

Legislative Council Panel on Constitutional Affairs

Communication between Members Returned by Legislative Council Functional Constituencies and their Constituents

Introduction

This paper sets out the Administration's views on issues relating to communication between Members of Legislative Council ("LegCo") functional constituencies ("FCs") and their constituents.

Issues raised by a Member

2. A Member has proposed in her letter to the Chairman on 27 September 2007 to discuss the following issues:

- (a) whether the Government would amend the legislation to stipulate that Members could continue to use the information contained in the electoral register to communicate with electors in their constituencies after the LegCo election; and
- (b) whether the Government would amend the legislation to oblige professional bodies in the FCs to assist relevant FC Members to communicate with their constituents.

The Administration's Views

3. We can appreciate that, from the stand-point of Members of the LegCo FCs, it is important to communicate with their constituents in order to keep them informed of the Members' work. In considering relevant matters, due regard should be given to various factors including the protection of personal data and privacy of constituents, the readiness on the part of constituents and other members of the constituencies to receive such communication, as well as individual circumstances of the bodies involved in handling such communication channels. Our views on the relevant issues are set out below.

(a) Whether to amend the legislation to allow FC Members to continue to use information on the electoral register to communicate with constituents after the election

4. According to section 41 of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541, sub. leg. B), the Electoral Registration Officer may make available an extract from any published register of electors "for any purpose related to an election", to any person that Officer considers appropriate. When the Electoral Registration Officer makes available an extract of the register, he or she must specify the particular election for which it may be used. A person to whom an extract is made available must not use the information on the register for a purpose other than a purpose related to the specified election. The Regulations further provide that it is an offence to use any information relating to a person contained in a register or an extract from such a register "for a purpose other than a purpose

related to an election".

5. The above provisions are aimed at striking a balance between two considerations, i.e. the need to provide basic information on constituents to relevant parties (such as candidates and the political groups or parties which support them) to facilitate the planning and conduct of election-related activities on the one hand, and the need to protect personal data and the privacy of constituents on the other.

6. If LegCo FC Members were allowed to use information contained in an electoral register for communication with their constituents, and if such communication was not for any purpose related to a specified election, then the law would need to be amended. Since an electoral register carries the names and addresses of constituents, any proposal to amend the law must be considered very carefully. In particular, the protection of personal data and the privacy of constituents is an important consideration. We have no current plan to introduce any legislative amendments in this regard.

(b) Whether to amend the legislation to oblige professional bodies in the FCs to assist relevant FC Members to communicate with their constituents

7. It should be noted that in the LegCo FCs, not all people who are eligible to register as electors have chosen to do so. Even for registered electors, it cannot be assumed that all of them would wish to receive communication from LegCo Members. The readiness of members of the sectors concerned to receive such communications should be respected. It is for professional bodies of the respective LegCo FCs to consider how they could assist the

LegCo Member of relevant constituency to communicate with his or her constituents, taking into account the respective circumstances of the constituency and the professional body itself.

8. In addition, if legislative amendments were introduced to allow LegCo FC Members to use the information contained in an electoral register for purposes other than a purpose related to an election, or to require professional bodies in LegCo FCs to assist relevant LegCo FC Members to communicate with their constituents, individuals interested in running for future elections might be concerned that this would give an undue advantage to incumbent LegCo Members. In considering any arrangements that may have an impact on election, we need to safeguard the principle of fair, open and just elections.

Constitutional and Mainland Affairs Bureau
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