

**Subcommittee on Nine Amendment Regulations
made under the Electoral Affairs Commission Ordinance**

Follow-up on the Meeting on 14 June 2011

**Particulars Relating to Candidates on Ballot Papers
for Legislative Council Election and District Council Election**

This paper examines the suggestion by some Members to extend, for the District Council (DC) election years, the annual cut-off date for registering particulars relating to candidates on ballot papers.

BACKGROUND

2. In 2004, a scheme was introduced to allow candidates in the Legislative Council (LegCo) elections to have certain particulars printed on the ballot papers, for easier identification by the electors. The scheme is set out in the Particulars Relating to Candidates on Ballot Papers (LegCo and DC) Regulation (Cap. 541M). In short, after registering the particulars with the Electoral Affairs Commission (EAC) under the scheme, candidates may request to have such particular(s) printed on the ballot papers. These particulars include:

- (a) the names, the abbreviations of the names and the emblems of prescribed bodies¹;
- (b) the personal emblems and the photographs of candidates; and
- (c) the words “Independent Candidate” or “Non-affiliated Candidate”.

¹ 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 or DC 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.

3. According to section 11 of the Regulation, if an application for registering such particulars is made on or before the relevant cut-off date (i.e. 15 April) of an annual registration cycle (which coincides with a calendar year), the EAC will process it within that annual registration cycle. An application made after the relevant cut-off date will be processed by the EAC in the next following annual registration cycle. The annual cut-off date was set at 15 April because of the need to go through the following procedures:

- (a) processing the applications received;
- (b) considering whether to refuse the applications and, if so, allowing time for applicants to vary the applications or make representations;
- (c) providing a period for the public to inspect and raise objections; and
- (d) conducting hearing for and adjudicating the objections received.

The whole process will take about three months to complete before the start of the nomination period of the LegCo election. The ballot papers will be sent to print, as soon as the nomination period closes.

4. The scheme was extended to the DC elections in 2007 by an amendment to the Regulation. The features of the scheme for the LegCo elections, including the annual cut-off date for registration (i.e. 15 April), were extended to the DC elections. At present, there is only one annual cut-off date for submitting the application for registering the particulars or for replacing the registered particulars.

5. At the Subcommittee meeting on 14 June 2011, some Members considered that the existing annual cut-off date was made on the basis that a LegCo election is usually held in September of a year. Given that a DC election is usually held in November of a year, political parties or other candidates may need more time to prepare for making arrangements, including the adoption of emblems and other particulars, in the run-up to the election. Therefore, it was suggested that for the DC election years, a later deadline should be provided for political parties and potential candidates to

apply for registering their particulars on ballot papers. Members generally supported this suggestion.

PROPOSED ANNUAL CUT-OFF DATE

6. Having carefully considered Members' suggestion, we propose to amend the annual cut-off date for filing applications for registering the particulars relating to candidates on ballot papers to 15 June for the DC election years.

7. The proposal is also in line with the arrangements for voter registration. Since 2003, we have adopted two different deadlines for voter registration, i.e. 16 July for a DC election year and 16 May for any other years, considering that a LegCo election is usually held in September and a DC election in November.

LEGISLATIVE AMENDMENT

8. The Regulation will need to be amended to provide for a new annual cut-off date for the DC election years. We propose to subsume the amendments under the Amendment Regulations under the scrutiny of this Subcommittee. Subject to Members' views, we will move the necessary resolution at the Council meeting before the expiry of the vetting period on 6 July 2011.

TRANSITIONAL ARRANGEMENT

9. The Amendment Regulations are scheduled to come into operation on 8 July 2011. By that time, it will have passed the amended annual cut-off date for the 2011 registration cycle, i.e. 15 June 2011. A transitional arrangement is required to facilitate the consideration of new applications by the EAC, so that a prescribed person and a prescribed body as defined under the Regulation may file such applications in time for the relevant particulars to be used in ballot papers for the coming DC elections on 6 November 2011. We propose to add a transitional clause in the Regulation, so that the extended deadline this year will be one week after the commencement of the relevant Amendment Regulation, i.e. 15 July 2011, and any applications received

between 16 April and 15 July will be processed within the 2011 registration cycle. The Registration and Electoral Office will arrange as appropriate publicity to inform relevant parties of the arrangement.

ADVICE SOUGHT

10. Members are invited to comment on the proposal set out above.

Constitutional and Mainland Affairs Bureau
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