

Our Ref.: CAB C5/7/5
Your Ref.: LS/S/2/01-02

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9 November 2001
By Fax : 2877 5029

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8 Jackson Road
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Dear Stephen,

**Electoral Affairs Commission (Electoral Procedure)
(Election Committee) Regulation (L.N. 210)**

Thank you for your letter dated 8 November 2001. After consulting our colleagues in the Department of Justice, we set out in the following paragraphs our responses to your comments.

(a) Section 1: “指明表格”

The Chinese text of the definition is in line with that of “指明表格” in section 2 of Cap. 541B, section 2 of Cap. 541D and section 2 of Cap. 541F. Although the English text does not make reference to “任何” which appears in the Chinese text, the Chinese provision has a clear meaning and has the same legal effect as its English counterpart. We therefore do not consider that it is necessary to revise this provision.

(b) Section 45(5)(b)

The word “reference” here means “relation, respect or regard to a thing or person” rather than an acting of referring. We therefore find it appropriate to translate the expression “makes direct reference”

as “有直接關聯” in Chinese. You may wish to note that the same translation is adopted for this expression in sections 40(16)(ca)(ii) and 45(5)(b) in Cap. 541D and section 48(5) of Cap. 541F.

(c) Section 56(3)

The Chinese translation for the expression “vote for as many candidates as” (i.e. “投票予數目等於或少於”) adopted here is in line with that for the same expression in section 29(2) and (3) of the Schedule to the Chief Executive Election Ordinance (Cap. 569). Despite a slight linguistic difference, the Chinese text has a clear meaning and has the same legal effect as the English text, and no amendment is considered to be necessary.

(d) Section 73(4) and (5)

I understand you are of the view that the English text, by having the phrase “in preparing the verification of the ballot paper account” at the beginning, states clearly the time at which the condition referred to in this section (i.e. Returning Officers consider it necessary or required by candidate) is to be satisfied. The Chinese text does not have that effect.

We, however, consider that both the phrase in question and the condition qualify the statement “that Officer must compare.....” in the English provision, and the phrase does not qualify the condition. In other words, the Returning Officer must compare the ballot paper account with the items required by this section when he prepares the ballot paper account, if either one of the two conditions is satisfied. Therefore, the Chinese text, despite the slight structural difference, has the same legal effect as the English text.

Section 78(7)(a)

On the suggestion to replace “標記” with “記認” or “符號”, we are of the view that the word “mark” in the English text is neutral, but “記認” is not. The meaning of “符號”, on the other hand, is too narrow to cover what is meant by “mark”. We consider that “標記” is the appropriate translation for the word “mark”.

(e) Section 100(1)

There should be a quotation mark in the English text. However, the legal effect of the provision will not be affected because of this omission. This will be rectified by an order to be made by Secretary for Justice under section 98A(1) of the Interpretation and General Clauses Ordinance (Cap.1).

(f) Section 101(5)

This section is modelled on section 103(4) of Cap. 541D. The English and Chinese wording are matched in the following way-

- (i) form: 表格、格式;
- (ii) declaration: 聲明、宣布;
- (iii) application: 申請;
- (iv) authorization: 授權書;
- (v) notice: 通知、公告;
- (vi) statement: 陳述、報表;
- (vii) nomination form: 提名表格.

Yours sincerely,

(Ms Doris HO)
for Secretary for Constitutional Affairs

c.c. CEO/REO (Attn: Mr Stanley TO)
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