Administration's Response to Concerns raised by Members of the Bills Committee on District Councils Bill on 21 January 1999

- C1 The Administration to provide information regarding the occupation and political affiliation of the Provisional District Board members newly appointed in July 1997.
- At total of 97 Provisional District Board members were newly appointed in July 1997. Statistics on their occupation are provided at **Appendix I**. With regard to their political affiliation, we have pointed out in A10(b) of our earlier response to the Bills Committee's concern raised at the meeting held on 11 January 1999 that the Administration does not have accurate and complete records as such and that we are unable to provide the information in this respect.
- C2 The Administration to consider whether difference exist between the English & Chinese interpretation of "ordinary election" (一般選舉) and whether it is necessary to use 'first elected members of District Councils' as a distinction.
- The Department of Justice is of the view that both the English and Chinese versions of the definition for ordinary election (一般選舉) are consistent and have no problem. The use of 'first elected members of District Councils' is for distinguishing the first election from elections of other successive terms. This helps to define the definition of 'ordinary election'—般選舉 more clearly and there is such a need as well because only certain provisions (such as clause 30) is applicable to the first ordinary election.

C3 The Administration to consider simplifying the Chinese version of clause 27(4)

regarding the Chief Executive to specify dates for holding ordinary elections.

A3 The Department of Justice is of the view that the Chinese version of clause 27(4) as

drafted provides a clear meaning. Furthermore, it is drafted with reference to the

Chinese version of section 5(2) of the Legislative Council Ordinance.

C4 The Administration to review the appropriateness of clause 28(5) regarding the

mechanism that an elector may not be prevented from voting in election only

because the elector's name should not have been included in the existing final

register.

A4 The purpose of clause 28(5) is to ensure that definite recognition is given to the

register of electors or otherwise, it may give rise to problems. For example, when an

electoral officer receives complaint elector is not eligible to vote (such as due to a

person's change of address) it will take time for the officer to look into the validity of

the complaint, and it is more appropriate to let the elector vote at the election so as not

to cause holding up. In fact, clause 28(7) has clarified that although the elector is

eligible to vote, it does not affect the person's liability to be charged with and

convicted of an offence relating to voting at the election if the person is fully aware

that he/she is actually not eligible. Furthermore, in the case of election petition, the

Court will consider such kind of complaint and make a determination.

Constitutional Affairs Bureau

January 1999

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職業分類	議員數 目																		
	中西區	東區	九龍城	假塘	探水埗	南區	選仔	黄大仙	油尖旺	雅島	英青	北城	西黄	沙田	大埔	基列	45	元朗	純穀
1. 株長																			0
2. 保險								1077					-						0
3. 航軍交通		111100	1		1			L	TOTAL S		1							1	5
4.数官	1	1		2		2		1_		1	2	1	1	1	2	2	1	1	19
5. 法律	1							2		SHT-SE					1				4
6. #1 †							1)						1				3
7. 號學																			0
8. 衛生服務								1772											0
9. 工程											1							1	2
0. 建築、測量及都市規劃	1																		1_
1. 勞工																			0
2.社會强利				1			1				1								3
13. 地震及建造		(E)/100000-			Collection.					1					1	1		3	6
14. 旅遊			2			1													3
15. 商業		3	2	3	1				1			1	1	4		1	2		19
16. 工業		1	1		2			1			1_					1	1		8
17. 金融及金融服務	1	1					_		1				_	_	_		_		3
18. 體育、演藝、文化及出版				1			_										1		2
19. 幾出口																	1		1
20. 紡織及製衣											1								1
21. 批發及零售					Lange I	1		1									1		2
22. 資訊科技							1		1		_		_	_			_		2
23. 全職區職員				1	1			-		1		2	2	2			1	1	11
24. 其他(例如对性人士,肚面带事)										1		_		1					2
热数	4	6	6	8	5	4	3	6	4	4	7	4	4	8	5	5	7	7	97