

LC Paper No. CB(2)954/03-04(02)

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Your Ref.: CB2/SS/4/03

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9 January 2004
(Urgent by fax: 2509 9055)

Mrs Percy Ma
Clerk to Subcommittee
Legislative Council
3/F Citibank Tower
3 Garden Road, Central
Hong Kong

Dear Mrs Ma,

**Subcommittee on Particulars Relating to Candidates on
Ballot Papers (Legislative Council) Regulation**

Thank you for your letter of 6 January 2004, summarizing the comments of members of the Subcommittee made at the meeting of the same date. Having consulted the Electoral Affairs Commission (EAC), we set out below our response.

Point (a)

2. Having further reviewed its work procedures, the EAC will revise the deadline for applications for registration of names, abbreviations and emblems to 1 April in 2004 and to 15 April in subsequent years. Further, the EAC can shorten the time taken to process the applications, so that straightforward applications can be processed within seven weeks in respect of 2004, and within six weeks in subsequent years. For other cases, the processing time will be within 16 weeks in 2004, and within 13 weeks in subsequent years. The EAC will need to set aside more time to handle applications in 2004, as it is envisaged that the number of applications will be greater during the first year of the scheme's operation.

3. A table comparing the original timeframe and the latest proposal is at Annex.

Point (b)

4. Having considered members' comments, the EAC is prepared to allow each candidate or candidate list (as the case may be) to print on the ballot paper up to three emblems, and the names or abbreviations of three organizations, subject to the application provisions in the Regulation.

Point (c)

5. The Regulation allows candidates to describe themselves as "Independent Candidate" or "Non-affiliated candidate" on the ballot paper. The provision follows a suggestion made by the Constitutional Affairs Panel at the meeting on 20 October 2003. It is also a reflection of practices adopted by some candidates in recent elections, and so the two terms should not be unfamiliar to voters. The EAC considers that candidates should be given the greatest possible flexibility on how they prefer to describe their political affiliation on the ballot paper. The EAC further considers that candidates should have taken account of likely public perception when they decide how they would wish to position themselves in an election campaign.

Points (d), (e), (g), (i)

6. The comments in points (d), (e), (g) and (i) of your letter all concern the design of the ballot paper. Subject to the passing of the Regulation now under scrutiny, the EAC will finalize the design of the ballot paper, which will then be put to the Legislative Council (LegCo) for negative vetting under the EAC (Electoral Procedure)(LegCo) Regulation.

7. In giving further consideration to the matter, the EAC will need to ensure that the layout and content of the ballot paper is clear, simple and easily understood by voters, and that the size is manageable for both voting and counting purposes. The EAC will carefully consider members' comments in the above light.

Points (f) and (h)

8. As explained by the Chief Electoral Officer at the Subcommittee meeting, it is already provided in section 5(d) of the Regulation that a prescribed body will be required to give consent to having

its name, abbreviation and emblem printed on ballot papers as particulars relating to *all* candidates on a list. In other words, *all* candidates on a list will receive the support of a prescribed body whose name, abbreviation and emblem appears on the list.

9. Subject to Members' further views on points (a) and (b), the Secretary for Constitutional Affairs will move a motion to amend sections 2, 3 and 4 of the Regulation. The draft amendments will be provided to Members for consideration before the motion is moved.

I would be grateful for your assistance in circulating this letter to Members of the Subcommittee.

Yours sincerely,

(Joseph Y T LAI)
for Secretary for Constitutional Affairs

c.c. Chief Electoral Officer (Attn: Mr Li Wing) - 2507 5810
Secretary for Justice (Attn: Mr Michael Lam) - 2523 5104
Ms Grace Leung)

Annex

| | 2004 | | Subsequent years | |
|--|-------------------------|-------------------------|-------------------------|-------------------------|
| | Original Proposal | Revised Proposal | Original Proposal | Revised Proposal |
| Deadline for applications for registration | 1 March | 1 April | 15 March | 15 April |
| Time taken to process straightforward applications | Not more than 10 weeks. | Not more than 7 weeks. | Not more than 8 weeks. | Not more than 6 weeks. |
| Time taken to process other applications | Not more than 19 weeks. | Not more than 16 weeks. | Not more than 15 weeks. | Not more than 13 weeks. |