

To :

Mr. Erick Tsang Kwok-wai, IDSM, JP, Secretary for Constitutional and Mainland Affairs.

Mr. Michael Wong Wai-lun, JP, Secretary for Development

Mr. Frank Chan Fan, JP, Secretary for Transport and Housing

**“Improving Electoral System (Consolidated Amendments) Bill 2021” in LegCo’s third round of questioning and commenting**

Regarding the “Improving Electoral System (Consolidated Amendments) Bill 2021”, in LegCo’s third round of questioning and commenting about the National People’s Congress’s decision on March 11, the NPC Standing Committee’s decision on March 30 of amending Annex I and Annex II to the Basic Law, and the bill of the HKSAR Government’s local legislation, I have so far conducted six briefing and consultation meetings with the Architectural, Surveying, Planning and Landscape industry, and have written twice to the Government and the relevant bills committee to reflect the industry’s opinions and various questions on the Bill. In the most recent meeting on April 30 which I co-organised with the Architectural, Surveying, Planning and Landscape professional institutes, representatives of the Constitutional and Mainland Affairs Bureau and Development Bureau have attended and responded to various technical matters. I take the opportunity to express my sincere thanks for this.

Basing on the opinions collected from the industry so far, I am writing to you again, Honourable Secretary, with the following questions and suggestions, which I hope the Government will consider and reply accordingly:

**Eligibility for nomination for the Architectural, Surveying, Planning and Landscape (ASPL) functional constituency seat in LegCo** - most people in the industry strongly urged the authorities to tighten the eligibility criteria of admission so that only Architects, Surveyors, Planners and Landscape Architects with the respective professional registration status and members who have the right to vote at the general meeting of the respective Professional Institute may participate in the election.

**Selection criteria for the 56 corporate voters of the ASPL subsector as stipulated in the Bill**

– The Government mentioned in the Bills Committee that the voters should be representative, have substantial connection with the industry, and must “love the Country and love Hong Kong”. Apart from these general requirements, are there other specific selection criteria? If there are other related organisations in the industry that can meet the

relevant criteria, can the number of corporate voters in the Election Committee (EC) be suitably increased?

**Registration and substitute arrangements for ex-officio members of the EC** - 15 ex-officio EC members of the ASPL subsector include the current presidents of the four professional institutes; if the presidency is changed for various reasons before the CE or the LegCo election, should the new president register the change with the authorities and until the change has been made to the EC Final Register (FR) before he can participate in nomination and voting? Will the concerned ex-officio elector lose the opportunity to exercise his nomination and voting rights due to such time difference?

In addition, among the industry's 15 ex-officio EC members, many are principal officials or directorate civil servants. As a rule, they cannot become EC members and must appoint another person who works in the related organisation as a substitute ex-officio EC member. The industry hopes that the substitute committee member should as far as possible be a person who possesses professional qualifications in the ASPL professions.

Can ex-officio EC members and corporate voters consult other ex-officio members and corporate voters about their nomination and/or voting intentions? and whether they can, regarding their nomination and/or voting intentions, conduct any form of consultation, discussion within the relevant body, or discuss with candidates (such as through general meetings, council/board meetings, members' voting, public consultation meetings, opinion surveys, etc.)? Under what circumstances would such consultation or discussion constitute sabotaging/meddling the election, election bribery or incurrance of election expenses? It is hoped that the authorities can issue guidelines on this so that the relevant bodies or individuals would not commit an offence inadvertently.

Some people in the ASPL industry who are EC members, voters or authorised registrants may not have permanent residential addresses in Hong Kong due to various reasons. How would the authorities deal with these cases regarding requirement for certification of residential address of relevant EC members, individual voters or corporate voters' authorised registrants? Can non-residential properties such as hotels and commercial buildings also be used as registered residential addresses?

Wish best regards,

Tony Tse Wai-chuen, BBS, JP

Member of the Legislative Council for Architectural, Surveying, Planning and Landscape

functional constituency,

1 May, 2021

cc :

Chairman and members of the Legislative Council Bills Committee on Improving the Electoral System (Consolidated Amendment) Bill 2021

Hong Kong Institute of Architects

Hong Kong Institute of Surveyors

Hong Kong Institute of Planners

Hong Kong Institute of Landscape Architects