

**Bills Committee on Chief Executive Election (Amendment) Bill 2010
and Legislative Council (Amendment) Bill 2010**

Follow up on the issues raised at the meeting on 11 February 2011

**Proposed adjustment to the electorate of functional constituencies and
free postage for candidates to send letters to electors**

As requested by Members at the Bills Committee meeting on 11 February 2011, this paper provides supplementary information on the proposed adjustment to the electorate of functional constituencies (“FCs”) and the relevant legislation and election guidelines for candidates to send letters to electors free of postage.

Proposed adjustment to the electorate of FCs

2. The five new District Council FC seats will be returned by approximately 3.2 million registered electors on a one-person-one-vote basis. For the 30 seats for traditional FCs, they will be returned by around 225,600 registered electors. At the meeting of 11 February 2011, we proposed to adjust the electorate of three FCs and some Members requested information on the increase in electors as a result of the adjustment.

3. In the 2010 final register, there are 178 registered electors in the Transport FC. According to our proposal, 28 corporate electors will be added to this FC.

4. There are currently 5,959 registered electors in the Wholesale and Retail FC. We have proposed to include three associations representing the Chinese medicine sector. It is estimated that around 300 eligible members of the associations will become eligible electors of this FC.

5. Currently, there are 5,749 registered electors in the Information Technology (“IT”) FC. We have proposed to include an IT association in the FC. It is estimated that about 100 eligible members of the association will become eligible electors in this FC.

6. As the eligible electors proposed to be included in the above FCs may also be eligible for registration for other FCs¹ at the same time, the

¹ According to section 25(3) of the Legislative Council Ordinance (Cap. 542), any person who is eligible for registration as an elector for the Transport FC and other FCs may only be registered for the Transport FC.


magnitude of the increase in the electorate of the above FCs will be subject to the electors' choice of FC for which they will be registered. Overall, the total number of registered electors for the traditional FCs will not deviate too much from 225,600.

Free postage for candidates to send letters to electors

7. The detailed arrangements for candidates to send letters to electors free of postage are set out in section 43 of the Legislative Council Ordinance (Cap. 542), section 101A of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) and paragraphs 8.69-8.82 of the Guidelines on Election-related Activities in respect of the Legislative Council election. The relevant extracts are at Annexes A to C.

8. At present, the Registration and Electoral Office ("REO") encourages electors to provide their email addresses on a voluntary basis for candidates of the constituencies concerned to send out election advertisements. In light of environmental concern, the REO would take out those electors who have provided their email addresses from the address labels to be provided to the candidates. A CD-ROM containing the addresses of all electors in the constituencies concerned (including email addresses) would be provided to each candidate. Candidates may send out election advertisements to the electors concerned by email.

9. Some Members suggested that the relevant legislation should compulsorily require candidates to send election advertisements by email as far as practicable instead of sending them by post free of postage under section 43(1)-(2) of the Legislative Council Ordinance. According to our preliminary assessment, in order to achieve the above proposal, REO operationally must require all registered or newly registered electors to indicate clearly their choice to receive election advertisements from the candidates either by email or by post. As such proposal concerns the rights of about 3.4 million registered electors in Hong Kong with legal and administrative implications, we will consider this suggestion thoroughly and seek legal advice before drawing up a conclusion.

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| Chapter: | 542 | Title: | LEGISLATIVE COUNCIL | Gazette Number: | L.N. 189 of 2003 |
| |  | | ORDINANCE | | |
| Section: | 43 | Heading: | Candidates entitled to send letter to electors free of postage | Version Date: | 01/10/2004 |

(1) One letter, addressed to each elector for the geographical constituency for which a list of candidates is validly nominated, may be sent free of postage by or on behalf of the list of candidates.


(2) One letter, addressed to each person who is an elector for the functional constituency for which a candidate is validly nominated may be sent free of postage by or on behalf of the candidate.

(3) (Repealed 25 of 2003 s. 27)

(4) The letter must relate to the election concerned and must comply with all requirements and limitations (if any) prescribed by the regulations and by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541).

(5) The cost to the Postmaster General of enabling candidates or a list of candidates to exercise their entitlements under this section is a charge on, and is to be met from, the general revenue.

(Amended 25 of 2003 s. 27)

Chapter: 541D Title: ELECTORAL AFFAIRS Gazette Number: L.N. 84 of 2004
 COMMISSION
(ELECTORAL
PROCEDURE)
(LEGISLATIVE COUNCIL)
REGULATION

Section: 101A Heading: **Letters that may be sent free of postage by candidates** Version Date: 16/07/2004

(1) A letter that may be sent free of postage by or on behalf of a list of candidates under section 43(1) of the Legislative Council Ordinance (Cap 542), or a candidate under section 43(2) of that Ordinance, must- (L.N. 84 of 2004)

- (a) be posted in Hong Kong;
- (b) contain materials relating only to the candidature of the candidate or candidates on the list, or of the candidate, at the election concerned;
- (c) not exceed 50 grams in weight; and
- (d) be not larger than 175mm x 245 mm and not smaller than 90 mm x 140 mm in size.

(2) If letters are sent, in a bulk mailing, free of postage by or on behalf of-

- (a) a list of candidates under section 43(1) of the Legislative Council Ordinance (Cap 542), any one candidate on that list or any person authorized by that candidate; or
- (b) a candidate under section 43(2) of that Ordinance, the candidate or any person authorized by that candidate, (L.N. 84 of 2004)

must provide the Postmaster General with-

- (i) a specimen of the materials contained in that bulk mailing; and
- (ii) a declaration, in the specified form, signed by that candidate or the person and stating that the materials contained in that bulk mailing are identical with the specimen provided to the Postmaster General.

(3) If, in relation to any letters sent, in a bulk mailing, free of postage by or on behalf of a list of candidates under section 43(1) of the Legislative Council Ordinance (Cap 542), or a candidate under section 43(2) of that Ordinance- (L.N. 84 of 2004)

(a) any letter in that bulk mailing does not comply with subsection (1); or

(b) a declaration under subsection (2)(ii) is false in any particular,

the candidate or all the candidates on the list is or are, or the candidate is, liable for payment of postage for all the letters in that bulk mailing.

(L.N. 65 of 2000)

Conditions for Free Postage

8.69 A list of candidates for a GC or any FC candidate who is validly nominated in the notice of nomination published in the Gazette in accordance with regulations made under the EACO is permitted to post free of postage **one** letter to each elector in the constituency for which the list/or the candidate is nominated [s 43 of the LCO]. However, before the publication of the notice of nomination, a candidate wishing to exercise his right to free postage may be required to furnish the Postmaster General with a security for the payment of postage in the event that his name is not subsequently shown in the notice [s 6(2)(a) of the Post Office Regulations].

8.70 The purpose of the free postage is to enable the candidate or candidates on the list to mail EAs to promote or advertise himself/themselves and in relation to that election to electors in the constituency. The free postage, which is the privilege of the candidate(s), cannot and should not be used for any other purpose or any other election or for promoting or advertising any other person. *[Amended in July 2008]*

8.71 Specifically, the letter must:

- (a) be posted in Hong Kong;
- (b) contain materials relating only to the candidature of the candidate or candidates on the list, at the election concerned;
- (c) not exceed 50 grams in weight; and
- (d) be not larger than 175 mm x 245 mm and not smaller than 90 mm x 140 mm in size.

It is important to note that under s 101A(3)(a) of the EAC (EP) (LC) Reg, the candidate or all the candidates on the list sending postage-free mail items to electors in bulk is or are liable for payment of postage for all items in that bulk if any item in the bulk does not meet requirement (a), (b), (c) or (d) above.

[Amended in October 2007 and July 2008]

Postal Requirements Stipulated by the Post Office

Make-up

8.72 The letter may take the form of envelope, lettergramme, card or folder. Items in roll form or enclosed in plastic wrappers are **not** acceptable.

8.73 Cards and folders must be made of ordinary cardboard or paper not less than 0.25 mm thick, and must be rectangular in shape.

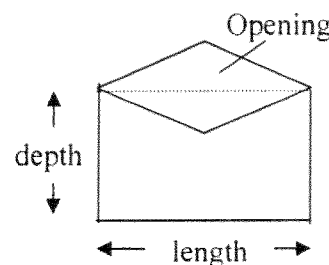
8.74 When a wrapper is used, it must extend over the full length of the item which it encloses. Envelopes must not be fastened with staples or with paper fasteners with sharp edges or points, but they may be closed by means of an adhesive flap or tape.

8.75 Envelopes, folders and lettergrammes having an opening large enough to entrap smaller letters are prohibited. **Unsealed mail item** contained in envelopes with ordinary tuck-in flaps may be used up to the following size limits [s 6 of the Post Office Guide]:

Not over 90 mm in depth – opening not over 150 mm in length

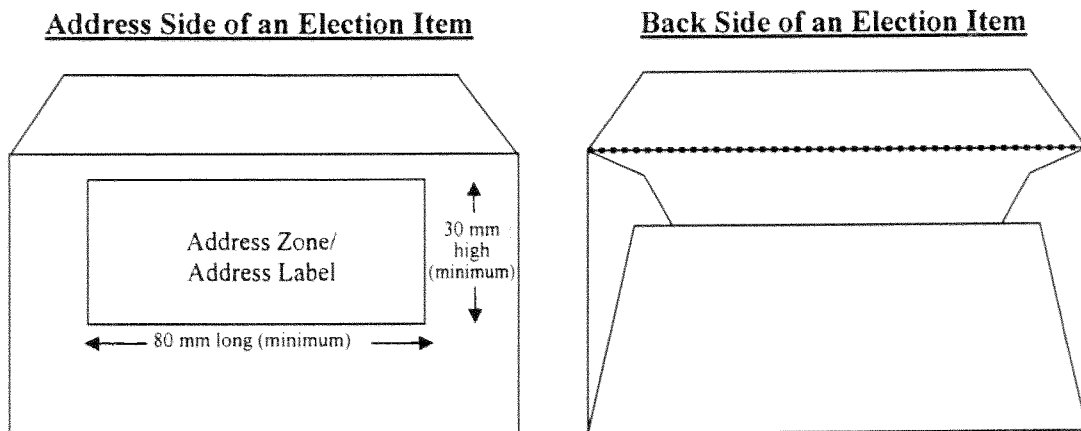
Not over 100 mm in depth – opening not over 140 mm in length

Over 100 mm in depth – opening not over 115 mm in length



8.76 Folders of A4 size with openings should be closed by means of adhesive flap or tape so as to avoid entrapping smaller letters. All open edges must not be longer than 90 mm in width. Otherwise, adhesive tapes should be applied to the midpoints of the open edges to reduce the width. For details, please refer to the illustration in **Appendix E**. *[Amended in July 2008]*

8.77 The characters “選舉郵件” or “選舉廣告” or words “Election Mail”, or “Election Advertisement” must be printed on the address (front) side of the election item, or the address side of the folder (unenveloped mail). The layout of the election items is as follows:



[Amended in October 2007 and July 2008]

Addressing

8.78 To avoid delay or misdelivery, the full postal address should be typed or legibly written on the front of the envelope in four rows as follows:

Name of addressee
Floor and flat number and name of building
Street number, name of street
Name of district

8.79 Addressing slips may be used for the mailing of EAs provided that they are legible and **securely pasted** onto the election items. *[Amended in October 2007]*

8.80 The name(s) of the candidate(s) and other propaganda slogans, including photographs, should appear on the back or the front (address) side of the item. An address zone of at least 80 mm long and 30 mm high, preferably at the right-hand half or at the centre of the front (address) side for the address of an elector, should be reserved exclusively for the address. If an adhesive address label is used, it should not be less than 80 mm long and 30 mm high.

The address label should only contain the name and address of elector(s) and be affixed to the address zone. The whole address zone and address label should be free of advertisement and should appear on the front side of the item. The address zone and address label should be in white background colour while the characters of the postal address should be in black. [Please refer to para. 8.77 for better illustration.] *[Amended in October 2007 and July 2008]*

8.81 No postage-free EA bearing an address outside Hong Kong will be accepted. Specifically, only one address of elector(s) should be shown on the postage-free election mail. *[Amended in July 2008]*

Posting Arrangements

8.82 In order to allow adequate time for the Post Office to process the election mail during the election period, candidates are advised to make their postage-free EA postings **before the posting deadline as designated by the Post Office**. Candidates and their agents are therefore **reminded** that **postings made after the posting deadline may fail to reach the addressees before the polling day**. *[Amended in October 2007]*