

Legislative Council Panel on Constitutional Affairs

Printing of Names, Emblems, and Photographs on Ballot Papers for the District Council Elections

Introduction

This paper informs Members of a proposal by the Electoral Affairs Commission (“EAC”) to extend to District Council (“DC”) elections the arrangement, adopted in Legislative Council (“LegCo”) elections since 2004, of allowing candidates to have the following particulars printed on ballot papers –

- (i) the names, the abbreviations of the names and the emblems of prescribed bodies¹;
- (ii) the personal emblems and the photographs of candidates; and
- (iii) the words “Independent Candidate” or “Non-affiliated Candidate” (if the candidate so wishes to indicate).

Background and Arguments

2. The EAC is an independent statutory body established under the Electoral Affairs Commission Ordinance (Cap. 541)(“EACO”) responsible for, amongst others, the conduct and supervision of elections. Section 7 of EACO provides that EAC may, by regulation, provide for, inter alia, the conduct or supervision of, and procedures at any election.

3. To facilitate identification of candidates by electors, the EAC made the Particulars Relating to Candidates on Ballot Papers (Legislative Council) Regulation (Cap. 541M) (“the Regulation”) in December 2003 to provide for –

¹ Under the Particulars Relating to Candidates on Ballot Papers (Legislative Council) Regulation, a “prescribed body” means –

- (a) a prescribed political body, i.e. a body or organization operating in Hong Kong that is a political party, purports to be a political party, or the principal function or main object of which is to promote or prepare a candidate for election as a LegCo Member; or
- (b) a prescribed non-political body, i.e. a body or organization operating in Hong Kong other than a prescribed political body as described in (a) above.

- (a) the registration of the names, the abbreviations of the names and the emblems of prescribed bodies, and the emblems of prescribed persons; and
- (b) the printing of specified particulars (which may include the names or abbreviations of the names of prescribed bodies, the emblems of prescribed bodies and prescribed persons², words indicating that a candidate is an independent candidate or a non-affiliated candidate, and the photographs of candidates) on ballot papers for use in an election to elect LegCo members.

The general framework of the scheme is set out at **Annex**.

4. The arrangement was first implemented in the 2004 LegCo election. It was well received by political parties, candidates and electors alike.

5. To facilitate identification of DC election candidates by electors, EAC considers it desirable to extend the arrangement outlined in paragraph 3 above to DC elections, starting with the 2007 DC ordinary election.

6. Allowing DC election candidates to have various particulars referred to in paragraph 3(b) above printed on ballot papers would help voters recognize candidates and help them decide who to vote on polling day. The arrangement will also facilitate candidates and any organizations which support them in their electioneering activities. In the long run, the arrangement should also facilitate the development of political parties in Hong Kong.

Way Forward and Timetable

7. The EAC's current thinking is to amend the existing Regulation, so that its scope will be expanded to cover the printing of the specified particulars on ballot papers for DC elections as well. This will be a simpler approach than making a separate regulation to provide specifically for the arrangement for DC elections.

8. As explained in paragraph 3 of Annex, the normal cut-off date for the annual cycle for registration by prescribed bodies and prescribed persons falls

² A "prescribed person" means a person that is registered in a final register of electors for geographical constituencies as compiled and published in accordance with the Legislative Council Ordinance (Cap. 542) and is not disqualified from being so registered or from voting at an election.

on 15 April each year. Applications for registration made after the cut-off date will only be considered by the EAC in the next following annual registration cycle. Assuming that the amendment Regulation will come into operation by mid-May 2007, a one-off provision will be proposed for addition in the Regulation so that any applications for registration received after 15 April 2007 (i.e. the normal cut-off date) and up to mid-June 2007 will be processed by EAC in time for the 2007 DC elections.

9. Further, to avoid duplication of work by parties concerned, the amendment Regulation will provide that the names, abbreviations of names and emblems already registered with EAC under the existing Regulation in relation to LegCo elections will be deemed to have been registered in relation to both LegCo and DC elections.

10. The legislative amendment to be made by EAC is expected to be tabled at LegCo in late March 2007. This should allow adequate time before the 2007 DC elections for LegCo to complete its negative vetting procedure, for relevant parties to make applications for registration, and for EAC to process the applications in time for the 2007 DC elections.

Financial Implications

11. To implement the proposal, the Registration and Electoral Office (REO) will incur additional staff cost of about \$0.1 million in 2007 to handle the one-off “extended” registration period. Further, it is estimated that for each future ordinary DC election, REO will incur additional printing cost of about \$1.4 million for the ballot papers which will be slightly larger in size and in colour. The additional costs can be absorbed within existing resources of the REO.

Advice Sought

12. Members are invited to comment on the proposal by EAC as set out in paragraphs 2 to 10 above.

Registration and Electoral Office
December 2006

Annex

**General Framework of Existing Scheme for the Printing of Particulars
Relating to a Candidate or a List of Candidates on Ballot Papers for
Legislative Council (“LegCo”) Elections**

A. Registration of names, abbreviations of names and emblems

Application

A prescribed body (a prescribed political body³ or a prescribed non-political body⁴) may apply to the Electoral Affairs Commission (“EAC”) for the registration of the following particulars:

- (a) its Chinese name;
- (b) an abbreviation of its Chinese name;
- (c) its English name;
- (d) an abbreviation of its English name; and
- (e) its emblem.

2. A person who is registered in a final register of electors for geographical constituencies and who is not disqualified from being so registered or from voting at an election (“a prescribed person”) may apply to the EAC for the registration of his/her emblem.

3. An application made on or before the relevant cut-off date (i.e. 15 April) of an annual registration cycle (which coincides with a calendar year) will be processed by EAC within that annual registration cycle. An application made after the relevant cut-off date will be processed by EAC in the next following annual registration cycle.

³ A body or organization operating in Hong Kong that is a political party, purports to be a political party, or has the principal function or main object to promote or prepare a candidate for election as a LegCo Member.

⁴ A body or organization operating in Hong Kong that is not a prescribed political body.

Preliminary processing

4. If EAC is of the opinion that it may refuse the application on certain grounds provided in the subsidiary legislation, it must give the applicant a notice in writing within 14 days after the relevant cut-off date. The applicant may, within 14 days after the notice is given, vary the application or make representations to EAC on why it should not refuse to grant the application.

Further processing

5. If EAC is of the opinion that it may grant the application, it must publish a notice in respect of the application in the Gazette. Any person may, within 14 days after the publication of the notice, object to the granting of the application on the grounds set out in the subsidiary legislation. In the event of an objection, EAC will conduct a hearing. EAC will make a decision on whether the application should be granted after hearing the representations and examining the relevant materials.

6. As soon as practicable after a decision is made to grant an application, EAC must publish a notice in respect of the application in the Gazette.

B. Request to print particulars relating to candidates on ballot papers

7. A candidate for a LegCo election may, during the nomination period, request EAC to print on the ballot papers the personal photographs of any or all of the candidates on the same nomination list, and the words “Independent Candidate” or “Non-affiliated Candidate” against the name of the corresponding candidates (if the candidate so wishes to indicate). Further, the candidate may request to print the registered Chinese name (or the registered abbreviation of the Chinese name), the registered English name (or the registered abbreviation of the English name) and the registered emblem relating to not more than three prescribed bodies on the ballot papers. The candidate may also request to have his registered emblem printed on the ballot papers. (If there are more than one candidate on the nomination list, the emblems of up to three candidates on the list may be printed.)

8. Where the subject of the request relates to one or more prescribed bodies, it must be accompanied by a consent given by each of the bodies in relation to the request.