exercising the power.

31. The legal adviser to the Bills Committee has enquired whether it is intended that the notice published in the Gazette under the proposed new section 14(1AB) of the Schedule to Cap. 569 as well as the notices published in the Gazette related to the proposed new section 14(1AB) under clauses 5 and 39 of the Bill would be subsidiary legislation subject to LegCo's scrutiny. The Administration has advised that under the existing electoral legislation, ERO/Chief Electoral Officer is required to publish Gazette Notices for different actions or matters in accordance with the requirements under different provisions. Like those provisions, the Government considers such notices to be administrative in nature and do not have "legislative effect" (as defined under section 3 of the Interpretation and General Clauses Ordinance (Cap. 1) in respect of the definition of "subsidiary legislation"). Hence, the notice under the proposed new section 14(1AB) of the Schedule to Cap. 569 and the notices related to this section 14(1AB) in the Bill are to be similarly treated, that is, they are not subsidiary legislation. The Administration has also added that like those similar provisions, it will not be expressly provided in the Bill that such notices are not subsidiary legislation.

Arrangements for the Election Committee subsector by-elections and changes in ex-officio members

32. Given that there is a three-month lapse between the EC by-elections to be held on 7 September and the LegCo general election scheduled for 7 December, some members have asked how the

Administration would deal with the situation if further vacancies in EC arise during this period. The Administration has advised that if there are further vacancies in EC after the by-elections and before the LegCo general election, no further by-election would be held to fill the vacancies. The Administration has remarked that as in the case of the 2021 LegCo General Election, the number of EC members fell short of 1 500 at the time the election was held.

33. Members have also expressed concern as to how the Administration would follow up the changes in the ex-officio membership of EC in a timely manner. The Administration has responded that REO handles from time to time the registrations of ex-officio members arising from changes in persons holding specified positions. After the registrations have been reviewed and confirmed by the Candidate Eligibility Review Committee, they will be announced to the public by notice published in the Gazette. REO will also take the initiative to contact the organizations concerned to remind them to submit the registration form to REO in a timely manner after there is a change in the person holding a specified position.

Enhancing publicity for elections

34. Regarding the publicity for the two important upcoming elections, members have urged the Administration to, while stepping up efforts to encourage the public to fulfil their civic responsibilities by casting their votes, highlight the institutional advantages established under the improved electoral system, including implementing the principle of “patriots administering Hong Kong” through improved composition of LegCo and enhanced functions of EC, promoting good governance, raising governance efficacy, thereby enhancing public understanding of and acceptance for improvements to the electoral system, and more effectively promoting civic participation.

Proposed amendment to the Bill

35. In response to the suggestion of the legal adviser to the Bills Committee, the Administration will propose a technical amendment to the English text of clause 29(2) of the Bill by deleting “, after “crossed out”” from the reference to “Section 49(9), after “crossed out”—”, so as to amend the description of the amendment location in the English text. The Bills Committee supports the amendment proposed by the Administration and will not propose any amendments to the Bill.

Resumption of Second Reading debate on the Bill

36. The Bills Committee has completed scrutiny of the Bill. The Administration has indicated its intention to resume the Second Reading debate on the Bill at the Council meeting on 30 April 2025. The Bills Committee raises no objection.

Consultation with the House Committee

37. The Bills Committee reported its deliberations to the House Committee on 11 April 2025.

Council Business Divisions
Legislative Council Secretariat
25 April 2025

**Bills Committee on
Electoral Legislation (Miscellaneous Amendments) Bill 2025**

Membership list

Chairman Hon LAI Tung-kwok, GBS, IDSM, JP

Deputy Chairman Hon CHAN Yung, SBS, JP

Members Dr Hon Starry LEE Wai-king, GBS, JP
Prof Hon Priscilla LEUNG Mei-fun, GBS, JP
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Hon LAM San-keung, JP
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Ir Hon CHAN Siu-hung, JP
Hon Lillian KWOK Ling-lai
Dr Hon SO Cheung-wing, SBS, JP
Hon YIM Kong, JP
Hon SHANG Hailong

Total: 15 members

Clerk Ms Doris LO

Legal Advisers Miss Rachel DAI
Miss Emily MOK

**Bills Committee on
Electoral Legislation (Miscellaneous Amendments) Bill 2025**

**List of organizations and individuals who have made written
submissions to the Bills Committee***

1. Mr CHEN C
2. LSK
3. Chinese Dream Think Tank
4. Mr Ztephen LAU Kin-shing

* There is also one written submission from a member of the public who has not provided his or her name.